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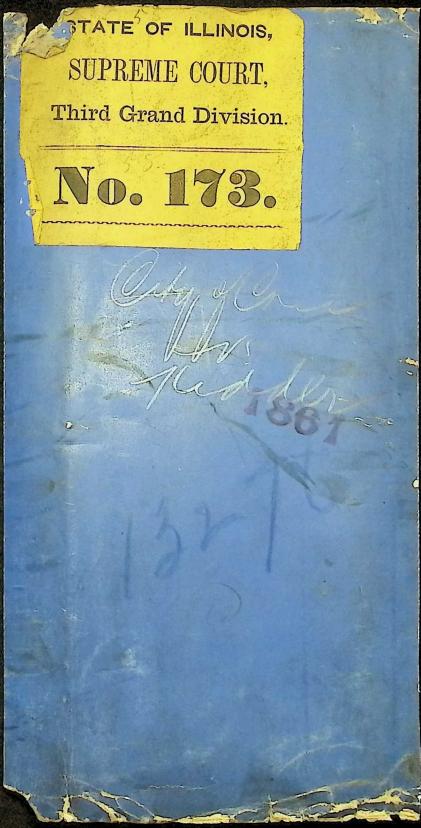
Supreme Court of Illinois

City of Chicago

VS.

Kidder

71641



IN THE SUPREME COURT, STATE OF ILLINO'S,

Third Grand Division, April Term, A. D. 1861.

THE CITY OF PEORIA, YS. YS. KIDDER,

This was a Bill in Chancery to enjoin the collection of an assessment against ap pellee'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 provid is 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 create 1. 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 equilly 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 l 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 Laveile'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 persons, 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 beed 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 analogous to proceedings for collection of taxes, and the remilition 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.

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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 frau I, 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 julgment—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.

City of Chicago

Filled apr. 25-1861

L'Leland

Clerk

N.

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IN THE SUPREME COURT, STATE OF ILLINO'S,

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Lity of Chicago Vs Kidder

Filed afr. 25-1861 Le Leland Clenk

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

THE CITY OF PEORIA, and JOHN BRYNER, Appellants. vs.

ALVAN KIDDER. Appellee.

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.

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

p. 1.

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 ordidance 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

p 12.

'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,

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§ 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, Peoria County, ss.

To _____, disinterested freeholders of the City of Peoria :

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 p. 13. 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 realestate 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 to take and subscrice 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—.

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, Peoria County, ss.

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 I. J., K. L., M. N., Commissioners. help us God.

-day of-Subscribed and sworn to before me on thisp. 14. 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 re quired by law; when and where all persons interested may attend if they think I. J., K. L., M. N., proper.

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 --, 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:

Wateries, the translation of purchased by Mary the 18—, to also this and second the Army of the 18—.	Compensation to owners.	Benefits to owners.	Total compensation.	Total Benefits
Compensation to owner of lot ——, in block —— (in case he has sustained any). Benefits to the same (if there be any). Benefits accruing to the owner of lot —— in block—— [Here carrry 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.		\$50 09 50 00	100 00	0 100 00

All of which with accompanying papers, is respectfully submitted.

 $\left. \begin{array}{l} \text{I. J. } \left[\text{L. s.} \right] \\ \text{K. L. } \left[\text{L. s.} \right] \\ \text{M. N., } \left[\text{L. s.} \right] \end{array} \right\} \text{ Commissioners.}$

p. 15.

§ 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.

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:

WHEREAS, The commissioners appointed by this court on the -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 satisfation 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.

-, A. D. 18--. Entered -

Q. R.,

Judge County Court, Peoria County.

The bill alledges that the 9th section of the amendatory act is repugnant to the p. 2. constitution of the State of Illinois in providing a way of levying and assessing taxes in conflict therewith.

petition p. 20.

p. 16.

p. 3

Appointment of Commis-

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. 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 'ers p. 21. and Laville's addition to Peoria &c.

> 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.

> 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.

> That complainants lot does not lie within a quarter of a mile of the portion of the street proposed to be opened.

p. 5. That complainant had no notice other than the published notice aforesaid, that he Report p. or his lot assessed is included within the terms of the notice.

The commissioners filed their report on the 11th of November 1859.

That on the 12th of November 1859, the clerk of the court published a notice Notice of confirmathat said report was filed, and that the same would be confirmed on the 28th of tion p. 80. November 1858, unless objections were made. Copy filed.

p. 6. That on the 30th of November 1859, the commissioners report was approved and

p. 4.

Order rejecting re

port p. 43. Notice p.

49 50.

51-80.

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

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.

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.

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.

p. 102.

p. 7.

p. 103.

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.

р. 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 Ottowa 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 Ottowa 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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City of Thorin Do John Barner appts 173 vs. Alvin Koidder appilled appeul from Peorne Co Filed afr. 16th 1861

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

THE CITY OF PEORIA, and JOHN BRYNER, Appellants. vs.
ALVAN KIDDER, Appellee.

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.

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.,

А. В.,

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:

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 p. 13. 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 lauds 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 subscrice the oath in such case made and provided.

Witness my hand and the seal of said court, at Peoria, this —— day of 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, Peoria County, ss.

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

Z

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. I. J., K. L., M. N., help us God.

day of-Subscribed and sworn to before me on thisp. 14. 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 vf --- 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 ----, 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 re quired by law; when and where all persons interested may attend if they think I. J., K. L., Commissioners. M. N., proper.

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 — -, 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 owner of lot ——, in block —— (in case he has sustained any). Benefits to the same (if there be any). Benefits accruing to the owner of lot —— in block—— [Here carrry 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.		\$50 09 50 00		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.]

p. 15.

§ 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.

Peoria, ———, A. D. 18—.

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:

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 satisfation 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--.

Judge County Court, Peoria County.

The bill alledges that the 9th section of the amendatory act is repugnant to the p. 2. constitution of the State of Illinois in providing a way of levying and assessing taxes in conflict therewith.

petition p. 20.

p. 3

p. 16.

feet front on Washi.:gton street by 85½ feet deep, part lot 4 in block (2) in Peoria. 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 'ers p. 21. and Laville's addition to Peoria &c.

That complainant was on the 1st of August 1859, and still is owner of 72

Appointment of Commis-

> 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.

Order rejecting report p. 43.

49 50.

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.

Notice p. That complainants lot does not lie within a quarter of a mile of the portion of the street proposed to be opened.

p. 5. That complainant had no notice other than the published notice aforesaid, that he Report p. or his lot assessed is included within the terms of the notice. 51-80.

The commissioners filed their report on the 11th of November 1859. That on the 12th of November 1859, the clerk of the court published a notice Notice of confirmathat said report was filed, and that the same would be confirmed on the 28th of tion p. 80. November 1858, unless objections were made. Copy filed.

p. 6. That on the 30th of November 1859, the commissioners report was approved and

P

Judgment p. 90-99.

p. 7.

judgment entered against complainants lot, he being the owner of one half only, for \$225 00 and costs.

That not having any notice he did not appear, or defend against said judgment, that all the procedings 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.

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.

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.

p. 102.

p. 103.

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.

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 Ottowa 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 Ottowa 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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IN THE SUPREME COURT, STATE OF ILLINOIS,

Third Grand Division, April Term, A. D. 1861.

THE CITY OF PEORIA, vs. vs. kidder,

This was a Bill in Chancery to enjoin the collection of an assessment against ap pellee'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 create 1. 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 citizen, 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 l 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 Laveile'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 persons, 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 beed 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.

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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 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 frau I, 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.

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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.

City of Chicago Kidder

Filsd apv. 25-1861 L. Loland Clruk

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Third Grand Division, April Term, A. D. 1861.

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vs.
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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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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.

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This now comes the said definition by his attorneys firlies Manning (Ad, Merreman and say that in said cause and broca oneys there are no earth orrars as above alleged new any of either of them. If Manning thum and for deft

Joundar in Enn Film April 22, 1861 Le Leland Colk

De it remembered, that heretofore, to wit on the ninth day of Fugust in the year of our Sord one thousand light hundred and Reity Chero was filed in the office of the clerk of the circuit Court in and for the County of Peon's in the State of Ollinois and on the Chancony Pide of Paid Court a certain Fill and Precipe which one in the words and figwes following, to wit who the Hon, E. O.V. Sowell Judge of the 16th Judicial Circuit of the State of Ollinois in Chancery Detting Your Crator Oflain Hidder, of the County of Georia, in the State of Delinois hereby complaining unto your Honor, respectfully rep-Shat the General Otesambly of the State of Ollinois passed an actentitled In act to amend an act entitled an act to incorporate the City of Georia, in force December 2, 1844, and the Deveral acts amendatory thereto; which amendatory act was approved and became a low Hebriany 12. 1855; by virtue of which law Whenover in the opinion of the City Council of said bity of Peona, it Should be necessary to take pri vale property for opening streets, &c, and the amount of Ruch confirmation could not be agreed upon by the Raid bity, and the persons whose property should be so taken, it became the duty of the Mayor of Raid bity to file with the Judge of the County Court of Raid county of Seona a petition, praying for the appointment of

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three Olesinterested free holders of Raid city, to estimake and assess the amount of such compensation, In Dections Dix and Deven of Raid amendatory act, it is provided in what mormed the Raid Commissioners chall estimate and assess the damages and bonefits arising to the owner of the lots and real estate which may be appropriated towards the opening of such street. On Section nine of laid amendalong act It is provided that, "howing accer-(ained the damage and expenses of Ruch improvement of appraised, the Commissioners shall thereupon upportion and assess the Dame, together with the costs of pro-Ceedings, upon the real extrate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvemente as nearly as may be and Thall describe the real estate upon which their assessments may be made, all of which will, among other things appear from laid act, reference being thereto had for greater Certainty. Your Oralof further states that on the 30th day of October ON, D. 1855, the City Council of Raid City of Plona passed an ordinance entitled An ordinance providing for the appropriation of provote proporty for public use; Which Raid ordinance is hereby referred to and made part of this Till, and a copy thereof filed herewith for greater certainty. Your Orator further Phates that as he is advised by Counsel, and verily believes the north peotion of laid amondatory act of ordered of said General Resembly is repugnant to the provisions of the cornetitation of this Otate, in providing a may of lovying and assessing this Otate, in providing a may of lovying and assessing this of a few Ocal costate in a manner wholly in Contradiction to the provisions of Raid Constitution of the Hate of Convis



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ON. D. 1359 he was the owner of - and from that & time hitherso, and Still is each owner of the following described beal estate petuated within the bity and county on of Teoria and State of Deliviors, to wit i part of lot No. four in Block No two, in the original town of Teoria, described as being Reventy-two feet in front on Washington street by eighty five feet by inches deep.

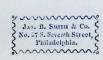
your Crator further states that in furrumoe of Raid amendatory act of the Tonoral Ofesombly, and of the Raid Ordinance of Raid Bity the Mayor of Raid loity of Feoria ded, on or about the 8th day of August A.D. 1859, file with the Judge of the county court of Peon'a County, Ollowis, a petition, foraging for the appointment of Commissioners to externate and cresces the amount of Componention to be faid to the owners of real extates through and over which Washington street will non in opening and extending the Rame from the East lide of North Vayette Street, in Raid City of Peona, through Mills Addition to Washington Street, in Medition, Tous & Laveilles Addition to Peona, and to Cildels the damages and expenses thereof, on the real estate of the persons benefitted, in proportion as nearly, as might be to the bonefets resulting to each, as will more fully and at large appear by reference to the said petition, a copy of which is horowith filed marked B. Raid petition, the county judge of Raid County of Prona did, on the 15th day of August A. D. 1859, wiene con ap Jointment and notice to Fidney Valeifer, Lewis Keyon, with files, marked "6," and the original, or a certified Treet to proposed to be opened by laid proceeding, nen through or over Raid lot of your Crator. Four Orator further Days, that he had no notice Whatever of the fore ecedings of Raid Commissioned damages as against Raid lot so owned by your of Ovalor as aforesaid that the notice Do fublished as Oforesaid, was as your Orator is informed, and believes, the only notice given by thom of their proceed ings, and that your Orabol a not included within the terms of Raid notice, either by nome or by description of his faid lot or by any general torms, as the laid notice was directed only to Ruch persons as were owners of loss and lands in Raid city, through, and over which, Raid proposed street was to be opened, Wor Orabor further States, that on or about the eleventh day of November Of D. 1859, the Daid Commissioners made and filed their report and assess. ment with the Roud County court, a copy of which report and assessment, Do far as your orators Raid lor is concerned, is herewith filed, marked 6, and a cortified Copy of which, will be introduced on the hearing of this Cause. about the liveleth day of November A. D. 1859, the Clerk of Raid County Court Canced to be fulliched a notice of the return of Raid Commissioners, and that their Raid report more filed in Raid court, and that the some would be confirmed on the 28th day of November Ot. D. 1859, emless legal objections Were made to the Rame, a copy of which notice is

herewith files, marked of, and the Original, or a Cestified Copy made past hore of, for greater cor-From Craher further totales, that on the 30 th day of Movember, OH. D. 1859, the Raid report and assessment was confirmed by Raid Court, and fudgment was rendered thereupon against the Raid loss and lands Specified in Raid report, for the amount Do assessed to each and costs, and that the judgment to rendered against Raid lot No four in Block two one half of which belonged to your Orator as aforesaid was the seem of two hundred & leventy five dollars, and the costs of laid proceedings taxed at five dollars and three conto as will more fully appear by reference to Raid Judgment, a copy of which is hereunto filed, marked " I," and the original thereof made fast horeof for greater Four Orator further states, that the said notice So published by Raid Clerk, Was the only notice given of Raid proceedings in Raid Overty Court; that no actual motion of Ruch proceedings mas had or re-Cerved by your Orator, either dreedly or indirectly and that, as your Orator is informed by council and believes that the notice to given by Raid clerk, by publication as aforesaid, was wholly insufficient to authorize Raid cont to render judgment against the lot of your orotor as aforesaid. For Orator further States that by reason of having no notice or knowledge of Ruch proceedings, he did not appear in Raid Court to defond Raid proceedings, as he otherwise would have done; that he had no opportunity

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given him of defending Raid foroccedings, or of intro. ducing any evidence in Raid Cane, or of having a loide of exceptions prepared and made, or of taking an appeal to the Propreme Court of Flemois, and that the Raid assessment and proceedings of faid Commissioners, and the proceedings in Road Cont, and judgment against your orators land lot here all had without any notice to, or knowledge by your Grator of such proceedings, unless it Thould be to construed that the publication of the notices aforesaid, (which were neither directed to your Grates by name, nor as owner of Raid lot, but work directed to the owner of loss between North Stayetto Street and Washington Street in Moston, Vono & La veilles addition) Thate be sufficient authority to the Raid Court to pronounce judgment against Land lot and which monces never come to the knowledge of your Grator until after the renation of Raid judg-Your Grator further States, that the assessment and judgment agamet your Orcotors Raid lot is imjust and opproseive, and that the Raid benefits are not assesed in a uniform marmor! that the Raid Commis Pronens accessed against Raid lot us domagas \$100 and for benefits \$325.; that your orator commor concerve how, or on Cokat manner your Orators Rouse ON Should be damaged by the oponing of a street a half a mile from it, nor can be parceive how, or in what manner the Raid lot will be benefitted by the opening of Raid Street, further than as the Rame may be a general benefit to the cetizons of Raid city; that the Raid assessments are not emiform! that lot

two, in block Dix and lot one in block three in Raid City, are as much benefitted by the opening of Laid Street as lot Dix in block Deven, as laid lot four in block two, whoreas the last two named lots are assessed at a large amount, while the former two lots are not assessed atall. And in like manner, might the instances of the want of emison thy 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 Raid Street to the amount of Raid judgment Your Prator firsther States, that as he is informed and believes that the Costs Do Charged against said lot of your brator, is excessive, that the clerk has charged all cost against the Raid lot that is properly Chargeable against all the said lots contained in Raid deport and judgment. Your Orator further States, that the destrof said County Court how under the direction of the Raid long of Rema asued an execution upon Raid judgment against your Grators Raid lot, and has placed it the hands of the Thoroff of Raise County of Cond to execute, and that John Ponynor, the said Though has levide upon said lot by virtue of said execution, and now threatens to Rele Raid lot for the Ratisfac lion of Raid execution, down trator further states, that if Raid Phoness be permitted to Rell Raid lot under Raid execution, Char Raid Dale will create a cloud and in own brue upon the little of your Orabor thoreto, and greate, injure the value of the same in market.



is (boid, or voidable, and that the Dame, and all) the Raid proceedings, Do for as relates to your Orators Raid lot, ought to be Ret axide, and that your Orator oright to have an opportunity of introducing evidence to rebut Raid report of Raid Commissioners as to benefits and damages, Ofel of which actings and Contrary to equity and good conference, and lond to the manifest wrong of your Grator in the premises. Inasmuch, therefore, as your Grator has M adequate relief in a Court of law, and kas only a Complete remedy in this court, and to the end that justice may be done, your Grator prayo that the City of Peona and John Bryner be made parties defendants hereto, that the usual process of Cirmons asue to thom, that they be required to answer the matters and alle gations horein contamed fucey (but not on oath, their oath being warved) thoroupon, and that the Raid proceedings and judgment be wholly set aside and for nought extremed as to the Raid lot of your orator, that in the mean time an organistion were re-Straining the Raid Porynor, Thoriff as a forcerid, from Relling, or attempting to Quel laid but upon Raid execution, and that upon the hearing the Raid mjunction be made perfetual, not only as to Raid execution, but as to all executions that may be issued on Raid judgment, and for Ruch other or further relief ces to this comt may Dean nght and proper, and as in duty bound, your Oralor will ever foray to, wan Viddol

County of Perna, Ost. Oflow Ridder being fint duly Devorn, deposes and Days, that the foregoing Once by him subscribed, to the except as to the matters therein stated to be on information and belief, and a to those matters, he believes it to be time. All an Nidder 10 Internited and from to before me, this 9th day of August of D, 1860, 6, P. Stoom, clark, Oflvan Middel Precipe The City of Peon's

Sheriff of Feon's County Pilo. Theriff of Feoria County Bill for Enjim Now Meliefs
Obsue Summons in Chan cany to Erroner of
Boria County, Manning Merriman
for Compl. And on the same day to wit; on the mitte day of hundred and Dirty there was find a cesued out of the office of the clots of bus court and under the which with the return endudied thereon are the look there of a rummons in the words and Just Spe Scople of the State of Selinois
The Commond you to Dummon the kity of Teorial 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 delin quent 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 skall 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 fouth, is 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 of agents thereof as to prevent water from standing or becoming stagnant thereon; and the owner or agent of energy 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.

