

No. 12716

Supreme Court of Illinois

Bristol, et al,

vs.

city of chicago

No. 12716

Supreme Court of Illinois

Bristol, et al,

vs.

city of chicago

137 30

Richard C. Broster
vs

The City of Chicago

137

127/6

1850

State of Illinois } In Supreme Court
Third Grand Division } April Term 1859

Richard C. Bristol vs
The City of Chicago

Error to Courts County
Court of Common Pleas

And the said Plaintiff in Error comes and says that in the proceedings, and in the rendition of judgment in this cause, there is manifest error in this to wit —

First: The Common Council had no power, jurisdiction or authority to assess any greater sum than three per centum upon the value of the real estate of Plaintiff in any one year, for any improvement in said City.

Second. The Court below rendered a judgment against Wharf Lot 28 Original Town, now City, of Chicago, for a greater sum than three per centum per annum of value for grading, filling, building area wall and paving Market Street in said City — which excess appeared upon the face of the record — and ordered said premises to be sold to pay the same.

Third The Court rendered a judgment for ten per cent more over and above the amount assessed by the Common Council on said lot, and made an order to sell said premises for the payment of the same.

State of Illinois } In Supreme Court
Third Grand Division } April Term 1859

Richard C. Bristol vs
The City of Chicago

Error to Courts County
Court of Common Pleas

And the said Plaintiff in Error comes and says that in the proceedings, and in the rendition of judgment in this cause, there is manifest error in this to wit —

First: The Common Council had no power, jurisdiction or authority to assess any greater sum than three per centum upon the value of the real estate of Plaintiff in any one year, for any improvement in said City.

Second. The Court below rendered a judgment against Wharf Lot 28 Original Town, now City, of Chicago, for a greater sum than three per centum per annum of value for grading, filling, building area wall and paving Market Street in said City — which excess appeared upon the face of the record — and ordered said premises to be sold to pay the same.

Third The Court rendered a judgment for ten per cent more over and above the amount assessed by the Common Council on said lot, and made an order to sell said premises for the payment of the same.

Wherefore he prays that the said judgment be re-
versed. set aside and for nothing esteemed.
and that he be restored to all his rights
in this behalf. and that he may recover
his costs in this behalf most unjustly sus-
tained

Scates, McAllister & Jewett
of Counsel for Plaintiff in Error.

In Nullo erratum est.

E. Anthony
for Defendant in Error

Wherefore he prays that the said judgment be re-
versed. set aside and for nothing esteemed.
and that he be restored to all his rights
in this behalf. and that he may recover
his costs in this behalf most unjustly sus-
tained

Scates, McAllister & Jewett
of Counsel for Plaintiff in Error.

In Nullo erratum est.

E. Anthony
for Defendant in Error

United States of America
State of Illinois
Cook County ss.

(1)

Now before the Honorable John
McWilson Judge of the Cook County Court of Common Pleas
within and for the County and State aforesaid at a Special
Term of said Cook County Court of Common Pleas begun and
holden at the Court House in the City of Chicago on the
twenty seventh day of January in the year of Our Lord
One Thousand Eight Hundred & Fifty nine, due notice of
the time and place of holding said term of Court
having been printed and published in the "Chicago Daily
Democrat" the Corporation Newspaper of said City of Chicago.
Said notice having been printed and published twenty
days previous to the first day of holding said
Court in accordance with the Statute in such
case made and provided. And in pursuance
of an order made by the Judge of said Court on the
Fourth day of January Eighteen Hundred & Fifty nine.

Present the Hon. John McWilson Judge.

Attest

John Gray Sheriff

Walter Kimball clerk

Be it Remembered that on the 27th day of January A.D. 1859. Joseph W
Munichs City Collector of the City of Chicago filed in the Cook County
Court of Common Pleas a Report, Copy of assessment Roll, Warrant & a
Certificate of Publication of notice of application for judgment
Which are in words and figures as follows to
Wit:

(2)

Of the January Special Term of the Cook
County Court of Common Pleas. in the
year of our Lord One Thousand Eight
Hundred and fifty nine

To the Honorable John M Wilson
Judge of the Cook County Court of
Common Pleas.

The Report of Joseph
W Henricks. City Collector of the City
of Chicago, respectfully represents
that the Special Warrants, mentioned
in the Schedule. Herewith attached,
issued for the collection of the spe-
cial assessments and taxes authorized
by law for the purposes therein
generally set forth, made out in the
manner required by law, and com-
missioned by the City Comptroller,
were delivered to him the said City
Collector, on or before the Second
Tuesday of October A D 1858.