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 lieu 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 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., 175, and the act of February 12, 1855, page 41 an 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.

§ 12. That all assessments made in pursuance of this ordinance shall constitute a lieu 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.

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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

deemed it necessary to take private property for the opening of--, as represented on the plat hereto attached and form-- to ing 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."

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

--, disinterested freeholders of the City of Peoria: To

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., offrom 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 ——— the oath in such case made and provided. , A. D. 18-, to take and subscribe

Witness my hand and the seal of said court, at Peoria, this-, A. D. 18-Judge county court Peoria county.

E. F., County clerk. Attest:

§ 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, Peoria County, ss.

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., Commissioners.

M. N., \[\]
Subscribed and sworn to before me on this \(\frac{1}{100} \) day of \(\frac{1}{100} \), \(\frac{1}{100} \).

§ 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.

I. J., K. L., Peoria, ——, A. D. 18—. K. N.,

§ 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:

	Compensation to owners.	Benefitts to owners.	Total compensation.	Total Benefits	
Compensation to the owner of lot ———————————————————————————————————	\$100 00	\$50 00 50 00	\$100 00	\$100	00

All of which, with accompanying papers, is respectfully submitted. Witness our hands and seals, at Peoria, this — day of — day of —.

 $\left. \begin{array}{l} \text{I. J., } \left[\begin{array}{l} \text{L.s.} \\ \text{K. L., } \left[\begin{array}{l} \text{L.s.} \\ \text{L.s.} \end{array} \right] \end{array} \right\} \text{ Commissioners.} \\ \text{M. N., } \left[\begin{array}{l} \text{L.s.} \end{array} \right] \right\}$

§ 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.

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

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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 --, 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.

-, A.D. 18-Judge County Court, Peoria County. Entered-

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

STATE OF ILLINOIS, 38. The People of the State of Illinois,

Peoria County, \$ 88. to the Sheriff of Peoria County, GREETING: Whereas, By the consideration of our county court, held at Peoria, in and ____, in the year of our Lord uated in said city, to wit: [Here describe the lot or tract of land as set forth ment for the sum of 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 land) are reported by the said lot (or land) 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 abovedescribed 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 -

§ 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.

§ 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 tendert 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

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 nexecutions at law The said commiss revery day necessader this ordinance Passed October 30.

18

Revised Ordinances.

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

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

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

Passed October 30, 1855.

106

Revised Ordinances.

- 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 obstraction of the landing.
- 9. Lien created on property.
 10. Merchandise may be landed, etc.
- 11. Wharfage regulated.
 12. Duty of habor-master to keep a book, etc.
- 18. Penalty for injury done to landing, etc.

more than the amount of il



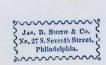
and John Bryner if they may be found in your county, to appear before our Circuit Court on the first day of the Error thereof to be held at Cernia within and for the Raid County of Peona, on the third Monday of August DA, D. 1860 then and there, in our faid court, to anener the matter and things Contained in a costain bill of Complaint, lately exhibited before our Circuit Court on the Chancery Rede thereof, against the Raid bily of Peona and John Bryner by Alvan Fielder for be-lief and injunction and make return of this with with an indorsement of the time and manner of Derving the same, on or before the first day of the term of the laid cont to be held as aforcial, Witness Onool P. Floor, clark of our land Cont, and the Deal thereof, at Peonia, this John day of August in the year of our Lord one thousand eight hundred and Diff. (Enoch P. Slown, clerk by Menton Dpty.)

(Endorsed) Derved this Cummondes on to Ino D. Amold May or, I. M. Curingham Clerk of the City of Peona and John Bryner Cheniff of Peoria County by leaving a copy of this with each of them this 10th day of August A.D., 1860, Peoria Clug, 10 th 1860 John N. Niglas Coroner, And afterwards, to wit i on the fourth day of Sep

And afterwards, to wit; on the fourth day of September in the year of our Lord one Thousand eight hum bred and Difty there was filed in the affice of the clock of faid Court and in Daid Cause a Fransenft from the clerk of the County Court of Raid County of

19

Endowement,



and John Bryner if they may be found in your county, to appear before our Circuit Court on the first day of the special thereof to be held at Ceona within and for the Raid County of Peona, on the third Monday of August DA, D. 1860 then and there, in our paid cont, to answer the matter and things Contained in a costain bill of Complaint, lately exhibited before our Circuit Court on the Chancery Rede thereof, against the laid bily of Peona and John Bryner, by Alvan Tudder for be lief and injunction and make rehim of this wit with an indorsement of the time and mommer of Derving the Dame, on or before the first day of the term of the laid court to be held as aforceaid, (Witness Onook P. Floor, clash of our laid Cont, and the Deal thereof, at Teoria, this Joh day of August in the year of our Lord one thousand eight hundred in the year of our Lord one thousand eight hundred und Difty. Enoch PSlown, clerk by Mewlow Dply."

(Endowed) Derved this Cummonses on to Ino D. Amold May or & M. Curingham Clerk of the City of Peona and John Phynes Cheriff of Peoria County by leaving a copy of this with each of them this 10th day of August A.D., 1860, Peoria aug, 10 th. 1860 John N. Niglas Coroner, 11

Endorsement,

And afterwards, to wit; on the fourth day of September in the year of our Lord one Thousand eight hun dred and Drifty there was filed in the affice of the clock of faid Court and in Daid Cause a Fransenft from the clerk of the County Court of Raid County of

Seoria and under the Deal of Raid Court which daid Francompt is in the words and figures following to wit;

To the Honorable the Fudge of the County Court of Peoria County in Ro State of Delinois The Polition of the worder-Origned Mayor of the City of Perria in Daid County 4 Tato respectfully reforelants that the city council of Raid City has deemed it necessary to take private property for the opening and alending of Muchington Threet through Wills addition to Feora Dixly feet in width from the Gast Pride of North Sayette Street to Washington Street in Morton, Vons and Lavilles addetern to Feora as Deprosented on the plat horeto at tached and forming part hereof, Ofnd that the com pensation to be paid by said Cely to the owners of the lots and lands through and over which Raid Street will own for the damages that may accome to them res_ pectively by reason of the opening of the Raid Street as represented on Daix plat can not be agreed upon beliveen the laid beity and he Raid owners. And the undersigned would therefore fray your Monor to appoint three disinteristed free holders of Raid City of Peonia as Commissioners to estimate and asses the amount of such Compensation, And at the Jame time to determine what persons will be benefitted by Ruch improvement and ackeed the damages and expensed thereof on the real estate of the persons benefitted in proportion as nearly as May be to the benefits reculting to each in accordance with the provisions of an Oct of the General Assembly of the State of delinois approved Vebruary 12th 1855 enti that In act to amond an act entitled "An act to

Tetition of Mayor.

Seoria and under the Deal of Raid Court which daid Francompt is in the words and figures following to wit;

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Tetition of Mayor.

according to law and the ordinances of the City of Peona and to the best of our till and ability and as puch Commissioners that we will make a true report of our proceedings on the matters and things submitted to us as set forth in the amonged petition, plat and other papers in relation to the opening and extension of Washington Street from to Cast Dide of North Soyetto Street in Raid City of Peona through Hoiles addition to Peona to Washington Obreet in Morton, Vous and Lavilles addition to Ceona. To help us Fod. Didney Juliefor & Lowis Teyon Signing. Fabronibed and Dworn to before me this 18th day of August Of D, 1859.

Charles Kettelle. Clark Endorsed Condorsed Wiled Aug. 18th 1859 Charles Nettelle clerk," Commissioners Olotice. Notice is hereby given to the owners of lots and lands in the leity of Peon's through and over which Washington Street will now in opening the Same from the East Dide of Worth Skyette Street, in said City of Peon's, through Mills addition to Peon's to Machington Street in Moton, Voris and Laveilles addition to Peona, That the undersigned Commissioners appointed by the County Court of Peona County, to access

to amount of Compensation and benefits accoming to

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10 - 4.

the owners of Lot and lands damaged and benefilted by the opening of Raid Street will meet at the office of L. Teyon in Eurtis Bruk Building in laid City of Ceria on the leventy fifth day of Opiquet 1859 at the hour of 10 Oclock Of M. and that they will proceed to view the premises as re quired by law, whom and where all persons interested may attend if they think proper, Lewis Teyon 3 Commissioners. G. J. Ollyes 3 Georá Aug, 18" 1859, State of Minois Is. ONE, Seer the frinker and published of the Daily and weekly transonft apublic Newspaper frinted and published in the bity of Peona in the County and State aforesaid do hereby certify, that the anneyed notice has been fullished & different times and for eight Ruccessive days, our days excepted in the laid public newspaper, that is to lay in each and every copy thereof, of the following dates respectively, to wit! First the 18" day of Aug. Of D, 1859 Second, the 19" day of " AD. 18" Shird . The 20 day of " A.D. 18" Fight the 28 day of " A.D. 18" Desenth , 25 -Cighth , 26 In testimony where of Shows I have here into Quescribed my home est Penna 13 th day

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

of September Of, D. 1859 Of E. Seer Initer and Published of the Daily and weekly Franscript? Ofees for publication \$ 9,60 Of further Certify that Raid nowspaper mas for publishing heir ordinances and proceedings for the time being. ON Beer, 11 Delected by the City Council of the leity of George To the Monorable to Andge of the County Court of Georia County. The undersigned Commissioners ap A.D. 1839 to assess the amount of compensation and benefits account to the owners of lots and lands daniaged and benefitted by the opening and extending Washington Street through Mills addition to Versia Decity feet in width from the Gast Bide of North Stagetto Street to Washington Street in Morton, Vonis and Laveilles addition to Verna as repre Dented on the plat hereto attached and forming part hereof, beg leave to report that after being (hely Gevern and giving the notice required by law the proceeded to the examination of the premised Chrough and over which Dais Washington avidorum and do assess the said Compensation and benefit as follows. To wit Compensation to owner of Lot 12 menged for \$50. #90, Consells to dome Componention to owner of Lot 13 Range 1 Mille #10

Benefits to Dame Compensation to owners for 14 Range Tuda to Roma \$ 80 Benefits to Dame Denefits to Dame Compensation to the owner of 10 peet of lot 15 adjoining Lot /4 (he full length of laid lot in Rangel Mills add, to Ferria Benefits to the Dame Compensation to the owned of so fat Front on Fagette Wheet by fuce depth of lot 15 adjoining Lot 16 in Ronge I in Mills addn to Perria Denefit to Dame Osmpensation to Owner of Lot 16 honge Benefits to Dame Compensation to owner of lot I for Range 1 Mills add, to Peona. Benefits to Dame. Compensation to owner of Lot 18 Rongel
Mills add to Ferra 100 Compensation to Owner of Lot 19 Rangel
Mills add, to Revia 40

Compensation to Owner of Lot 19 Rangel

Compensation to Owner of Lot 19 Rangel

Mills add, to Revia Compensation to owner of Lot 20 Range 1
Millo add, to Perrie. Denefits to Dame Compensation to owner of Sor & Range 2 Genefits to Dame 50 Compensation to owner of Lot & Ronge

2) Mills add, to Pena Denefits to Same

Compensation to owner of lor 10 Range 2 Mills add to Perna (Denefits to Same 135 Compensation to owner of Lot 11 "Rangel 70 Mills add, to Perna Banefils to Dame Componention to owner of Lot 12 in Range & miles 200 Genefits to Dame Compensation to owner of N2, of lot 13 in (Ronge 2) Rolls add, to Kona Denefits to Some Compensation to owner of 85 of lot 13 in Mange 2 in Mills add, to Roma 650 Benefits to Came Compensation to owner of Lot 14 in Range 2 mille add, to Pería Benefits to Same Compensation to owner of Lot 15 is Range 2 in Thills add, to Teoria Benefits to Come Compensation to owner of lot 16 Range 2) in millo add, to Perna Benefite to Dame Compensation to owner of lot 17 Honge 2) un Mills add" to Ferria Denefits to Jame 50 Mille add, to Perna Denefits to dame Compensation to owner of lot 19 Ronger 2 millo add, to Ferna Benefits to came

Compendation to the owner of Lot of Ronge 3 Mills addor to Peona Tenefits to James Compensation to owner of Lot 5 Range 3 millo add, to Peona Benefits to Dame 30 Compensation to owner of Lot Conge 3 Mills addin to Peonia Tenefits to dame Compensation to owner of Lot [Ronge 3 miles add to Perna Denefits to dame Componeation to owner of LAS Range 3 Millo add Denefits to Dame 150 Compensation to owner of No of Lot 9 Ronge 3 in mills add" 250 (Benefits to Dame Compensation to moner of Strof Lot 9 Hange 3 Mille add to Peon's Venefits to dome Componeation to owner of N/2 of Lot 10 Range 3'in Paenefits to Dame Empensation Councer of Sof Lot 10 Range Compensation to owner of N'2 Lot Il Manger 3 in Mills add, to Perna Benefits to Dame Compensation to owner of So of Sot Hin Ronge 3 in Miles add. 275

Genefit to Jame Compensation to owner of Lot 12 in Ronge 3 Mills addn to Peria Denefits to Dame Compensation to owned of Lot 13 Range 3 Mills addn to Penía Benefits to Dame Companion to move of Lot 14 Range 3 3 mills add to Coma Denefit to Dame Compensation to owner of Lot 15 in Range 3 20 miles add Denefits to Dame Compensation to owner of Lot 16 Kange 3 Mills addn to Peonia Benefits to Dame Compensation to owned of Lot I'm Rongest Compensation to owners of Lot 2 Range 4 in Benefits to Dame Benefits to Same Compensation to owner of Lot 3 Range ti Millo addn Benefits to Dame Componention to owner of Lot It Ronge It is Mills addn Renefits to Dame.
Compensation & owner of Lot 5 Ronge 1 Benefits to Same Denefits to dame Compensation to owner of Lot 6 Rongels

Mills add	150	2		
		50	100	5
Benefits to Dame Compensation to owner of Lot T. Nange &				
miles add to Peona	1000			
Bonefits to Dame		100	900	
Compensation to niner of No of Lot of Lot of Monge of Miles addento Emia Bones to Come Compensation to owner of So of Lot & Ronger's Wills add to Person				
Emge 4 Miles addin to Ema	500			
Denegito to Came.		50	450	
Compensation to owner of to of Lot & Konget				
Mille add to Teoria	150			
Compensation to owner of No of Lot Mange		50	100	
Compensation to owner of 1/2 of Lot Mange				
Him Mills add	25			~.
Genefits to Dame		100		13
It in mills and the	20			
Benefits to Dame Compensation to owner of St. Lot of Range Him Timeles and. Benefits to Dame	~0	600		1
Compensation to over of N's of Lot 10 Ronger Him miles add.		40		70
4 in miles add.	20			
Benefits to Jame		100		80
Componeation to owner of S's of lot 10 Range				
In Aniels add to Ferna	15			
Denefits to Same		85		70
Tompensation to owner of Lot II in Mange It in				
Componention to owner of S. of 1st 10 Range tin Aniels add to Ferria Benefits to James Compensation to owner of Sot 11 in Range It in Mills add to Ferria	15			
	1	90		70
Compensation to owner of Lot 12 Range It i				-
B ' ()	15			
Benefits to Dame. Bomponsation to owner of lot 13 Kinger 4		65		5
Domponsation to owner of lot 10 Manget	1.			-
Mills add, to Teonin .				

Empendin to the owner of NE Lot Mange Denefete Co Dame Empensation to owner of So, of Lot 1 Konges 60 Tenofits to Dame
Compensation to owner of N's of Lot 2 Range Lo

Thiele add to Peon's Tenefits to Came Compensation to owner of Si of Lot & Rongo 50 miles add. 5 miles add, Genefits to Dame Empensation to Owner of No of Lot 3, Range Benefits to Dame Compensation to owner of St. of Lot 3 Rongo Denefits to Dame Compensation to owner of Sot of Range 5 Benefits to Jame
Empensation to the owner of No of Lot 5.
Range of Miles add, to Perna 375 Benefits to Sam Compensation to owner of S. Lot 5 Range Benefits to Sam 5 miles add, Genefit to Ban Compensation to owner of No of Lot 6 Range 5 Denefits to Dame Compensation & owner of S. J. S. O Range B.

18 11/0	1		1	1
Compensation to owner of Lot I Range 5 miles Benefits to Dam add a Bon'a	-	120	7	80
Compensation to owner of of Tange 5 miles	45			
Tenefits to Jam	10	225	-	150
In permanon to owner of Sor I lange of Melialds	, 60			
Denefits to Dame		160		100
Compensation to owner of Lot Thomas mice add,	50			
Compensation to owner of Sot Thought mice and. Benefits to Camo		125		75
Compensation to owner of lot 10 Ranges Inice and. Benefits to Dame	100	120		10
Benefito to Damo	10	90	Ties.	50
Compensation to borne of Lot 11 Ronges mides and, Dene fits to Dame	20	1		00
Benefits to Dame		1		2
Compensation to summer of LIMB to Inio	1100	-10	1	20
Compensation to owner of Lot Mangelo Micho add Benefits to Jame	1109	15	100	
Continue of Carrie		100	1089	
Compensation to owner of Let 2 Ronge & mills add. Benefits to Dame	300		0	
Compensation to owner of For 3 Mange Continas and	. ,	100	200	
Remoditate Daniel	40	00		0
Composition of 10 ()	1	240		200
Componention to owner of Ist & Range to is mile use	40			
Complete to Same		140		100
Compensation to owner of Lot & Rongo Chicasa, Benefits to Jame	25			~
Brist of Came		100		75
Denegity to Dume	25			
2 //		1		50
Bened's to Same of Lot Mange 6 milloadd	25			
Chaque a frine	-	00		25
Renedition to owner of Lot I Range This as at &	25	-	-	-
The second	-	1-00	-	10
Componention to owner of Lot 2 Ronge Thick and Ex	25			
Benefits to Dome.	1	100		75
Compensation to owner of Lot 3 Range T Prills add,	-			
	0	Bapi		
Penefits to Oumo	20		-	-

Compensation to owner of Lot 4 Range I mills add" Benefits to Dame Confensation to owner of Lot I Ronges mills add to Peona Donefits to Dame Emperation to owner of Lot 2 Range 8 in Mices add to Perna Denefits to Dame 20 Componeation to oronor of Lox in Block 43 in Morton Vino Y Lavelles add Denefits to dame 75 Componention to owner of Lot 3 in Block 43 in Morton, Jones & Lovailes add Benefits to Dame Compensation to owner of For 4 Block 43 in Moston, Vons & Lavulles add to Ferria Denefito to Jame 15 Compensation to owner of Lot 5 Block 43 in Morton, Vons + Lavila add, Benefits to Game 15 Compensation to owner of Lot 6 18 work 43 in Moston, Jon's & Laveilles add. Denefits to Dame 75 Compensation to owner of Lot 10 Block 44 in Moston, Josio & Loveille add. Genefits to Dame 30 Componeation to owner of Lot 11 in Blocking in Morton Vono & Laveles add.

Benefits to Dame Morton Von's & Laveille add,

Compensation to owner of Lot 1 Block 64 in Mostow, Vois & Lavelle add Compensation to owner of Lot & Block 64 in Moston, Vons Lavieles add. 25 Odenofits to Dame Componsation to owner of IN Block 64 in Morton Vono & Lavula add, Componention to amor of Lot 4 Block 64 in Morton Tonis Laviles and Bound it to barn Compensation to owner of Lot 5. Block 64 in Moston, Vons & Lovelle ad 75 Denefits to dam. Componeation to owner of lot 6 in Bek 64 in Mortow, Vonis & Lav, add Benefits to barne Compensation to owner of Lot In Block (65 on Morton, Vons & Levelly ad. Denefit to Dame Componention to owner of Lot 8 in Blk 65 Benefitto Dam 75 Denegiple Sam Componention to own of af Lot 9: Block 65 in Mostow Von's xx accede are. 75 Tempet to Dame Compensation to owner of LN 10 ni Blocklos Denefits to Dame 7.5 Denefits to Same Compensation to buner of Lot 11 BK 65 m 2 2 25 Denefits to Dame

Compensation to owner of Lot 12 Blk 65 m			
moston don's & Laveille add	25		
Benefits to Dame		100	75
Compensation to owner of Sort Block 89			
on moston, von's & Lavelle add.	25		
Genefits to Dam		100	75
Compensation to owner of Sot Block 89 on Morton Von's & Lavelle add. Benefits to Dam Compensation to owner of Lot 2 Bth 89 in Moston, Vone & Lavels add	0 -		
Benefits to Dam	25	100	75
Componeation to owner of Lot 3 Block 89 in morton, Vone & Laveles add.			
Vone & Laveles add.	25		
Componeation to owner of Lord Blook 89 a mostory Ton's & Lavels add		65	40
Componeation to owner of Lord Blook 89 " Inston			
Von's & Lavels add	25	65	40
Compensation to owner of Sop 5 Block 89 in		40	
Moston Vond + Laville ad,	25		
Benefits to Dam		65	40
Componeation to owner of lot 6: Block 89 in			4
Moton, Vono & Lavulles add	25	6	
Tenefits to Jame		Ψ3	40
Compensation to owned of Lot T. Block 90 Motor. Von's & Lavies add	25		
Genefits to Dam		95	70
Compensation to owner of LAS Block go in Morton, Von's & Lavels add Benefits to Dam			
Moston, Vons & Lavel add	25		
Benefits to Dam		95	70
10 in Moder Von's Lavie as	25		
Penepits to Dan		95	70
Benefits to Dam Compensation to owner of Lot I in Block Join Morton, Vons & Lavie as Compensation to owner of lot 10. Block Join Morton, Vons & Laule add			
Morton, Vond & Lande add	25	1	

(There file to Dume 30 Confencation to owner of Lot 11 at Block Join Stret Motor, Varis, Lavelle add 30 Compensation Councir of IN12, Block To, in Moston, Jon's & Lavuelle add Benefito to Dame 70 Compensation to owner of Lot 1. Block 95 in Mylon, Vois & Laveilles add, Benefits to Jam Compensation to owner of Lot 2; lamo block 15 25 Benefit to Dame 75 Compensation to owner of Set 3 Same block Benefit to Dam 15 Compensation to owner of Lot y Came block Tonefile to Dan 75 Componed in Council of Lot 5 .. Dame block Benefito to Dam 75 Compensation to owner of Lot 6 in Dame block Denefits to Dam Compensation to owner of Lot 7 in Blk 91 in Motor, First Landles ass. Benefits to Dam Compensation to owner of Lot 8 at Bet 91 75 Came add Tenefit to bam 75 Compensation to owner of Lot 9 in BOK 91 Dame add Confish to June Compensation to owner of Lev 10 in Blk 91 forme add 25 15 Denefits to dame 75

Book out to a language	25		
Compensation to owner of Lot II Blk II barne add	20	100	75
Compensation to the owner of Sor 12 in Block 92 in			
Compensation to the numer of Sor 12 in Block 92 in Morton Vonis & Lavelle addr	25		
Benefit 6 Damo		100	75
Compensation to the Bureau Valley Raie Road Confey	50		
Wenefits to the Depot belonging to the Dame oc			
Cupy 13th 91 in fast Dam add.		350	30
Compensation to owner of Lot J Blk J2 in moston	25		
Vonis & Lavalle add, Benefits to James		85	60
Compensation to owner of Lordin Blk 13 in Jam			
add	25		
Benefits to Damo	-	85	60
Compensation to owner of LAT in Blog in	25		
Benefits to Dam		85	60
Compensation to owner of Lor 10 in Blk 93 in			
Motion, Vois + Lavelle add, as above	25		
Benefits to Jam		85	60
Compensation to owner of Lov II in Blk 93 in	-		
Came add	25		
Compensation to owner of Lot 12 in Blk 92 in Dame and		85	60
Dame add	2.5		
(92 19 E)	De la companya della companya della companya de la companya della	85	61
Compensation to summer of LA 1:18lan 96			
in from Jons & deville add.	25		
1710 1 6 10		75	10
Comportation to Owner of Lot & Block 96 in Media	25		
Benefits to Dam		95	170

3/

Compensation to organg lot 3 18 196 in same add 25 Benefits to Dame Compensation to owner of Lot 4. Blk 96 in Damo adda Genefits to Dame Compensation to owner of Lot 5 Blk 96 n' Dame 25 Donafiles to Dame 70 Compensation to owner of Lot 6. Blk 96 in lame addelen 70 Donefito to dam Compensation to owner of Lot 1 Bek 97 in Morton bon's +Lavelles add Genefits to Dam Compensation to owner of Lot 2 in Blk 97 in Jame add. Compensation to the owner of Lot 5 - Block of 40 in Kallaghers addit to Perna Bonefils to Dame 50 Componention to owner of Lot It is Block I lame asse Denefits to Dame 50 Compensation to owner of Lot 3, Block of as above 2,5 Tempfits & Jam 30 Compensation to owner of Lot 2 Block d'in Sallaghers add to Peon's Denefits to Jame Compensation to owner of Lot 1. Blk Das abour Denefits to Jame Compensation Coviner of Lot I Blk It in Collagh add to Fernia Denego to Dama

Companyation to owner of Lot 2 in Alk Manalow 20 Genefits to Jam 30 Componeation to owner of Lot 3 in Blk Was above 20 30 Genefits & Dan Componention to owner of Lotte in Blk It as above 20 30 Denefil to lam Componention to owner of Lot 5 in Bek it as abov 20 30 Benefits to Jan Compensation to owner of Lot 6 in Blk it as about 20 30 Genefito to Dam Componention to owned of Lot It in Block D in 3 Sallagher adam Compensation to owner of lot 5 in Block Distallahoned 5 3 8 Benefits to Dam Compensation to owner of Lot 6 .: Blk & n' Callahor add to Fen Benefits to Lann 5 15 Benefits to Lam Compensation to owner of Lot In Both D. as above. 20 Denefits to Jam Compensation to owner of Lot 8 or Blo D, as above 40 Denefito to Jam Compensation to owner of Lot Jui Blk Das above Denefity to Dame Compensation to owner of Lot 13 in Block & in Callaghers add "above mentioned 15 Penefils to barne Compensation to owner of Lor 14 in Box 6 as above 20 One file to dan Compensation Councid Lot 15 in Blk 6 as above 25 Denofets to Dame

Compensation towner aflord in Bell Cas above	10		
Compensation to wner of los 6 in Best Cas above Benefits to Jame		60	50
Compensation to owner of let 17 Bek lo. as about Benefits to Dame of let 18 in Blook Cas about Benefits to Dame Compensation to owner of St 19 in Blk Cin Sulvey to add to Penna Compensation to owner of Sot 19 in Blk Cin Sulvey to Add to Penna Componsation to owner of Sot 20 in Bek lo in Barreland to Samponsation to owner of Sot 20 in Bek lo in Barreland add to above	210		
Chemolite F. Ann 1		45	35
B. 1 1' E college Be 16 -	10		
Compensation to oconor of GV 10 in Olook Cascoon	0 10	/.	30
Chenefity to Dame	0	70	00
Compensation to owner of of 19 in Tolk Cin Gallagh	2		
add to kena	5		
Genefits to Jam		30	25
Componeation to owner of Tot 20 in Bet lo in	5		
Gallagher add to above			
Benefits to Dan		25	210
Compensation to the noner of Stillich 2			
in the City of Peona	25		
Benefits In Dame		150	120
Con 1 - 2 1 ' to the second lot 2 is Det 2			
Componeation to the owner of lot 2, in Den 2)	25		
		15-71	19.0
Beneficho to Dame	25		125
Compensation to owner of lot 3 in Block Das about	0.00	157	12.5
1 Long A / he la (/ time)		100	125
Componsation to owner of lot 4 of Black Das about	u25		
Vollager a fair		100	125
Componeation to owner of let 5 in Bek Lasolm	25		
			120
Componeation to owner of lot 1 Blk la Ceity of Feore	w 25		
Componeation to owner of lot 1 Blk 1 is leity of From Benefits to Dam		165	140
Compensation to owner of lot 2 in BOK I acadon	025		
Compensation to owner of lot 2 in Blk I coalor Benefits to Dame		165	14
Conferration to owner of LN3 at Blk I as above Denefits to Dame	, 25		
Benefit & Que	20	165	1/
Compensation to owner of LAD 4 in Bek / laig of the Benefits to Com	2	100	140
Confensation a owner of Lop 4 milet lay of teo	na 25		
Venefils to Cam		165	14

Compensation to owner of Lot 5 in Blk I as above 25 140 (Denefito to Ram Componentian Gowner of Lot Goi Blk Ji City of Roma 25 125 Tenefito to Rame Compensation to owner of Lot Jin Bek Jin City of kina 25 125 Genefits to dame Comportation to owner of Lot Soi Blk Tilling of Ron Tenefito to Came 125 Comparation to owner of Lot Jin Blk Jas above Denefits to Jan 125 Compensation to owner of Lot 10 in the Jon Coria as above 25 (Hencefits to Dame 125 Compensation to owner of Tor 6 in Elke in the lity of Feon 25 140 Renefits to Dam Compensation Council of St 7 in 18h 8 as above 140 Denefits to bame Componention to owner of Lot 8 in Bek 8 as above 140 Donefits to Jame Componeation to owner of Lot Jin Block & in the leity 25 140 Tenefito Co Dame Compensation to owner of Lot 10 in 18th 8 in Laid 25 140 Denefito to Dam Compensation to owner of Lot Q is Bet 18: City of Georia 25 150 Benefits to Jame Compensation to owner of Lot 4 in The 18 in City Feories 25 150 Benefits to Can Componention to the owner or owners of 85 /2 feet front on Washington Dr. by 114 for back Comment of the County Fail Lot and running lowerds Lot Din Same Als AV being part of the Cubdivision of Lots I and 3 in Beto 18 in City of Penia Odenefits to Dame

He Compensation to owner of Lot Jin Bek 19 is the leity Compensation to owner of Lot 8 in Bets 19 as above Denefits to Dame Compensation to owner of Lot Ju Belo 19 in City of Geora as abou Bonefits 4 dann 116 Compensation to owner of Lot 10 il Blk 19 as about 116 Denefits to James Compeneation to owner of Sor 12: Bek 19 as abov. 24 Denegits to Jam 116 Compensation Council of Lot [in Block 22 in the lain of Geora Denefits to Dam 150 Componention to owner of Sot on Block 22 an above Denefits to Dame 15 Compensation to owner of Lot J in Dek 22 in City of Peona as above Sidney Rilsifer 5 days \$10 Levis teyon 17 34 Benefits to Dame 13.987 13.987 Allof Which with accompanying papers are respect fully lubrited. Witness our hands and deals at Frond City the Deventienth day of Deflamber Tewn Teyon Caro J. L. Ryon Elecco

Order of

43

Order of Court endorsed on Preport to wit: To Sidney Pulcifel Lowis Keyon and J. L. Pajors Commissioners. on the matter of the opening and extending Jephenbol Verm A. 859 Nachington Street through Miles addte County Court Seria County, to Washington Street in Motor, Vonsand Lavelle addto Stato of Ilmois. De of Vernambered that on this the third day of October A.D. 1859 this Cause Came on tobe heard on Instion of the City of Cona by its altorney to confirm your laid report and render judgment on the dame, and objections having been made by owners of lote affected thoreby to the confirmation of the same, and the Court having duly considered daid objections and also being fully advised on regard to the same doth order and adjudge that laid motion be and the lame is hereby overmled and The Report of Raid Commissioned is hereby ordered referred back to the James Commissioned for the following reason, to wit, They have erred in making inadequate assessment of Compendation and damages in the following lots, to with Lots No 17 and 18 in Range No 1 " " No 1 40ft pt of a 15 " " The 2 Nhalf of " 10 " No 3 I have of " 11 " " No 74 " " 4 " No 5
" " 1,2 and 3 " " No 6 They will also Consider and determine again the amount of bone fits accessed to Lot No 11 in Honge No 2 also Sts Ng y 10 in Honge No In St is also ordered that the Clerk asue fummons to Raid Commission and also have Revord wfrom them a copy of the order of the court in this behalf to appear before this court to lake the outh presente Dby law and to delive to them all the papers in law matter together with this report on the

and ferform all acts dequired of them by law in Ruch Case made and provided, and make their report thereof to this Court as Soon as may be or the law Command them altest County Judg. County Judgo State of Schnois Notice of Clerk. Clerk County Court Office Olerk County Court Office Georia Sept 18th 1859 Cheming of Washington Obrect Through Miles addition Proof of publication. Jeona - notice to owners of John and Lands Report and assessment of the Commissioners appointed by the County Court of Verna County to assess to amount of Compensation and benefits accoming to the owner of lots and lands by reason of the opening and extending of Wash inglow Street from North Fayette street through mies addition to Washington Obrech in Moton, Trons and Lavielles addition has been returned by Raid Commissioners to the Judge of the County Court Peon's County and that on the 30th day of Dephomber Ot. D. 1859 the Raid Report and assessment Will be Confirmed by Raid County Court unless legal of Jeckons to the Confirmation of the Dome be made by Dome person inherested theren, Septented Charles Kettelles
Sept. 19 - dtd Clerk County Court Georia County
That of Selinois Of A, b, See the finites and publiched of the Daily and love they transcript; a public newsport

Junted and Jublished in the City of Comia in the Camby and State Oforelaid, do hereby correfy that the annexed notice has been Jublished Il different times and for 11 Puccessive weeks in the Raid public neinspaper, that is to day in each and loon Copy Chereof of the following dates respectively to wit.

Start the 19th day of Sept of A.D. 1859

Second the day of A.D. 18

Shird the day of A.D. 18

South the day of A.D. 18

Sifth the day of A.D. 18

Last the 30th day of Sept A.D., 18

Last the 30th day of Sept A.D., 189

On Costimony Cohereof. I have hereints leebs enbe at my times On Cetimony Cohereof & have hereinto lubacibe do my Home this Chirtieth day of September A.D. 1859 Johnsh Domis Omiter and Publisher of the Daily and Heekly Franceript "Endorsed" fee for publication \$ 13,20 "Tilow Sep, 30th thirtiesh 1859 Charles Nettelle Clark" 2ª Thate of Ollinois The Verple of the State of Ollinois Notice to Commiss. Georia County Of 3 Is the Though of Peon's County Societing The Command you that you Summon Sidney Bleefel Lewis Keyow and G. L. Tyons if they Chave be formed in your county personally to be on a appear before the County Court of Raise Erna County to be holden at the Cont house in Ceon's in laid Cenia County on the 12th day of Celobel 1859 to lake the oath presonbed by law and receive the papers as Commissioners to "open and extend Washington street in

the City of Pernix through Thieles adde to Washington Street in Morton, bone and Lavilla adam to Lovia the laid A P made by you having been referred back to them And have you then and there this with with an ondorse Ment thereon in What manned you thave have executed the Dame, Wilnes Charles Tettelle Clark of our laid (Qal) Raid this Ash day of October A.D. 1859. Harles Kettelle Clesk

Jed Ces Ho, Nettelle Dpyclk.

"Endorse d" Habe of Delinois 3 Peoria County 3 have duly Dowed to within by Hading the dame to the within named Ridney, Pulsifes, Lawis Neyon and G. L. Pagors this 11th day of Actober AD, 1859, as Jam Choren Commanded, The Ponger, Chanff for The Jeles in County Count this 12th day of October 1859 Chettelle Clerk" To Sidney Pulaifed Lewis Deyon and G.L. Pryons Commissioners; Certified Copy order of court. In the matter of the Opening and extending Befrombolom 1859 (Mashington Street through miles addition & County Court to (Washington street to Trachington theet & con County take in Moston, Vons and Lavulles addn. & of Illmoil De A remembered that on this third day of October A.D. 1859 this Cause come on to lo hand on motion of the lety of Com's by its attorney to confirm lais to pot

and Vender Judgment on the Dame and objections having been made by owners of lots affected thoseby to the Confirmation of the Dame, and the courtharing duly Considered laid Objections and also being fully advised in regard to the Dame doth order and adjudge that laid motion be and the lame is dereby overruled and the Report of laid Commissioners is hereby ordered Deferred back to the Came Commissioners for the following (reasons; to wit, They have erred in making inadequake apersment of Compensation and damages in the following lots, to wit: Jobs no Manaels in Kange No. 1 troft pt. of lot ho 15 " " Whaef " 10 S " " " 11 " " 5 Lot Ho 1.2 me 3 in Range 6 They will also Consider and determine again the amount of benefits assessed to Lor ho 11 in Range had ales lots no 9 and 10 in Range hote It is also ordered that the clerk issue turnmond to laid Commissioners to appear before the court to take the oath presented by law and also have derved whow them a copy of the orders of the court in this behalf to appear before this Court to take the oath presonled by law and to deliver to them all the papers in Raise matter together with this toport on the levelfth day of October and that they again proceed to do and

perform and acts required of those by law in luck case made and provided and make their report thereof to 48 this court as Doon as may be or the law Commande Mellington Loucks
County Judge.

Attect
Charles Wettelle Class. State of Allinois, Terria County, DD, Charles Kellelle, clerk of the County court in and for Raid County do hereby Certify that the foregoing is a line copy of the orders of Court made on the 3d day of October in the "matter of the opening of Washington Street in the City of Georia through Mills addition to Veona to machington street in the Certy of Geona in Morton, Vois and Lavielles Addition "all of which appears of second in my office. Witness my hand and official Deal at Witness my hand and official Deal at Deal Peon's this It day of October 14, 2, 1859. Charles Tettelle Clerk, The Ces, Ho, Kettelle Dpty. 2d outh of Trade of Allemis, Terria County Il & We the undersigned disinterested Comme? Freeholders of the City of Peon'a do Dolemnly Quear that we will again faithfully and impartially affected and perform the duties Dequired of us as Commis -Groners according to law and the ordinances of the terty of George and to the best of out Priewand ability and as Ruch Commissioners he will make white report of our proceedings on the matters and things

JAS. B. SMITH & CO. KO. C7 S. Seventh Street, Philadelphia.

Submitted to us as let forth in the anneyed Celition plat and other papers in relation to the opening Mills addition to Washington Street wer and through and Laville addition to the Eiley of Peon'a Lewis Keyon Subscribed and Devor to before me this 12th day of October OA, D. 1859 Charles Nettelle Olik The Ses Ho, Fettello Dipty.

(Endirsed)

'Siles (let. 12 & 1859" Charles Mettello Clark

Jos Ges Ho Fallen. Dipty. 2d Opening of Washington Street in the City of Boria Notice of Commissioners. Owners of lats and lands in the lesty of Cerna, through the Dame from the East side of Morth Sayette Street ington Street in Proton Ton's and Lavilles addition to Ceona that the undersigned Commissioners appointed by the County Court of Ceona County to assess the Umount of Compensation and bonefors aconing to to the owner of lots and lands damaged and benefitted by the opening of laid Street, will meet at the office of Line you in Curtie Banks Building in Raid Seil of Peorle

of 10 o'clock A. M. and that they will proceed to view the premises as required by law, when and where all Jenons interested may attend if they think further.
Servis Teyon

Pernia Cot. 12 1859

J. J. Pyors

P. J. Pyors State of Illinois, County of Ceoria, Cs ON, E. Soor he printer and published of the Daily Franscript a puelle newhater frinted and published daily tweekly in the City of Ceona in the County and State aforesaid de kneby Certify that the foregoing notice has been full lisked I different times in the laid public newspaper that is to Ray in each and every copy thereof of the Start is to Ray in lack and every copy thereof, of the following dates tespechively, to wit;

Third the 13th day of Och A.D. 1859

Decords the day of A.D. 185

Third the day of A.D. 185

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

South the day of Cots A.D. 1859.

South the Manney whereof I have hereint sub
Devibed my name at Peon's this 23d day of Nove

A.D. 1859 Printer and Publisher of the

Daily 9 Weekly Francompt

Off. Geer Fles for publication of "Endreed"
Tiled Nov. 24. 1859 & Kettelle Clerk.

JAB. B. SMITH & Co. No. 27 S. Seventh Street,

To the Honorable the Sudge of the County Court Commissioners. The undereigned Commissioners ap-Gonniesioners. The undereigned Commissioners ap-Jointed by your floored on the 12th day of October 1859 to assess the amount of compensation and benefits and benefitted by the opening and extending Washington From the Cast lide of north Sayette Obrech to Washington Street in Moton, bon's and & Lovielles addition to Posia do represented on the plat hereto attached and forming past hereof beg leave to repost that after being duly swom and giving the notice required by law we proceeded to the examination of the promises, through and over which laid Washington street will Nun and do assess the Raid Componeation and benefits as follows to wit; Runers Orties Confiend Renefices Compensation & Owner of Lot 12 Range I Prills addition & Peoria Denefits to Dame Compensation to orone of Lot 15 \$60 \$120 Denegits to Samo

Mills addition to Peon's Bonefits to Dame Compensation to the owner of 10 feet of lot Bonefils to Dame Sompone ation to the owner of hospets of lot 15 fronting) on north Figetto Street by the fuel depth of Ruis lot adjoining Lot 16 à Ronge Mills addition to Roma \$950 Benefit to Dame \$ 50 \$900 Componeation to owner of Lot 16 in Ronge 1 mills \$4300 addition to Perna \$100 \$4200 Denefits to Dame Compensation to owner of Lot 17 Range 1 Mills addition to Peonia \$200 \$1500 Benefits to Damo

	weter	18	6 3 4	36
	Confer	Benofils	Ford	Pot Solo
Mills addition to Peria				
Mills addition to Pena	#100			
Benefits to Samo		4100		
Miles addition to Ferra				
Mils addition to Ferra	\$40	11.		11
Venefils to Dame		#100		#60
Combon satista proved of lot 20 Rom 11				
Compensation to owner of lot 20 Ronge 1 Mills Addition to Peone Benefits to Jame	\$30			
Benefits to bame		#60		#30
Componention to owner of los Range I miles undition to learn	a \$25	// -		
Componentin to owner of lot Mango I mile uddition to learn		# 75		#50
By we applied	1/20			1175
Compensation to our of lot Jin Monge I mills addition to lieur	10 F 20	#125		\$ 75
(Venefils to Same)		press		
Com hong which owned of lot 10 annel				
Emponechinto and of lot 10 angel. Mills addition to Peona Denefils to James	#60			
Bonefils to Same		#160		#100
Empensation to the suner of SN 11 in Pange 2 Mills addition to Penna Bonefits to Dame	//			-
in Mange 2 Mills addition to Feora	#50	#175		#125
(Honefils to Came)		11/10		120
Compensation to the severed of Lot 12)				
Compensation to the sunes of Lot 12) Vange 2 Miles addition to Periona Denefits to Carne	#300			
		10	7.100	1777

	1.2	1	1 -12	1 .
	- Talas	5 8	2 व	330
	Comp	Bene	at Comp	Jotel Benefils
Compensation to the owner of the Wis of lot				
13 in Nange D miles addition to Poris	\$750			
Benefits to Dame	#750	#50	#700	
Compensation to the owner of S's of Sot 13				
Compensation to the owner of So of Sot 13 in Range D Miles addition to Peona Done file to Jamo	#850		1/0	
Tenefils to Jamo		\$50	#800	
Componention to the owner of Lot 14 in				
Tingo 2 mills addition to Foria	4975			
Componention to the summer of Lot 12 in Arngoil Mills addition to Roman		#75	4900	
Companyation to the owner of Lot 15 in Pange				
Componention to the owner of Lot 15 in Range Din Mills addition to Ferria Benefits to Dame	\$ 75			
Benefits to Dome		\$300		1225
Compensation to the owner of Lot 16 Range 2 miles adder to Feoria	11 1			
Mange & Mills addr to Feora	# 40	4		\$100
Bonefits to Samo		F140		700
Compensation to the owner of lsp 17 Nanger 2				
in miels addition to Coma	#30			
Compensation to the owner of the 17 Nangue 2 in Mills addition to Perna Bonefits to Come		#80		\$ 50
Componention to the owner of Lot 18 Range 2 Miles addition to Peria Done file to Dame	#20			
Done fils to Camo		\$50		#30
		a constant		1

						Compensation owners.	Benefits ourus.	Totale Compensation	Forcefite.
Com	frensa ho	n to the nices as	owner of	SN19					la de la constante de la const
Rong	02 9	nices ac	delion	Perna		#15	A.		1
Gene	fits to	Jame .					140		1-215
Compa	emahon o	to the or	vnor of	LD4					
Hange	et 3 M	to the or	ition to	Perna		# 13			
Bene	fito to	Jame					#35		12
BI		foll a	- Col	12511	Pana 5	,			
mile	addelis	to Peon	2		y ge	120	2		
Gener	file to	to the our					\$60		12
									-
Range	ensetion	to the o	w to	and C		#25			
Bene	efits to	James					£85		#60
					7-				
Com	pensal	in to the	o ouner	of of		#30			
Rang	edite to	- bamo	Lilanda	Laona)			#110		150
Com	prensali	on to the	o ounar	ofLo	18	4.70			
Hang	eld M	on to the	dionlo 1	Feona		110	£225		F151
Comp	honea to.	Range C	flund	of the	12				
9/1	190	Kanze C	3 mi	elo ad	dition	40			
10	Keonas					1250		1	

Freezens

	1,2		3/.	
	Late	300	Fotal Companishing	Selvin
	and	Je ra	35 to	Son
E 1 2 + 60 20 Ch 15.	0	7 0		
Componention to the owner of the For of Lot 9 Pange 3 Mills addition to Review	-			
Range 3 Mills addition to Revia	1475	1		
B 11 10	10	\$0	£450	
Wonefils to tame		"25	450	
			1	
Company to the owned of the his of Lot 10				
P 3 Ph : 2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$1.		-	
Compensation to the owner of the his of Lot 10 Range 3 Mills addition to Ferria	1 600		11	
Denefits to Samo		\$25	\$575	
			1700	
6 1 11 100				
Componeation to the suner of the 2 of				
Lot 10 Range 3 Milas addition to Ferra.	\$600			
Demponeation to the suner of the So, of Lot 10 Range 3 Miles addition to Ferra Benefits to Dame		#_	for.	
Conegoto co camo		00	1250	
	1			
Compensation to the owner of the Die of SA				
Compensation to the ourse of the Win of Lot 11 Range 3 Mills addition to Feoria Benefits to James	1/225			
Mangel Mills addition a Rona	223	1	1	
Denefity to Jamo		150	175	
Col of the col Profit				
Comportation to the owner of the Fing of Sit	11			
11 Range O Mills addition to Fino	\$650		10	
(Pome 1) (- Don)	4650	\$50	\$600	
Corregins to come				
Componeation to the owner of Lot 12				1122
Range 3 Mills addition 6 Peorla	#00			
	20	4.		&
Genefits to Dame		122:	5	200
0, 1,60				April 1
Compensation to the owner of Lot 13	11	-	-	
Range 3 miles addition to Ferria	#20	-	7	
(P) 11 6-0		\$17	-	\$ 150
Compensation to the owner of LSV 13 Range 3 Priels addition to Peon'a		1/0		100,0
to wit				

Compensation to the owner of the Riz of. Paid For 13 in Range 3 Miles addition to knie \$ 15. Done fits to Dame Tompeneation to the owner of the S's of Raid Lot 13 in Range 3 Mills addition to Ferriso Denefits to Jame Compensation to the owner of lot 14 Range 3 Mills addition to Ferra Benefits to Some Componention to the owner of by 15 Range 3 Benefits to Dame Compensation to the owner of Lot 16 Hange 3 Denefits to Dame Compensation to the owner of Sof Mongs of Benefits to Dame Range of Mile addition to Froma Benefits to Damo

	1-18	1	16	1
	oneste Co	Benefits owners	300	To the
	Com	an g	62	1800
Compensation to the owner of SN 3 Vanget				
Compensation to the owner of SN 3 Pangert Mills addition to Fronds Benefits to the Dame	\$50			
B 1's 64 D	"00	#		4
Conefits to the come		150		£100
Compensation to owner of Lot A longer 4				
Mille addition to Peona	175			
Bone Sits to Dame		#225	= /	150
Compensation to owner of Lot Alongo 4. Phille addition to Fernal Done fits to Dame To wid. Bufit to N/2 #70~ to Si # 80		1		
Contract City				
To wit Busite to N/2 \$70~ to Si \$ 80 Compensation to the owner of Lot & longo to in Mills addition to Line Dene file to Dame	for_			
in Millo addition to Fina	15	_//		,
Denefits to Dame	,	1275		\$200
Compensation to the owner of Lot 6 Ampt				
This asi	fin	1	1	
TIME CARILLON	1 100	The state of the s	1	
Band's to Den	1 100	\$50	# Inn	
Componention to the owner of Sot 6 Angels Mille addition Genefits to Dome	1 100	\$50	\$100	
Demporation to George of Lot Thongs of Mills addition to Ferria	Hoo	Flor	f 1500	
Demporation to George of Lot Mange of Mills addition to Ferria Benefits to Dame	Hoo	Flor	f 1500	
Demporation to George of Lot Thongs of Mills addition to Ferria	Hoo	Flor	f 1500	
Demporation to George of Lot Thongs of Mills addition to Ferria	Hoo	Flor	f 1500	
Demporation to George of Lot Thongs of Mills addition to Ferria	Hoo	Flor	f 1500	
Emperiodish to Rema Benefits to Dame Compensation to the owner of ON sofoots Range of Mills addition to Leonia Denefits to Dame	\$1600	£100	\$1500 \$532	
Emperiodish to Rema Benefits to Dame Compensation to the owner of ON sofoots Range of Mills addition to Leonia Denefits to Dame	\$1600	£100	\$1500 \$532	
Emperiodish to Rema Benefits to Dame Compensation to the owner of ON sofoots Range of Mills addition to Leonia Denefits to Dame	\$1600	£100	\$1500 \$532	
Emperiodish to Rema Benefits to Dame Compensation to the owner of ON sofoots Range of Mills addition to Leonia Denefits to Dame	\$1600	£100	\$1500 \$532	
Demporation to George of Lot Mange of Mills addition to Ferria Benefits to Dame	\$1600	£100	¥532	
Emporation to Reman of Sol Things of Mills addition to Borne Compensation to the owner of ON of of Soldots Range of Mills addition to Reman Denefits to Dame	\$1600	£ 50	¥532	
Emperiodish to Rema Benefits to Dame Compensation to the owner of ON of of of Ange of Mills addition to Fernia Tengo of Mills addition to Fernia Tengo of Mills addition to Fernia	\$1600	£ 50	¥532	

	1 3	-	,	,
	Compensation of ouncers	Bonefis Govern	18 tal	Brefit
Compensation to the owner of Winglost 9				
Ronge of Mills addition to Bona	\$ 25	.//		//
Compensation to the owner of Winglost 9 Range of Mills addition to Bona	\$ 215	100		75
Componention to the owner of of lot 9				
Componention to the owner of Solor G Range of Mills addition to Perna Benefits to Jame -	20	£60		#40
Compensation to the owner of the 90 2, of Lot 10 (Rong) by Mills addition to Prona Benefits to Some				
Jor 10 (Range of Mills addition to Verna	720			110
Genefit to Como		\$100		#80
Componentian to the sund of So of Lot 10	# 15			
Componention to the sund of So of Lot 10 Range 4 millo addition to Ferria	10	#15		#70
Compreneation to the owner of Lot II Range of Mills addition to Fina Benefits to Dame	\$15			#75
		#90		F75
Compensation to the owner of At 12)				
Compensation to the owner of At 12) Nange It Mills addition to Penia Benefit to Come	\$15	#65		50
Componention to the owner of Sol 13	#10	#50		11 ,
Conefile to Dame		750	1	10
	1			

	13		3	
	Sakon S	3 %	eli	2.2
	mon	Benefits	2 to a	200
Be1 . £ 10 . 10 18 : 011.	6	6,	.00	00
De In the front of the Mit of Lot	11			
Range 5 Mill addition to Cona Benefits to Dome	50	//		450
Conefes to dome	# 50	\$100		+50
Confrensation to the owner of Je of St	110			
Mange 3 Mills addition to Frona	\$600	#135		475
Confreneation to the owner of Se of St. Range 5 Mills addition to Froma		\$135		#75
Pange 5 mills addition to Bona				
Hange of Mills addition to Ponia	\$ 40	#40		
Bonefits to Dome		#40		
Compensation to owner of S'2) of Sot 2)	_			
Range 5 Mills addition to Perna	\$50			
Compensation to owner of S's) of Sot 2) Range 5 Mills addition to Peon's Benefits to Came		150		
Compensation to the owned of N's of				
Lot 3 Range 5 Miles addition to Rona	\$ 400			
Compensation to the owned of No of Lot 3 Ronge 5 Miles addition to Peria		A25,	1375	
Compensation to the owner of 82				
of Lot 3 Ronge 5 Miles addition to Ferria	\$450	7		
Compensation to the owner of 82 of Lot 3 Ronge 5 Mills addition to Seman Benefits to James		#25	\$ha	5
Contrangation to the war of Sundy				
Range of Inice addition to Remine Denefits to Dame	#110			
Benedits to Dame	1.00	#100	floor	,
- Cape				
	-	+	1	

Compensation with ours of Va of Sol 5 Range 5 (mills addition to Tia Benefits to Dame Compensation to the owner of the S.5. of Lot 5 Denefito to Jame Componention to the owner of No oflat 6 Mange 5 mills additu to Roma Denefits to Dame Compensation to the owned of So of Lot 6
Range 5 Mills addition to Feoria #40
Compensation to the owned of Lot Thomps
Thills addition to Peoria #75
Benefits to Dame

Benefits to Dame

1235 Empensation & the owner of Lot & Rango Benefits to Jame Compensations to the owner of Lot 9 Range 5 millo additie to Perias Benefits to Some Emperation & the owner of List 10 Ronge \$ 1/10

Benefits to Came Compensation to the owner of Sottle lange of Mice addition to Perin \$20

Compensation to the owner of Lot I Ronge 6

Benefits to Dame

Compensation to the owner of Lot 2 Ronge

Compensation to the owner of Lot 3 Ronge

Compensation to the owner of Lot 2 Ronge

Compensation to the owner of Lot 2 Ronge

Compensation to the owner of Lot 2 Ronge Componention to the owner of Lot of Range

Componention to the owner of Lot of Range

Compensation to the owner of Lot 5 Range

Compensation to the owner of Lot 5 Range

Compensation to the owner of Lot 5 Range

Compensation to the owner of Lot 6 Range

Compensation to the owner of Lot 6 Range

The mile added to Penia

The mile added to Penia

H 25

Thille added to Penia Compensation to the owner of SAT Range 6 mills addition to Price Denefits to Dame Compensation to the owner of Lot ! Range I Trices additu to Rema Jonefit to Sumo Compensation to the owner of Lot 2 Mange [Prices addhe to Perna Denefits to Som

Jas, B. Smith & Co.

No. 27 S. Seventh Street,

Philadelphia.

63

Information of ground of formation of the formation of th Componeation to the owner of Sot 3 Range (mielo addelion la Roma) Benefits & Dame Compensation to the owner of Lot & Ronge Thieles addition to leona Componentials to Dame
Componentials the owner of Lot I Ronge 8
Mills addition to Feoria # 10 Miles adduced Benefits to James'
Comprenedhow to the owner of Love Range

* Miles added to Ron'd #10 Rongo & Mills warmed
Benefils to James
Compensation to the owner of Lot in Block

100

100 Denefits to Jame Compensation to the owner of 18 feet of lot 2, adjoining Ist I in Block I in City of Feoria \$100 Benefits to Dame \$300 Compensation to the owner of 24 feet front of love 2, adjoining Love 3 of Block 1 in City of Pooria Benefits to Dame Compensation to the owner of Lot 3 or Block Denefits to Dame Compensation to owner of Lot & Block 1
in the City of Peon #100
Benefits to Come

		1	
Compone Now & the owner of Lot 5 in Bloc. In the City of Rona Benefits to Dame	K		
1. A. bix of	# 100		
In the day of reona	100	#1	#300
Ocenefits a tame	-	408	200
Compensation to the owner of 32 feet on Maching		1	
ton Street Commoneing at the corner of Worken	2		
tow and Hamilton streets by 82 feet more or			
lop on Hamilon theek being hort of Lot 1			
Lefe on Hamilon Heat being port of Lot I in Block 2 in the Ceity of Rosia. Benefits to Dame	#100		
· Band'h to Danie		# 000	#100
Por 1 11 CA DI CAS II		200	
Compensation to the owner of to feel front			
on Washington Common eing 32 feet for the			
Corner of Washington and Hamelton streets being part of Lot I is (Blocked), in cholity of kin Bene fits to Dame	de de		
being part of Lot I is Blocked, in the City of the	1 100	-//	-
Dene fits to Dome		7225	# 125
Compensation to the owner of to feet front, on			
Washington Street being hort of Lot 2 adjain	2		
Compensation to the owner of Ist 2, adjoint ing Lot I in Block D, in the leity of Peria	# 100		
Bonefits to Dan		#0.30	#150
		200	700
Confermation to the owner of 2 to fact front	+		
on Washington Otreet, being part of Lor 2)	1		
adjoining Lot 3 in Blocks 2) in the City of Feor	1100	"	
Denefils to James		#175	#75
Compensation to the owner of 36 feet			
front on Washington being part			
el sur 3 adi'i sa b			
of Lot 3 adjoining Lot 2 in	f		
Block 2 in leity Peon's	100	4212	d
Donefits to Came		2/2	11125
	-		

	1		
Compensation to the owner of 36 feet	,		
of 1. The state of 1.	0		
Sol 3 adjoining Lot in Block 2 in the Bity of Peon a Benefits to Dame Componential to barne Componential to Come Componential to Comp	-		
of B' agrining of minimum	# 100		
the Ochy of Jeona	100	\$ 5	\$ 112°
denegoto to tame		12/2	1/2
Componsation to the owner of lot in Bloo	k dl		
I in the City of George	100	#	d
Denefils to Dame		825	\$225
Compensation to the owner of Sot 5 Bek 2	#50		-//
Denefits to Came	. //	#150	#10.
Compensation to the owner of fast of Los 6 Bl	L		
To the fait of Roma being 31 Let front on Man	2		
Jin the leity of Geora being 31 for front on Man At by 72 feet on Washington Street Benefits to Darm	# 50		
10 15 F. D.		#150	\$100
Principle of the 1-8 2/1/2 A S A			
Comprensation to the owner of 24 feet front			
on Washington Street being fast of det], adje			
ing Lot 6 in Block J in the leity of terria	10	100	#75
Donefits to Dame		100	110
Componention to the ormer of 48 geel front or	v .		
Washington Ohn being hast of Lot I adjo	m-		
ingxof 8 in Bek 7 in the City of Feoria	150	D. W	4
Washington Other being feat of Lot Tadjo ing Lot 8 in Bk Tim the City of Fernia		1300	\$150
Compensation to the owner of 24 feer front	on		
Washington Street being a fast of Lot Fadyon	mg)		
Lot To Bek T in the City of Gerna	# 73	-	
Washington Street being a fast of Sor & adjoind Lot J'in 130k J in the bity of Cerna. Benefits to Same		#150	A75
Companyation College 1 24 of 14 of	1		
Confensation to the owner of It fortifron	P	1000	
Commencer The Sant ofment the line de			
Commencery 24 feet from the line de	# 75		
Benefit to Dume	10	1/50	\$75
Coneque co dume		10.0	

Confundation to the owner of 24 Jest front on Washington Street, beingspart of Lot 8, adjoining Lot 9 in Block 7 in the City of Prona in the Ceity of Fern Sene fis to dame Compensation & the own of 24 feet on Washington Street being a fast of Lot 10 adjoining for gin Block I'm the City of Feoria Denefits to dame Componention to the owner of 24 feet front on Trackington Obrect, being fast of Lot 10 Commonaing 24 feet from the line dividing Denefits to Jame Compensation to the owner of 24 fact front on Washington Street, on the corner of Hamilton that being past of Lot 10 in Blook T, in the City of Roma \$ 75 Denefits to Jama Compensation to the owner of to 4 feet front on Washington Street on the corner of Ham in the Ceity of Feoria Bonefits to dome Compensation to the owner of 22 feet front on Washington Otreet, being part of Lor 6 Commencing It I feet from the corner of

Washington and Hamilton Street, in Block

8 in the lesty of Peona

Benefits to Dame

0.

Compensation to the owner of Ogest front on Washington Street being fort of Lot 6 adjoining Lot Tin Block 8 in the City of Peon Bonefilo to Dann Confrendation to the owner of 18 feet front on track ington Street, being part of Lot Tadjoming Sto Serefits to Sam Componention to the owner of & feet from on Washington street, being part of Los I Commen cing 18 feet from the line dividing tots 6 and j in Blocks in the leity of the Compensation to the owner of 3 lefort front, on Washington Street, being fast of Lot To adjoining # 150
Sor S in Block S in the City of Ferria # 150
Benfit to Dann Sin the City of Feora Benefit to Vam Compensation to the owner of 36 fort front on Westington Street, being fast of Lot of adjoining Lot 8 in Block 8 in the City of Perio \$ 150 Benelit to Dan Genefits to Dan Compensation to the owner of 36 feet front adjourney Lit 10 in Block S in the City of Levis \$ 300

Compensation to the owned or owners of that hart of Lot 10 fronting on Washing Taket at the Corner of Toyetto Strat in Block Denefits to James in the City of Ferria Benefits to Dan Empensation to the owner of let & Beker Denfits to Par Compensation to the owner of 21 feet dife inchisfront on Washington Steel being the Southwardly 12 of. Original lots in Block 18 in the City of Fronce Genefits to Som Compensation to the owner of 21 for life inches front on Washington Street, being the not Most I and 3 in Block Is, in the City of Ferra Benefito to gam Compensation to the owner of Lot 103 in to Enberrison of original lots land 3 in Block 18 in the leity of Poma Benefits to ban Componention to the owner of 45 fort front on pashington black, on the corn of they Street being fast of Lot I'm Block 19 Denfits to Dame

Compensation to the owned of 12 feet front on Compensation to the owner of 12 feet front on

(Machington being) foot of Lot I adjoining Lot 8

in Block 19 in the bity of Roma

Benefits to Barn

Empensation to the owner of Lot 8 in Block 19

in the leity of Peon's

Compensation to the owner of Lot 9 in Block 19

in the bity of Peon

Benefits to Come

Compensation to the owner of Lot 10 in Block 19

in the bity of Peon's

Compensation to the owner of Lot 10 in Block 19

in the bity of Peon's

Benefits to Come

Thought to Come

The Benefits to Come Compensation of Reona

Who bity of Reona

Compensation to the owner of Lot II in Block 19

in the City of Reona

Compensation to the owner of Lot II in Block 19 in

Compensation to the owner of Lot II in Block 19 in

The City of Pernia

Compensation to the owner of Lot I in Block 2.2

In the City of Pernia

The Compensation to the owner of Lot I in Block 2.2

In the City of Pernia

The Compensation to the owner of Lot I in Block 2.2

The Compensation to the owner of Lot I in Block 2.2

The Compensation to the owner of Lot I in Block 2.2

The Compensation to the owner of Lot I in Block 2.2

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The Compensation to the owner of Lot I in Block 2.2

The Compensation to the owner of Lot I in Block 2.2

The Compensation to the owner of Lot I in Block 2.2

The Cowner of the Compensation to the Compensation to the Compensation Compensation to the own of Sor 8 in Block

On the Certy of Peon's Compensation to the owner of Sor 8 in Block

On the Certy of Peona #150

Rome \$350 Empeneation to the owner of Lot In Block
22 in the City of Feoria #10
Conefits to Come #40

Compensation to the owner of Lov I in Block 13 in Motor, Von's & aveulle addition to Peria # 15 Denefit to Some Compensation to the owner of Sor 2 in Block 43 in Motion to the owner of lot 3 in Block 43
in Moston, Voris & Lavielles addetento Perria #90

Compensation to the owner of lot 3 in Block 43
in Moston, Voris & Lavielles addetento Perria #90

Benefits to Dame Compensation to the owner of Lot It in Block 43. in Moston, vons & Lavullo addely to Persia Denefils to Jame Compensation 6 the owner of Lot 5 in Block 43 in Moton, Von's & Samuelle add to Rom Denefito to Dam Compensation to the owner of Sor 6 in Blockitis in Morton , Vonis & Lameles ada to Feoria Benefits to Dame Componention to the owner of Lot 10 in Block 44, in motion Vono & Lam Dis add to Bona Denefits to lame Compensation to the sevnes of Lot 11 in Block 44 in Motor, Jon's & Lavelles addelin to Feoria Benefits to Dam Compensation to the owner of Lot 12) in Block 44 in Motor, Vons & Lavelles addet to Feora Deneghts to Ram

	-		
Companyation to the owner of Lot I'm			
Block 64 in Morton Fond Laveles ad dela to Perio	#90		
Block 64 in Modon, Jois Lavules added to Ronio		\$ 180	# 90
Por hand to the to al surge Bollow.			
Compensale to the oroner of Lord in Block 61; in Morton bon's & Lavuelles addelin to Froma	# 90		
Monow oons + Lavulles addilin & rooms	70	+180	# 90
Confisco Cam	,	100	10
Compensation to the owner of Sor 3 in Blook 61.	# 90		
Den St. to Do	1	# 180	7 9
Contemporation of the men of LN Ly or Ble	K	100	7.
Of in Mosto Voris & Lamele and to for	# 90		
Compensation to the own of Lot in Blow Him Mosto Von's & Lavelle add to For Benefits to Dan		#180	#9
Tombensation to the owner of Lot on Money			
to in Motion Von 18 Sand and to Peris	#90		
Bender & Dan.		#180	# 9
Dompensation to the owner of St in Places Ly in Moston, Vonish Lavulles adduto Peon'a Compensation to the owner of Los 6 a Block 64 in Moston, Vonish Laveulles added to Peon			
in Morton, Vond & Laveulles added to Pen	#90		
- VIIVI WATER OF WATER			# 90
Compensale to the own of Lot I'm Block	5		
Compensale to the own of Sot I in Block 05 in Moston, vois & Lavullo add to Peona Denefils to Dam	#90	-	
Tenefols to Dam		\$ 180	79.
Compensation to the owner of Sor Sin Blo (05 in Mostow, Von's & Lavulle addite to Peror	ck		
(05 in Mostow, Von's & Lavulle addite to Per	# 90		
Benefits to Dam	1	#180	# 90
Comprensation to the own of Lot gir Block			
Comprensation to the own of Lot Ja Block			
to Peoria	# 90		
Benefits to Dame		\$ 150	#9

Block 65 in Morton, Von's VLavulle addle to femily 90 Benefits to Dam Compensation to the own of Lot 11 in Black 65 in Morlow, Vonis & Lavuelle added to Peoria 190

Benefits to Dame of Soll in Block)

Compensation to the sum of Soll in Block)

Compensation to the own of Soll in Blocks

Empensation to the own of Soll in Blocks

in Morlow, vonis & Lavuelle added to Peon 490

Benefits to Dame

Compensation to the own of Soll in Blocks

in Morlow tonis & Lavuelle added to Peon 490

Compensation to the own of Soll in Blocks

in Morlow tonis & Lavuelle added to Peon 490

Compensation to the own of Soll in Blocks

Genefits to Gam.

Compensation to the own of Soll in Blocks

Figo Compensation to the own of Lot 3. in Block 89 in Morlor Voris & Lavulle adde to Peria # 90 o Conefits lo lan-Compensation to the owns of Lot to in Blockery u Mortu bon's & Lavule addu to Peone \$ 90 Denefits to Ram Compensation to the Owner of Lox 5 in Blook 89 in Moder bond & Lavulle add to Ferna Denefils to Dam Compensation to the own of Sor 6 in Block 89 in Modow bond & Lavuels addet to From Benfto to fano

Compensation to the sunor of LAN in Idock 90 in Benefits to dame Sorbin Block 90 in 1800 Compensation to the own of Sor 8 in Block 90 in 1900 on 1900 Moston Vous & Lavulle add to Perna Componentian to the owner of Lot 9 . Block To in Motion Vonis & Lavuele actele to Coma \$ 190 Compensation to the owner of Lot 10 in Block

To in Mostion, Vorid Lavalle adden to Feon \$60

Benefit to lame

Compensation to the owner of Lot 11 in Block

The in Mostow bonis & Lavales add to Feonia \$60

Benefits to Dame

Lenefits to Dame

Lene Compensation to the own of Lot 12 in Thoch 120 180 Penfils to Own # Lavallo add to komin # 90 Compensation to the owner of Lot In Blocks

95 in Morton, Jon's & Lavuelle add to Penia \$ 90

Benefits to Van \$\$

\$180 Compensation to the owner of Lot 2 in Block 95 in Morton, Vins Varueles add to Coria # 90 Benefits Compensation to the owner of Lot 3 in Block

95 in Moston Vois & Laveles adult from #90

Benefits to Jam

		,	-
Compensation to the owner of Ist In Black			
Compensation to the owner of Ist I in Block 95 in Morton bor's & Laveelo and to Feoria Benefits to Dam	# 90		
Bened he to A	10	# 10-	×90
Bod to be stan	1	130	10
Mercalin Who som of 2015 in Block 95	4		
in Morton bond Tavales add to leon	#90		
Empereation to the sun of Sto in Block 95 in Moston Vons Varules add to leone Benefit to Dam		\$150	7.90
Confreneation to the owns of Lot 6 in Blockogs			
in Mostow, bond Islandes adds to Peor	#90		
Donefit to Ram		\$180	790
Dompensation to the own of Lot Tin Block 91 in			
Compensation to the own of Lot 6 in Block 95 in Morton, bond of Laviles add to Peor Bone fet to Ram Bonpensation to the own of Lot 7 in Block 91 in Morton, bond & Lavelles add to Bon Benefits to Jam	#90		
Benefits to Dam		£150	#90
Compensation to the own of Lot 8 in Block 91 in Moster, Vonst Leveilles add to Coria Benefits to Varna			
in Mosta Jon's & Leverilles add to Corna	#90		
Benefila to Dama		Fish	790
Compressed to the many of La 9 ' Blak 91'			
Motor Const of and selection	#an		
Mostor Con's Adavales adde to Leon's Denegos to Dame	10	Fin	790
Con 1 . at to the a of 1 10 ' Be 191		100	70
Component to the own of Lot 10 in Block 91 in Mostor bons & Lavelle add to Peone Benefits to Jame	#90		
on Monor vone vaivenes was to reone	70	\$100	#90
Cheriefoto to Home		180	70
91 in mostor bon's Laveles addit to leon's	# 0		
I'm Mostor one Laverles addit to Teona	70	#	4
Confin Co		180	790
Compensation to the own of for		1	
12 in Block Ilin Morton, Vous			
V Lavules addu to Pen	#90		
Bonefits to Dam		\$180	790
The state of the s		Section with property and the con-	ACCORDING TO THE OWNER, WHEN

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for 11 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Comprene ation to the owner of Lots 1.2,3 VL			
in Block Ilin Morton, bon's & Lavuels add to From			
on which the Pouria and Bureau Valley Rail Road Depotion	rever / 100	1327	#227
Compensation to the owner of Lot Tim Floor			
12 in Motor, Voris Lavilles add to Roma	#75		
Compensation to the owner of St Ting Ploch 12 in Motor, Voris Thaveilles add to being Benefits to Som	-	\$150	#75
Compensation to the owner of SAS in Block 92. Morton Jon's & Soralls addit to Pen	en /		
Thoston fon's & Loralls addil to Vern	#75		#-
Benefits to Dan	0	150	#75
Compensation to the run of st y and lock jo	#75		
Compensation to the non of Lot I in Block 92 in Morton Von's Laveles add to Peon Bone fils to Jame		# 150	#73
Compensation to the own of Lot 10 in Block			
12 in Moton vons & Lavideo add to Feoria	\$ 75	-	-1
Benefits to Jam		150	75
Componentia to the own of Lot 11 in Block 9 in Morton Con's & Lavenly added to Ferria	72 # ~~		
in Morton Orn's valavents added to Feoria	10	#150	#7-
Componentin to the own of Lore in Block 92 in Morton Vons V Laveul, add to Peria		100	10
92 in morton Vonis Langel add to Perior	#75		
Benefits to Dam		\$150	75
Compensation to the sune of Lot I in Block			
96 in Moston brist Lavel adde to Boria	#90		4
Tenofits to Com		\$ 180	790
Compensation to the own of Lot Din			
Block 96 in Morton, Vons y Lavelle	# 90		
Renefits to fan	10	FISO	#90
			1

Compensation to the owner of Lot 3 in			
Block Ho in Morton, Vinis & Lavelle added to Ferria	\$ 90		
	\$ 90	\$180	790
Engentations to the owner of Lot 4 in Block 16 in			
Morton, Vonix Laveles addr to Feor	# 90		
Benefits to Ram	\$ 90	#180	#90
Compensation to the owner of Lot 5 in Block 96			
in Morton Voris & Lavules adde to Feore	#90		
Compensation to the owner of Lot 5 in Block 96 in Morton Voris & Lavules add to Feore Benefits to Rame		\$180	#90
Compansation to the owner of Lor 6 in Block			
Compansation to the owner of Lor 6 in Block To in Morton Vone & Lavule add to Bona Benefits to Some	90		
Benefits to time		180	# 90
Componention to the owner of Lot I in Block	5		
Tim Morton, Von's Vavules add to Peria	#75	11	
Componention to the owner of Lot I in Block Tin Morton, Von's Vavales add to Perion Benefito to Dame		7150	# 75
Compensation to the owner of Lot 2 in Block 9; in Morton, Von's & Savulle add to Feoria	> //		
in Moston, Vons & Savulle adder to Reona	# 50		4
Benefits to Dame		#105	#55
Compensation to the owner of Lot 5 in			
(Dlock) I in Fallagher added to Feora	#25	-	A
(Dlock) I in Fallagher added to Feora	#25	75	# 50
(Dlock) I in Fallagher added to Feora	#25	75	# 50
(Dlock) I in Fallagher added to Feora	#25	75	# 50
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to lan	#2)	#7	# 50
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to Cam	#2)	#7	# 50
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to Cam	#2)	#7	# 50
Benefits to Dame Compensation to the sooner of Lot I in Block of in Tallaher add to Feon Benefits to lan	#2)	#7	# 50
(Dlock) I in Fallagher added to Feora	#2)	#7	# 5
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to lan	#2)	#7	# 5
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to Cam	#2)	#7	# 5
Benefits to Dame Compensation to the owner of Lot I in Block of in Tallaher add to Feon Benefits to Cam	#2)	#7	# 5

Compensation to the owner of Lot 3n' Block of in Fallahen added to Peon's #25

Benefits to Darn #55

Componention to the owner of Lot 4 in Block of #25

in Gallahen added to to Peon's #25

Benefits to Dama #75 Benefits to Dame Componsation to the owner of Lor I in Stock

Nois Fallahol addulu to Perios \$2.0

Benefits to Dame \$\$\$ \$60 Denephs to Came \$\ 60
Compensation to the sunor of As 2 in Block

Non Gullaher added to Ferry

Compensation to the own of 1 3 in Block

Non Sallahe added to Ferry

Compensation to the own of Set of in Block

To Caclesher added to Ferry

Compensation to the own of Set of in Block

The in Caclesher added to Ferry

Compensation to the own of Lot 5 in Block

The in Gallaher added to Ferry

Compensation to the owner of Lot 5 in Block

The in Gallaher added to Ferry

Compensation to the owner of Lot 6 on

Boneph to Ram

Compensation to the owner of Lot 6 on

Block, It in Gallaher added to Ferry

Benefith to Para Compensation to the owner of Lot 4 in Blook Din Gallahers #3 98 adden to Jeons Boneford Co Dan

	1	1	
Din Sallahers addelin to Paria	1		
9. 200 1	# 3		
On Callaners addium a peona		£ 11	#8
Tenefils to Dam	-	/ //	18
Componentin & the runes of Ist 6 in Block			
	f -		
d) in dallahers addute (Kon a)	1 3	-1	-
Tonefiles to Dame		20	F15
Company to the owned old To Black			
D'And all O	# 10		
VI, m stillation addu to George	10	4	L
Denefit & Dam		30	#20
Companyation to the owner of Lot 8 in			
De 1. 0 G 1 1 1	\$10	7473	
Genefits to Came Componentin & the owner of St 6 in Block Din Gallahers added & Rona Componentian to the owner of St joi Block D, in Sallahers added to Peria Componentian to the owner of Sort in Dlock D, in Gallahers added to Prona Componentian to the owner of Sor Jin Block D, mi Sallahers added to Peria Compensation to the owner of Sor Jin Block D, mi Sallahers added to Ferria Done for to dame Compensation to the owner of Sor Jin Block Done for to Dame	10	A.	41
Tenefits to James		50	#40
Companyation Co the more of Lorge Black.			
O Gul - W. CO	# -		
T, on Vallahoro addelin Co Jeona	0	#	#
Thonefor Go Dame		20	15
Companyating to the more of IN 13 a' Broke			
la :	# -		
Componention to the owner of Lot 13 in Block C, in Sallahors added to Ema	0	4	4
Denefold Co Ram		120	#15
Compensation to the owner of Lot 14 in			
Benefits to land Sort 14 in Block & in Sallahors addition to Peon'a	\$ -		
Hoer (O in dallahors addition to Jeona	0	4	A
Denefilo Co Dame		25	\$20
Compensation to the owner of Lot 15 in			
Rolling & FRI	# -		
Block Con Jaleahen adde to Peon's	10	#.	4
Benefits to Rom		30	#25
Compensation & the owner of Lot			
16 Be Be B			
16 in Block & in Gallahol	11		
additue to Ceona	#10		
		A/60	450
Denefits to Dam	1	00	100
	-		
		11	

	1	1		
Compensation to the owner of Lot 17 in Block	1			-
Pi Hallahers additu to Pena	#10			
Banadah F. Dan		\$45		\$ 35
Bit to the State Boxle.				
Compensations as the storm of Lot 10 in paron of in	#10			
Vallaha additi 6 leona	10	\$		# 20
Clenefots to Rame		40		00
Compensation to the owner of Lot 19 in Blocks C, in	4			
Lallahes addela la Feor	5	#		gf.
· Odenefits to Ram		30		25
Compensation to the owner of St 17 in Block E, in Benefits to Dam Compensation to the num of St 18 in Block to, in Sallaher added to Feorial Compensation to the num of St 19 in Block E, in Sallaher added to Feorial Compensation to the num of St 20 in Block to man benefits to Rom Compensation to the num of St 20 in Block to, in Gallaher added to Feorial Benofit to Ram	di			
le in Gallahes addely to Peonia	P5	1		2
Denofit to Ram		125	-	120
9				
Commissioners 1et Report]	1
Hodney Tuleifor Tdays lowices \$ 10.				
Lewis Keyon 17 " " 34				
G. L. Ryons 8 " 16)			#60	
Communicationers for on 2nd Report				N. P. III.
Lidna Fulnised II days Rovorces 22				
Contract of the state of the st				
2			\$86	
9. L, Pryors 11 " 22)	1			25
D. A Malen for Rummoning bother for City	-	7/8		8/5079 =
	1	1	1019-8	100/9
all of which with accompanying document	2			
are despectfully submitted		-		-
Witness our hands and leads of Perria leity this e	Covert	L day	of	
1 1859		1		1000
Sidney Paleifel Cevis Veyon 9, L, Pryors	(So	28		
Civis O Coyon	Exa	ala	}	
J. L. Pryord	(Ros	00	-	
	10			

Notice and Proof

State of Selinois 3 6 Motice Chaning and extending of Mashington County of Peonia. 31 I Dr. E. Seel the firster and Street through Mills addition to Roma Who tice to owners of Lots and Lands published of the Daily and Weefely Notice is horeby given that the branz cript a pable newspaper, fried Second report and calcarment of the com- and published in the laity of leona in missimors appointed by the county court the country and State aforcead do of Fronia County to access the amount of com hereby certify that the anneyed Trensation and benefits accoming to the owners notice, has been published 14 different of lote and londs by reason of the opening times, in the Raid public menspaper, and extending of North Mashington Street that is to Ray, in each and every, through mills addition to Good Dity feet in copy thorough, of the following dates width from the East wide of North Tayette chart respectively to lord; to Washington street in Morton Vine and La- First . The 14 day of Nov A.D. 1859 Veilles addition to Feoria hasbeen returned by said Te cond the day of AD 18 Commissioners to the Judge of the County Court Third The day of A,D, 18 of Rona County and that on the 25 day Fourth The day of 1,2.18 of November A. D., 1859, the laid Report and Fifth the day of A.D. 18 accommont will be confirmed by the said county Fight The day of court, unless legal objections to the Last the 28th day of Food A. D. 1859 Confirmation of the lome be made by Rome peron interested therein IN Deshinony Whereof Deon's Ovor, 12,'59 - dtd have hereinto Rubsented Chas Mettelle my name at Jeona this Clerk County Court Leona County twenty eighth day of Not Friter and Publisher of O Enfor full cation #11,20

Georia For, 29" 1859 At a meeting of the City Council of the City of Rona held at their Chambers in Raid leity on the 17 day of March Ot D. 1859 the following proceedings were had "to wit," Mr Davis offered the following which was adopted Reshed that all resolutions heretofore possed by the leity Corneil of the leity of Ferria in reference to the opening miles addition to said leit, be and the same and hereby resemded Oldved, that mushington Street be of ned and extended through mies addition to Pana Outy feet in width from the East Ride of North Suyetto Reset to Washington Obsert in Morton Vons and Lovello addition Medolved that in the opinion of the leity Council of the leity of Feoria or is necessary to late proste property for the purpose of opening and extending Washington Recht through Mices addition to Kenn Right feel in with from the Gast Ride of North dayette Street to Washington Street in Morton, ton's and Lavelles

O And at a meeting of Raid City Council held as aforesaid on the 7th day of none 1859 the following proceedings Were had do wit The Engineer and Surveyor laid before the Board the Rar and Juney of Washington street showing the lines of Raid street and the lots through and over Which laid street will now in opening and exten ding the same from the back eide of North Layette abreet to Washington Street in Morton bois and Lavello addition, and after examining laid Par the Rame gras approved of by the council Me Davis of fored the following Toolved that a committee of lus be appointed to nego teale with the owners and agonto of the lots and land through and over which Kashington Street will now in opening and extending the lame through miles addition to Frona as represented on the plat and Survey of Rain Obrech the's day presented by the leity Engineer and Inveyor and approved of by the Council as to the finee at which that postion of the lots and lando necessary to be used in opening and extending Raid Street, can be pour Chased by the City of Serna This resolution was adopted and Mosers Davis & White lovere appointed the Committee (Ind on the 2d day of August 1859 at another (Meeting of said city commail held as aforesaid the following proceedings were had Met Mule & Davis from the Committee to which was referred the business of negotiating with the owners

and agents of the land and lots through and over which Washington Street will run in opening) and extending the same Chrough miles addition to feona, do to the fince to be paid Raid owners for the land and lots necessary to be taken for laid purpose reported that they work imable to agree with the Raid owners as to laid fince, and offered the following resolution Resolved that the City Council of the City of Coria is unable to agree with the owners and agents of the Owners of lots over and across which Washington Street would now as proposed to be laid out and that the leity Corneil as horeby decline to pay the Raid Cums of money or any of them claimed by Raid owners and their agents. The report was received and filed and the resolution was adopted. a time copy from the Durnal of the pro Ceedings of the leity Council, Winner my hand and Deal of the Raid Cety of Forma Das Mounningham City Clark, Late of Meinow City of Penia Cenia County 3 . Mo In Curmingham Class of the Ceity of Peoria, Ema County and State of Selmins de horoly entify hat N. G. Sal, was on the 4 day of January 1859 elected bity finder for and during aid year and that he who proprieto and publisher of the Toni Daily drome oright a Daily paper Justicher in laid bety and that the same is the official paper of said beity and as luck it is to only paper anthongod by law in laid beity to forblish all ordinance and ontices provided for by the ordinances of Rais leity and all order of the City Comeil of said leity in reference to the spenning and extending of wheek Ve. Witness my hand und the confer ato Destof Raid bity this 28 day of November A. D. 1859, Eday & Jas M. terminghom City class.

84 State of Melinis Tema County 3f. In the County Court In the matter of the September Sorm A.D. opening and extending Washington Obreet Chrough Miles adar to Washington 1859 Theer in Morton, Vons * Laveilles addition to the Ceity of Jeona I fra now Comes the City of Peria and makes her motion to Confirm the assessments made by the Commissioners (appointed by this Court) vfiled in this Court order judgment on Raid Casesments Ally for City Veld at the Court House at Form for Probate and other business on the 3d Monday of July being the 18 July 1859 Present How Fr, Souches Pludgo

" Charles Mettello Clerk a John Bryner, Chenff.

Monday Mug 8th/ 59 The Matter of the opening of Washington Street from the East side of N. Sayette et, this Prices add to Mashington It in Moston Vonis & Laverly add to Ferria. This day Cometh is Conor My Hamilton Mayor of Feora and presents his Potition for the opening of Washington St. Chrough Mills addition Commoney from I Stayette It and forning laid Washington Citition is ordered to be filed mois held at the Court House in Penia in laid County Wherein Besiding is Hem Wellington Loucks Es Judge Charles Metter class John Bryner Ohff. 10 anday August 15"/85" In the malter of the spenning Of Mashington of this Sidney Pulsifer J. L. Pyors and Lewis Veyon (In Commissioners to open and extone tron lington Wheel the for petition filed in this Const and the land Trans Villefes, D. L. Myors and I Neyon are ordered to appear in open court and be qualified as ench

86 Thursday Theg 18th /59 In the matter of the oponing The Machington Street throw You Fidney Pulsifed, Lowis Treyon and G. S. Pryon, Communicioners cappointed by the court to open Waching ton Pt, to and in open court took the oath presonled by law; wherespose the court doth order a continueance of this matter to to 30 Tept, nort. held at Court house at Pena for Bobate and other business and Freent Hoon Wellington Loueks being Judge presiding Charled tettetle Clark and John Byros Charles tettetle Clark and John Byros Charge Honday Tept 19 to Orday Teptember 30 + 1859. In the matter of opening and extending Wachington Street through Mills addition to Washington Street in Moton, Voris & Levelles adden This day comethe Veter Dandson attorney, for the lety of Ferna in pursuance of an order Heretoford made appointing this day for the hearing and disposing of the matter to mentioned in the petition of the Mayor for and in behalf of Raid City, of Peona, Thereupon it also appearing to the court that the

Commissioners appointed by this court have duly felical

their Report with Kar and Good of publication of hotice to ace to whom it may concorn in this matter and Raid Davidson attorney above named, doth also enter his motion that Raid Report by the Commissioners as aforesaid be by this Court Confirmed and judge Ment Vendered in this Cause, Whereufon it appearing that bundy objections and Demonstrances have been filed in this court against the opening of Raid Street and Report on set forth by Raid Commissioners, The court willing to wait for a farther hearing of this matter dothorder that the Rame be continued the the 1er of October, to morrow at 10 oclock Of Offer a turday Colober Jer In the matter of the opening and extending of Washington of Through Whiles addition &co This day the Court doch Order that this Cause and all matters and things of the came be continued untile Monday next at 10 oclock Ox, No, Woonday October 3" 1859 In the matter of the spening to The Miles to Moton bon's & Lander adden to France This day the Court doth overnile the motion here toford made in the premises for the Con firmation of the Report of Commissioners on this Caxe and Judgment in the Rame and the Const doch order & diene that Raid Hopor be referred back to

Laid Commiss for the following reasons to wit! I for remembered that on this third day of October A. D. 1859 the Pauce Came on to bo heard outhe motion of the leity of Fina by its attorney to confirm your laid report and vender judgment on the same and object tions having been made by owners of Lots affected thereby to the Confirmation of the Rame and the Coult having duly Considered Raid objections and being fully adviced in regard to the Rame doth order and adjudge that Raid motion be overuled and the Report of Raid Commissioners to hereby ordered Defend back to some Commissioner for the follow ong reasons to wit They have and in making inadequate assessment of Conferention and damages in the following lots Lot No 17 and 18 in Ronge no 1 Hoff Of of Lots Nº 15 in Range Nº 1 ON haef of " 10 " 3 10 de 11 1 1 1 5 " " 12 in Range No D) Shalf " " 11 " " Nº 8 " , 2 " , N°5 "1.2 and 3 " " Nº 6 They will alex Consider and determine again the amount of benefity Cosessod to Lot No 11 in Ronge to 2 ales Jots Nº 9 4 10 in Range No Ly It is also ordered hat the Olerk ciano trommond to Raid Commesion ex to appear before the court to take the oath presented by law and also have served upon the scoping of the orders of court in this behalf and to deliver to

them all the papers in Raid matter together with their report on on the tweefth day of October and that they again proceed to do and performace made and provided and make their Report thereof as Roow as may be or the law Commando Chem Proceedings of the County Court of Jeon's County and State of Belinois held of Geord for Brobate and other business and being present and presiding Topasteo Kettelle Clerks in Bryner Shift. OMonday Ofovember 21 er 1859 Auceday Ofwember 29th 59 In the matter of opening Washington Street Oance be continued untile to morror a 10 oclock of, OMO. Hedraday Powember 30" 59 The matter of the opening and extending Washington Obsect Order of Judgment. Cough millo addition to Ve appointed by this Court on the 15 th day of August Of D, 1859 to aperstan und assess the damages the damage and recomposed due the owner of lots and lands by reason of the opening of Machington Street Chrough and over the Rame, did on the 11th day of Boomber ON, D, 1859 return to this count of the amount of compensation and benefits ac-Orning to the Raid owners despectively and it ap-Tearing to the Ratisfaction of Raid Court that the Raid Commissioners were duly Rummoned and Ruom and that the notices beguned to be given according to law and this ordinance were duly given published and sorved by the Raid Commis Remons med the proper officers, and all persons objecting to the Confirmation of Raid Report haring withdrawn the Rame and allthoowness of lots and lands interested by reason of the opening of land street having bear three times lolennly called and they having made default Horein, It is therefore ordered and adjudges that Judgment be rendered against the following Tota and track of land for the Rum of total benefits let opposite the Rome respectively and allo for a proportional share of the costs of the proceedings in the premies Description miles addition to Foris miles addition to Feon 203 miles addet lo Peana 60 miles additu la Perria 5-43 200 5-93 Milas addition & Rona 60 mice addition to Feon 500

JAS. B. SMITH & Co. No. 27 S. Seventh Street,

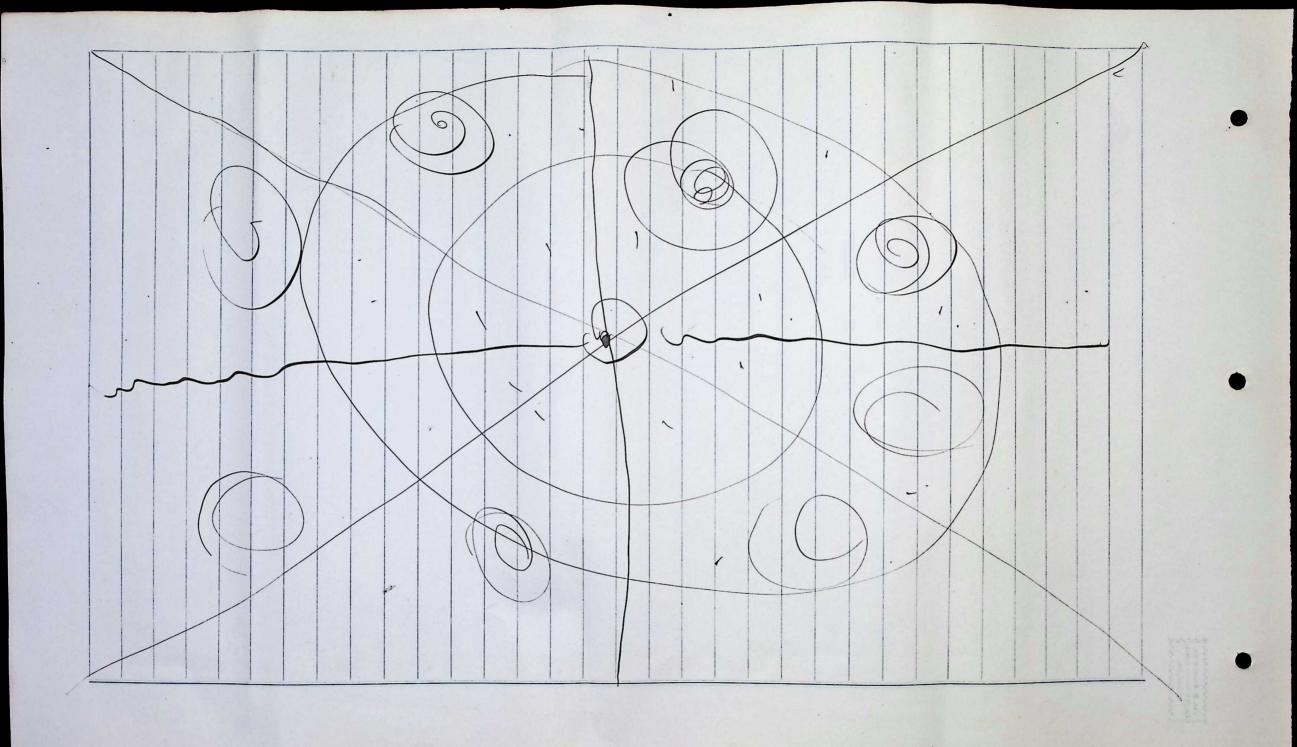
> Miles additor la Peria 8 2 5 03 50 Miles addely 6 Leona 9 2 75 503 Miles adden & Perria 503 10 20 100 Mises addella le Perna 11 2 135 Mela addilin 6 Peon 15 2 225 miles addition to Person 16 2,100 5-03 Mills siddlen to Poonia 5-03 17 50 millo addelien to Perna 18 5-03 2 30 men adden la Cem 19 2 25 3 4 00 mels addin a Pen 3 40 Miles addulu to Peon 6 3 60 miles additu la Per 3 80 miles addition to Peron 8 3 150 Millo addition to Perne 3 200 Mills additions to Round 13 3 150 mele addition Go Peona 14 3 100 melo addulm la Feores 3 75 15 mels addelin to Rona 3 16 50 5 0 melo addelin la Peone 4 50 5 03 mels additu 6 Pen 4 75 mills ceddelin Wena 3 4 100 N= 70 8± \$ 80 4 4 150 melo addition to Person 503

Description	10	P	Total Bonfo	0
jucor			1	1
Millo addelar Coleona			200	5°3
mels addelion to Peona horth hacf			75	503
mels cuddelion 6 Rema Inch hay			40	5 03
melo addition to Peona hot harf			80	503
Mules adulm to Peon'a South hay			70	503
Mels addilm to Ferres			75	5 03
Mes addden 6 Rosia			50	503
mels adoleten la Roma			40	503
mees addelion to Ponia hoth hack			50	503
mels addition to Perio and hall		5	75	503
melo addelion Co Perna Both hall	1		120	503
mels addum & Perne South back	6	5	100	503
mels addition a Rema	7	5	160	503
mas addition to Roma	8	5	100	5 03
Much addition to Peona	9	5	75	503
miles addeless & Peona		5		503
mely addelion to Rona		5		503
Mules addition 6 Pena		6		503
mels addition to Pena			75	503
mels addelin G Pona	6	6	50	503
Mes addelier a Pena	7	6	30	503
Mes addelin Go Feona			100	5 03
Mills addelin a leonio	2	7	75	500
miles addition to Person	3	7	50	503
mels addition to Bona	4	7	30	503
maes addelin 6 Feora	1	8	40	503
mels addelin G Parra	2	5	20	508

		Sot	Block	Jot 13	inf	Pam
93				John 13.	0	f
hitz of Feora		/	1	300		5 03
bity of Perna	Asfect of, Ist 2 adjourning for	1		200		5 03
hely of Rona	As feet of Lot 2 adjoining Lot 24 feet from Sot 2 adjoining Sot 33 in Block 13			100		503
Pelyof Peon	i Block 1 }		- 1	300		503
ledy of Rome				300		5-03
Perly of Rem		5	1	300		5-03
esty of Com	32 feet on Washington street Commoncing					
	at the corner of Washington & Hamilton dreets by 82					
	at the comes of Northmelow & Hamilton dreets by 82 Sect Mor or fe for Hamelow clouds by 82 got of lor		2	100		5-03
dy of Rona	Stupatfront on Wachington Commonery 32 pectfron					42
0.	the Corner of Washington and Mimilton Streethery fortylor		2	125		5-03
ity offena	48 feet front on Washing to street being fort of dot					503
PL 22	2 adjoing St 1 in Block 2	21	2	150		J
etoffeon	24 feet front on Washington street being part	2	2	75		508
But B Pen	of Lot 2 adjoining Rot 3 in Block 2			10		
8 9.4	36 fort front on Washington being front of lot	3	2	1/2	20	503
Pedrof George	3 adjorny Lor 2 in Block 2 36 feet from on Washington street being part					
9	of for 3 advan. Let 4 in Block 2	3	2	112	50	203
Pet of Peone	of for 3 adjoing lot 4 in Block 2			225		503
Ly of Ron			2			503
rely of Korn	hast of lot 6 Blk 7 in Coly of Peona					•
00	beng 31 feet front on From the by 72 feet					
o de la companya de l	on Washington Recet	6	7	100		503
bely of Room.	. 24 feet front on tracking la elect being part			-		0.3
2.	dot 7 adjuming los 6 in Black 7 in les fevre		/	75		500
by of few	+ 48 feet front on Washington At being party	7	5	1-		جميم
	Stofagony lot 8 in Best To City of Penn	-(-	150		503
		1				

44 bely of Reone 24 fact front on trackington drest being a fast of Sor 8 adjourney lot Joi Bekt 7 ni oug Reon 8 7 75 Roty of Reon 24 feet front on Tachungton dreet being part of for & Commencery 24 feet from the line divide of 748 n Block 7 cy of From 8 7 Cey Peous 24 feet front on Washington street, being led from g for 8 adjoing for gin Block John 8 7 75 ledy of Bona 24 feet on Washington sheet being a part of lot 10 adjoining Lot 9 in Bluck 7 cy Room 10 7 75 ledy of Rome 24 feet front on washington their bery part of Lot 10 Commencery 24 feet from the line dividy Sot 9 + 10 m' Block 7 in coly Par 10 7 but of Rona 24 feet front or Washington dreet on the com Council etreet leng fort of bollow Block 10 7 75 Block 8 in the city of Born 68 184 Belgof Bon 22 feet from You Washington West beg party Los Commency 44 feet from the Come of Washington and Hamilton Strubi Block
8 in city of Lever 68. 91 ledy of Row Geet front on Trachington dres beng par of bor 6 agoning lot Ju Block
8' in the leely of Reaning 6 \$ 25 18 feet front on Washington dreet beng part of lorg agoing lot 6 in Block of on the cry of Ferm 7 8 .75. Jas, B. Smrn & Co. See 27 S. Seventh Street, Philadelphia.

			1			
	Description	101	Black	Total F	Posts	En co.
ly Rown	18 fet front on Washigh dreet beny part of			Dolo	cto	dot
AL	117 Com let 40 fl 1					
70	Sto 67] in Block & in city Geom 36 feet front on Washington cheet being	7		70		٥- م
	Sto 67 in Block & in city feom	1	0	1		ۍ °،
y Kom					1	
	feart of Sot 7 adjoining Sot 8 on Block 8 on Carty	-7	8	150		50
	Reona					
	City Peona	8	8	300		503
ly Room	36 feet on Washington dreet being part port					
8	of lot I adjoining Lot 8 in Block 8 m cy Feore	-	8	150		50.
r Peona						
	36 feet front on Washington doct being fat	9	8	150		5
LOP.	of Lot 9 adjoining Lot 10 in Block 8 in cely of Room			700		0
of Jeona	Mar part of lor 10 fronting on trashington					1
	Street 72 feet at the Corner of Jayelle street				-	
	in Block 8 in cely of Bona	10	8	300		5
	City of Reona	2	18	300		50
	City of Feora	1		175		5
Leona	estable of the hall'			1		
	21 feet to anotes front on Washington chartbeing					1
	the touthwardly /2 of Sot 4 in the fuldivision				1	
	of Lots and 3 of original John Block		-		-	-
	18 in city Poona (eut)	143	18	88	50	5
ty Peona	21 feet 4/2 on ches front on Washington etres					
	being the Mother ely/2 of for 4 of the subdivision					
	of original toto I and 3 in Block 18 in					
	cely of Bona (sub)	143	18	88	50	50
ty Peona	St. Nº3 in publicasin of many let					
	St Nº3 in subdivision of original lots	10, 2	10	177		-03
-0	173 in Block 18 in city of Roma (sub)	110	18	111		J
y kona	- 45 feet front on Washington shoot on					7.77
	the Corner of Jayette street, being port of Sot 7 in Block 19 or cely Room					
	Sot 7 i Block 19 m C. l. People	7	19	187	50	503
	- many			/		



Jas. B. Satra & Co.
No. 27 S. Serenth Street,
Philadelphia.

and a contract of the contract					
12 feet front on Frachington dreet being part of for 7 adjoining lot 8 in Block 19 in coty Rome.					
of tot 7 adjoining lot 8 in Block 19 in coly Rome	7	19	50		5
	8	19	237	58	50
	9	19	237	50	50.
	10	19	237	50	50
	11	19	237	50	50
	12	19	237	50	50
	7	22	237	50	50
	8	22	200		50
A		1	30	1	50
Morton, Jon's & Savulles auch to Room	1	1	25		50
Moston Vors & Lavelles addto to Peona	2	1	90		50
Morton bono + Lavelle, add to Roma			90		50
moston bon's + Javelles add to Bona	1	1	90		50
morton Vorio & Lavello add to Perra		1	90		50
Morton Jon's Lavenelle add to Rosia	-		90		500
modow bone & Lavueles add to Ronia		44			500
moston bons & Langiles add to Roma				1	50
Morton bois & Lavello add to Perno		1	1		503
Morton bon's & Carrello add to Peona					50
Moder Con's & Levels add, Go Peona					5-0:
Morton Como & Lavalle add la Feona		1			50
Moston Vono + Lavelles add to Cona					5-03
Mother Visis & Lavelles add & Feen					5-0:
Motor Von's Lande add to Ferna					5-03
Morton Vons & Laverles and to Porie					5-05
Morton boris Lavelles add to Come		7			503
Moston Vons & Levelle add to Forum					503
floron vons / servelly add loteorum	-/-	(00)	70		0
					13:19
				-	-

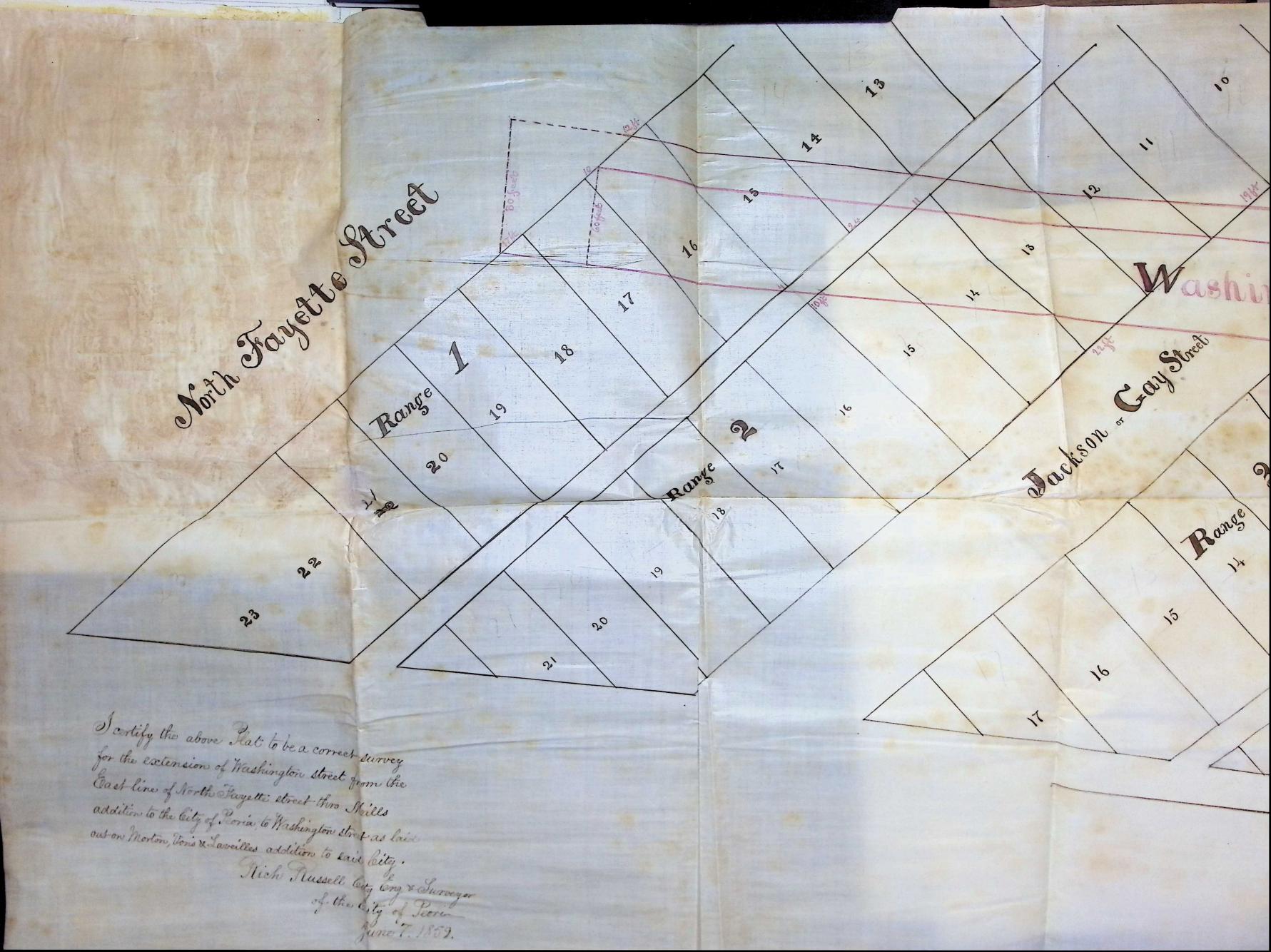
97 Description Lot Book Total Bonefito Fo Cods dolls of dolls Miston Con's Lavell, addeling for Leon 10 65 90 11 65 90 Moston Vons & Lavalle addelinto Kora 503 12 65 90 Moston Vono VLavelles addition to Perna 500 Moston Vois & Lavelle add to Perna 189 90 500 Morlon bons Lavelle add G Penna 2 89 90 Morton Vous Larello add to Peria 3 89 90 Morton bon's , Lavelle addlu to Leona 489 90 503 Morlow bons Havenly addto to Kevia 5 89 90 508 689 90 Moden bon's & Lavelles addto to leona Molon bono Lavrullo adden to Peona 7 90 90 503 Moton bons Valarally cedella lo Verna 503 8 90 90 Motor Cons Lavuel, add to leona 9 90 90 5 03 Motor Cores & Lavelle adden to Ferna 10 90 60 11 90 60 Moder bons & Lavulle addle to Peona 503 Moston bond & Laveul, addle to Bona 12 90 90 Morton Vons VLavelle add to form 195 90 Moston bon's VLavell addto to Peria 2 95 90 503 Mortor Vors & Lavulle addn to Peone 3 95 90 Mortor bons & Laveul adduto Roma 4 95 90 5 95 90 Morton Vons & Lavuelle addute Rona Morton bous & Lavello adde Coleona 6 95 90 Moston bons & Lavels addents From 7 91 90 503 Morto bory & Lavelles addle to Peon 8 91 90 503 Morton Vons Havelly adduntoleon 991 90 503 Motor Von's VLaveules addely to Peon 10 91 90 503 Moston Vons & Laveulle addelu la Per 11 91 90 503 Moston bono & Lavelles added Noteen 12 91 90 503 motor ton's & Lavelle addelin to Pers on which the Peono Bu con Valley Rail Road Defot a built 30/1 12344 91-227 25 500

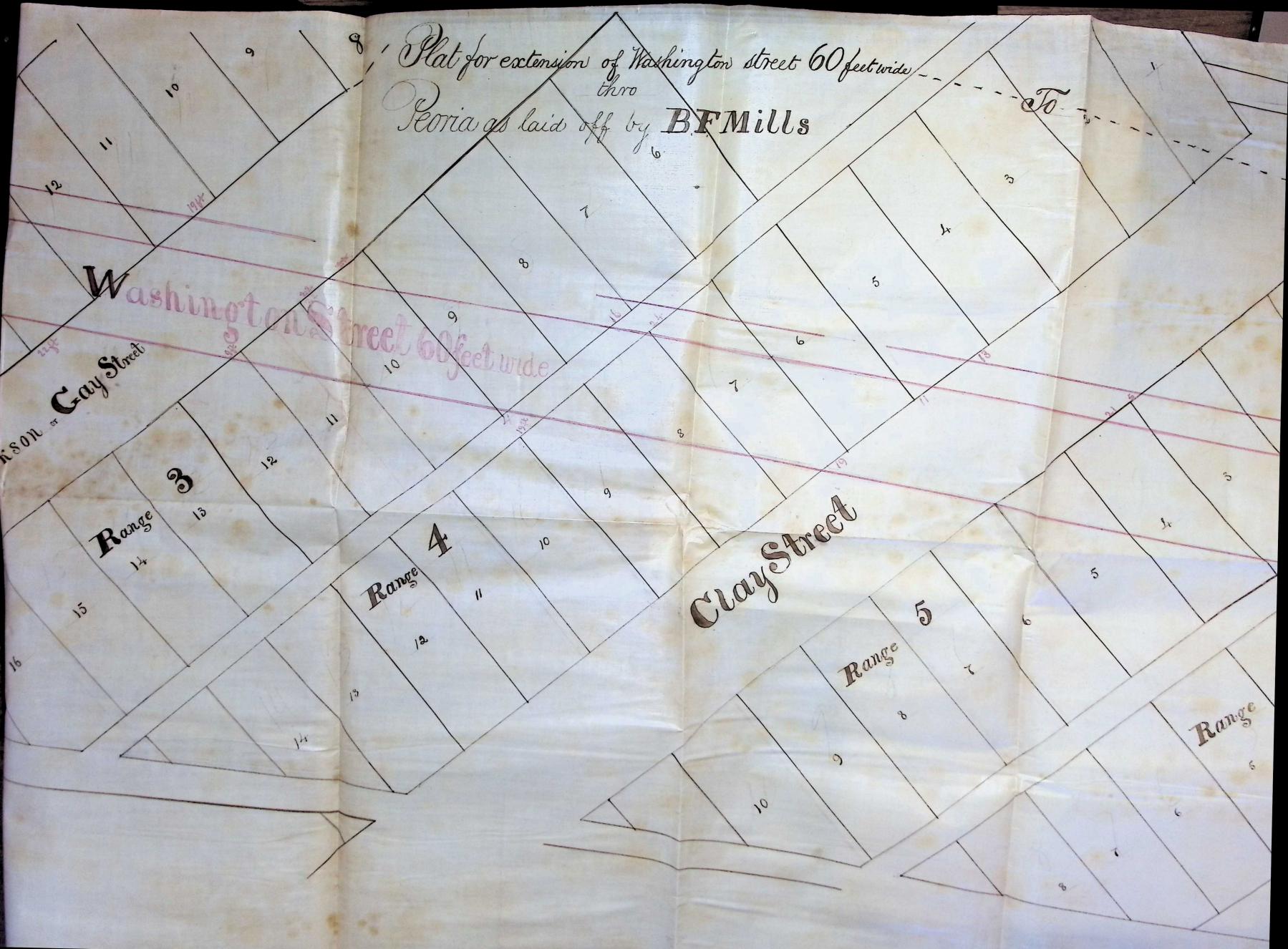
Moston bors Lavuls addle to Reora 5 03 Mostor Voris & Lavenly addle to Rona 503 Moder bois & Lavenly addelis to Per 503 Moston bons & Lavels addely to Peon 503 Morton bons y Lavelle addul lo Rom 11 92 75 mostow bon's + Lanules addlin to Peour 503 Morton bons & Lavulle addunto Rosie 1 96 90 503 Mora Vors & Lovels adden to Rome 2 96 90 503 Morton bons + Lavels adden to Feom 3 96 90 503 Morton Cons Lavulles addle to Reona 496 90 5 96 90 503 Morter bors & Lavelle addely to Bon 6 96 90 Morton bons Lavelle addely lo Peon 197 75 503 Moston bons Lavilles addulu to Rona 503 297 55 503 5 9 50 Gall where addely to Keom 10 503 Tadahan addely to Perin 2 3 15 503 Gallahers addition to Peoria 3 9 30 503 Gallahen addu to Peona 4 8 50 Gallahers addition to Peona 503 Gallahers addition to feon 1 7 40 503 21/ 30 503 Gedaher addely to lever 503 Gallahus additulo Peona 3 7 30 Gallahes addulu lo Bona 4 7 30 5 03 Gallaheo additu la Peria 5 K 30 Gallahes addition to Peona 6 X 30 503 49 Gallahes addelu la Peona 5 5 03 59 Taceaher addelin to Ferna 503 Gallahos addelin to Feon 69 15

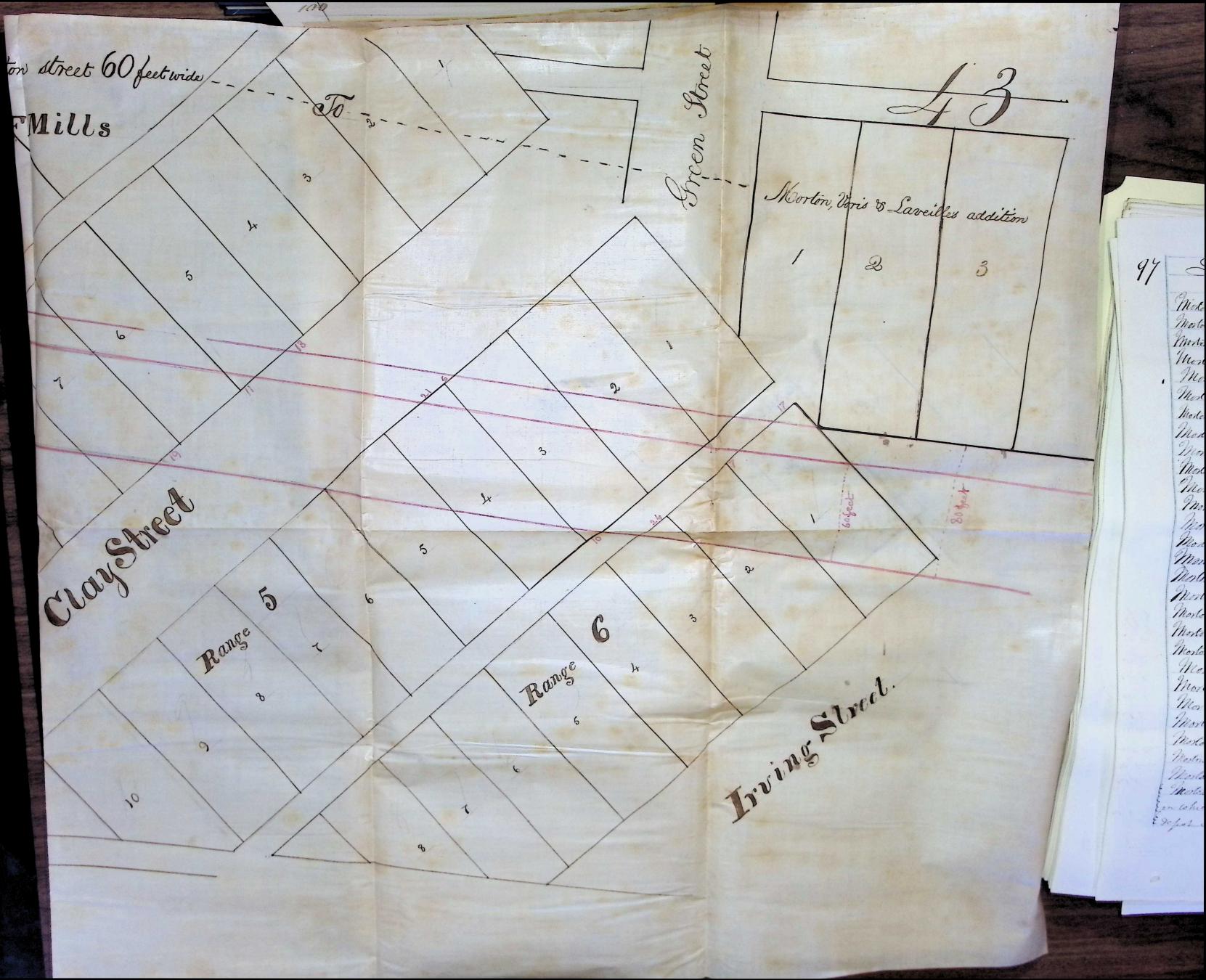
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Gallahow addlin to Leona				
Con a con a con a	7	9	20	5 03
Fallahers addition to Peona			40	503
Gallahors addition to Peona			15	503
Gallahes addelin la Porra			15	503
Gallahes addelin to Perna		_	20	-0:
Gallahers addituto Peoria		_	25	5-03
Gallahen addition la Perra			50	503
Gallahes additu to Pernoe		6		503
Gallahors addition to Ferria			30	502
Gallahes addition to Roma		13-1	25	5-3
Gallahis addelu lo Peoria	20			503
				1
and it is further ordered and a	djudg	ed	Chat	the
said Report and afrefment of the				
be conformed and that execution can	me to	he .	Thony	flot
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Sarin & Co. Estrin Bornes Color Range Row







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

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Anelver

And afterwards to ust on the first day of March in the year of our Lord one thousand eight hundred and Deyly one there was fled in the office of the Clarks of said Court and in paid Cause the an Ower of the defendants therein and the replication of the plaintiff thereto, which daid answer and replication are in the words and signed following lowint:

The City of Peoria & Forcia Serm 1861,

of Feoria County,

The City of Peoria & John Bryner Sheriff of Peoria

County to the Complainants Dice of Complaint filed

in this cause. in this Cause. Da'd Refendants Daving and re-Derving all exceptions to Dais Complaments Dies They admit the passage of the ack of the Soneral alesanbly of December Ind 189 sund of Stebruary 12th 1855 and the passage of the Ordinance by the laid Eity of Teoria of the 30" actales and Oct forth in the Complainants bill Mey dony that Do for as they are Mornor repregnant to the Emplitudion of the State Defendants furthering Onewering admit August 04. D. 1859 & Otile is and from that lime

hitherto has been the owner of part of Nor hotour in Block no two, in the original Som of Feoria being [2 feet on Washington Street by 85/2 feet deep as stated in his bile They admit that the Mayor of the City of Feona did on the sh day of August A.D. 1809 file his polition in the County Court of Peoria County as stated in Complainants bile, That Commissioners were appointed, who made a report which was rejected by the Court and the matter was re-Leved again to Raid Commissioners who again Deported as Stated in the Complainants Diel. Defendants further answering admit the giving of the Deveral notices as stated in Complainants Bile and exhibits and admit that Do far as they are advised no other or different notices were given of the fundancy of laid proceed Whether the Raid Complament had any actual notice of the pendency of the said proceedings to that he could have appeared and defended or (aken a bill of Exceptions or taken an appeal to the Supreme Cons, these defendants are not fully advised and Can horoford neither (Amit nor dery the Same, they Dubris however that the notices and proceedings in they appearand were published in the Moord are forefor and legal notices and Rufficient in law to brid the sid

Complaint and all others interested in the property

Indgment was vendered and execution we wed for

Defendants further answering admit that

affected by said proceeding.

STATE OF STA

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assessment & Costs to the amount and for the sund Stated in the Complainants bill but dong that any more costs are charged of Dought to be collected of faid Complamant O'lidde Than he is legally bound to pay, That the defondants further answering Thew & plate to the court that the assessments made for the opening of the Raid Street, including the assessment made upon the lot of the Com flainant are as uniform and equitable as the nature of the Case and the Circumstances would fermit and that the Raid lot of the Complainant is benefitted to the fuce amount and value of the judgment rendered against the Dame I And the Daid defendants further answering State and Then to the court that the Record and Cyhilis Tiled in this cause on the 4 of September 1860 is a true Complete and perfect Record and history of the proceedings of the defendant & the bity of Foria and of the opening of laid Street in Complainants Bile mentioned and the defondants refer to the lamo and make the whole of laid Record a portion of their aneway in this Cause and Submit and moist that the Rame and all the proceedings of Raid defendants as they done pursuant to law and the Ordinances of the City of Fronas in Ruch cases made and provided; and the laid defondants further conserving state that although they admit that the said lot of the said rom planant is Detuded Some distance from that Lings is Dought to be opened, Bet they state and

There to the Comt that dried Complainants lot is on machington direct of which the part dought to be opened forms a Continuous portion; and that the said Complaniants let hier be Greatly benefitted by the opening of the Ramo and that all the lots along and upon paintrach Englow Street beliveen Raid Complaments lot and that portion of Raid Street Dought to be opened as aforesaid, and ale assessed for the Opening) of said Street in proposition to the bonefits. acoming to each as will appear by the Plat, and Report of the Commissioners appointed to assess the These defondants also attach to and make part of their answer in this Cause a map of the City of Teoria, Thewing the location of Raid Washington Theer, the Complaments lot before described, together with the function and location of the fortion of said Street Dought to be opened as aforesaid. Jarray that they may be decorresed with their conts John Brynes by their oblicitors The Brun City ally Or Ho. Parple! of Perna County Selmois August Sorm A.D. 1861 Hvin Meddel Replication The City of Teoria Country Alvin She replication of the Complanians Alvin JAS. B. SMITH & Co. So. 27 S. Seventh Street, Philadelphia.

Middel to the answer of the defendants the City of Peona and John & Trynor Thoriff of Poria County to the Complain ants (Till of Complaint filed in this cause The complainant in reply to the said mened of Raid defondants state and Thow works your Herrior that the Raid anewer except in Do for as it admits the truth of the allegations on Raid Bile of complaint Con (amed is contrie and that the matters and things alleged in faid bill of Complaint are true and this he is ready to vorify in Ruch morner as the Corol may direct Manning & Morriman Tols for Compt." And on the Dame day to with on the first day of Mirch in the year of our Lord one thousand eight Rundred and difty one here transfeled in the office of the clist of Raid court in Raid Came the depositions of mode. Dodge and Jacob Dart, which laid depositions are in the words and figures following, to "Depositions of William In Dodge and Jacob Dont Taken before George L. Declor a noting public in and for the City of Peona, Ellinois at the office of Mossis Manning the Merrimon in Raid City Commonand between the hours of soclock of In. & Coclock P.M. on Friday, March 1 A. D. 18 61 Juneant to agreement David depositions to be read in evidence on the first of Complainant in a certain Cause from any in the circuit of Persia County, Herois on the Thomany Rede thereof, wherein Alvin Hidder is complainant and the day of Fernia is defondant.

William Mo Dodge Sworn

1 Mat is your age residence and occupation

Ohrs Age 50 years Vesidence Bonall,

occupation Agency, Ans. 22 years J. Ofno you or not acquainted with the line of the proposed extension of Washington street Annah Mills addition on Raid City of Perna Ano, Sam The you or not acquainted with Lot 5 in Block 2 St In Block & Lit 10 in Block 6 and Lot On Block I'm Raid City of Peona and what is the location of Ruid loss Ans. of am acquamted with the said loss and their location is of the corner of Washington and Main Streets in Raid Ceily of Teoria one of Raid loss being on each Cornel lack of Raid loss has a break of 72 feet on Weatington Street by 171 feet on Man Street. That Gould be the proportionate benefitte each of laid loss by reason of the opening of Washington Obreet through Raise mice addition I Ans. & should consider the benefits nearly equal as to the Rub divisions of these lots which front on Washington Street, all of Raid lots are Subdivided with frontson Main Chrost

Jacob Dant Devom Mat is your age desidence to compation

Ans. age 45 years residence Peria

Occupation Real Estate Money inter De How long hand you lived in Feora I the Junposed extension of Washington Sheet through Mills addition in laid bity of Terria, Illinois This. I am, I me you acquainted with lot 5 in Block 2 Lor In Block 3, Sor 10 in Block 6 and Lot 6 on Block I in Raid City of Frona and Ano, I am acquainted with said loss and their location & is on the corner of Man and Washington Streets one of Paid lobberry on each Corner lack of Raid los having a front of 72 feet on Washington street by 171feet De Mat would be the proportionate benefit to lack of paid lots by reason of the opening of Weichington street through Paid miles addetion O Ins. O Chould Consider the benefit the same to lack of Qu'a lots on fact Tomeder the benefits nearly the Carne for one or two blocks further closed trushington street Just Dunt

108 State of Allinois 3 City County of Perias , Jenge L. Bestor a notary Public in and for Raid City In heroby certify that the depositions of William M. Dodge and Jacob Darch were taken and reduced to uniting by me at the time & place is the caption thereof montioned that the earl Witnesses were first by me duly Revor according to law and that after being to taken and corefully read over to Raid witnesses the Raid depositions were sub. Roribed by them in my presence, Deal at lair lit . Deal at lair lit In cortners where of, I have hereinto subday of March St. 9 1861 day of March & Des tol Many public (And on the Dame day, to with; on the first day of Murch in the year of our Lord one thousand eight hundred and Dayly one there was feled in the office of the clerk of Raid Court in Land Cause a Stipulation in the linds and figures following to wit:

"Alvan Kidder 3

On the Circuit Cont of

The City of Geora Bounty,

The Bryner 3

The Bryner 3

The Chancery. Som Bryner . It is hereby stipulated and agreed by and be tween the pashes to the alove entitled Cause that the same be and hereby is sulmitted to the How 6, N. Powell upon the 1 Till) (march, replication, exhibits sproof and exhibits

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filed horem to be heard and finally decided and Junal de orce therem to be made and him in bacation and that upon such decision being made and de see signed by Raid Gridge and filed in the office of the clark of the circuit Court that wither fronty may appeal Raid cause to the next offine dern of the Suprome Cont of the State of Selmois to be held at Ollowa, without giving bond as required by law, but by morely signifying his or their intention to do so at the time of making Ruch de orce by Raid Judge which prayer for and appeal shall be noted by Raid Judge and allowed at the foot of Raid clearce as above stepulated Offend it is further stipulated by the parties, Chat for the purpose of Daving exponer and expediting the trial in Said Tryprome Court the clerk of the Circuit and may cestify to Raid Inference Court the original papers filed in this cause as the record und that the same whom certified whole Constitute the record upon which faid cause shall be tried and determined on Laid Suprome Cont. Chema Selmany 19 4861. h. Ir O Porcen and N. Ho. Tenfile defendants Orlicitors. Manning & Momman for Comple

To ceedings in Thomasy before the Circut and begin and held at the Court house in on the first monday in the month of March in the year of our Lord one Thousand eight hundred and Direty ne, it being the fourth day of faid month, Resent the Hunnable Elips In Formell. Inde of the Difteenth Judicial Circultained in Other State John Sommer henff and Enoch P. Sloan, Clerk, to wit; Monday March 4th A. D. 1861 Oflow Middel For Injunction Vielief The City of Pena John Bryhar Shiff (Ema County This day this cause come on to be heard upon the Bill answer proofs, rep heation and exhibits and the Dame was argued by Coursel and the Court now have being suf ficiently advised in the premises dothe order adjudge and deared that an injunction he essuad in faid Cause pursuant to the prayer of the Paid Complainant bill & It is further ordered, ad judget and decreed that the laid Enjunction be made perpetual and the defendants be and they and hereby perpetually enjoined from proceeding to Doll the Raid Complaniants real estate in Raid bill described, upon the Raid execution therein then upon the said judgment of that as to the Raid Complainant the Daid Judgment of that as to the Raid

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be let acide, annulled and wholly for orshing scheemed. And the prayed an offeeal to the supreme court, which was then and allowed by said court State of Allinois, County of Peoria, 30 Moon Gor the County Clash of the Circuit Court in and for the County Certify that the foregoing contains a full thus and Complete Copy from the files in my of of a Dile Recipe, Summons, Ofnewor Deforitions and Stepulation a Decree from the He cords as the Surne appear my office of Record and on file Cain Cause lately fromding in Raid Court Alvin Midder is Complament and The City Gona and John Bryner Chenoft of Ceona County One defendants. Oh bothess whereof I haveto my home and affin the & of Baid Court at office this fiftenth day of March in the year of our Sort one thousand eigh hundred and Dirty Conneh & Moan, Classe

The bity of Feories Hal 173. 20 58 Alvan Kidder Record & assyt of Ems File April 8. 1861 L. Leland bluk Clarks bear bor making this record - \$40 =