That forthwith after the delivery of
the said Warrants to him, he pub-
lished a notice in the Corporation
Newspaper, of said City, that such
Warrants were in his hands for
collection, briefly describing the

(3)

nature of each of said Warrants, and requesting all persons forthwith to make payment thereof at his office, and that in default of such payment, the said taxes and assessments would be collected at the cost and expense of the person liable for the payment of such taxes and assessments. Which said notices were severally published for thirty days in said Corporation Newspaper—

That he has given ten days notice of his intended application to this Court for judgment against the lands lots and parcels of land for the amount of taxes - assessments, interest and cost respectively due thereon, before the first day of the January Special Term of the Court A.D. 1857. Briefly specifying the nature of the said Warrants upon which said application was to be made, and requesting all persons interested therein to attend at such term: A copy of which said notice is herewith filed, together with a certificate of the due publication of said notices from the Publisher of the said Corporation Newspaper.

(H)

Which the said notice was published.
That the annexed Schedule. is
a correct list of the lands, lots &
parcels of land, together with the
amounts. of taxes and assessments,
interest and cost, respectively,
due thereon as set forth in the
said warrants which remain
unpaid, and uncollected. Wherefore
your said Petitioner prays that
judgment may be rendered in
such cases made and provided.

J. H. Hennick
City Collector.

State of Illinois
Cook County }
I, Joseph H. Hennick,
City Collector in and for the City
of Chicago. do solemnly swear that
the annexed report. by me made,
is to the best of my belief and
Knowledge, true - and the annexed
Schedule. is a true and correct
list of the delinquent lots, lands
and parcels of land, upon which
I have been unable to collect the
taxes and assessments as required.

(5)

by law. for the year 1858. as herein
set forth - that said Taxes and
assessments now remain due
and unpaid, and uncollected as
above stated.

J^o W. Hanks

Subscribed and sworn to
before me this 27th day
of January 1859.
Walter Kimball Clk
Cook Co Court Com Meas

(6)

Special Warrant. N^o 275. S.

State of Illinois
City of Chicago. Jss.

The People of the State of Illinois to
The Collector of the City of Chicago.
Greeting:

Whereas the Common Council of
the city of Chicago did on the
second day of August. 1858. confirm
the assessment duly made and
filed in the clerk's office by the
Commissioners ^{appointed} by the said ^{Common} Council
to apportion the sum of Ten thousand
dollars upon the real estate
in the South division of said
city deemed benefitted by paving
Market Street from Lake Street
to Randolph Street. in proportion
to the benefits resulting therefrom.
in pursuance of an order for
said assessment. made by said
Common Council on the 26th
day of April 1858 after duly
revising the same. and did
thereby assess the said sum
of money upon the real estate

(7)

described in the roll of said assessment, in the respective proportions thereof marked "Assessments" set opposite to each lot, part of lot, and real estate described in said roll, which roll is in the words and figures following, to wit:

Assessment Roll.

A description of the real estate in the South Division of the City of Chicago, deemed benefitted by Walling, filling and paving North Street from Randolph Street to Lake Street, with the valuation thereof, and the sums of money severally assessed thereon for benefits by the Commissioners, to wit:

Original Town of Chicago.

Names of owners.

Description. S Lot Lot. Block. Valuation Assess.

Jarrett Institute.		4	31	70,000.	2294	22	Paid
Geo Smith	S 1/2	5	"	50,000.	1617	16	Paid
J B Busch	S 20 fr	"	"	10,000.	381	67	Paid
C M'Donnell.	70 ft W of S 20 fr	"	"	40,000.	1210	64	
Wharfing Lots.							
R C Briestab		28		75000.	2342	07	
S Lind -		29		70000.	2148	82	Paid
		30					
		31					
				Total	100000	00	

(8)

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



Witness John O. Haines
Mayor of the City of Chicago
and the corporate seal
thereof this 3^d day of
August 1858 -

John O. Haines. Mayor.
Attest W. Kreismann City Clerk
Sam^l L. Ward
Comptroller

(9)

City Collectors Office. Chicago
January 7th 1859.

Public notice is hereby given, that I shall apply to the Cook County Court of Common Pleas. on the first day of the special Term thereof. to be holden at the Court House in the City of Chicago on the 27th day of January A D 1859. for judgments against all blocks, lots, sub lots, pieces, and parcels of land, together with the improvements, if any situated thereon, for all taxes, assessments, interests and costs thereon, remaining unpaid as appears from the following described Warrant now in my hands for collection.

Warrant N^o 275. south. dated August 3rd 1858. for paving Market st. from Lake st. to Randolph.

This Certifies that the appended Notice has been published in the "Chicago Daily Democrat" a newspaper published in the City of Chicago County of Cook and State of Illinois Twenty one days.

(10)

Consecutively. Commencing with
the 9th day of January 1859.
and that I have received
dollars for publishing
the same.

Wm Wentworth
By Recd.

Be it remembered, that heretofore
to wit: on the 28th day of January
said day being one of the days of the
January Special Term. the following
among other proceedings were had
in said Court and entered of
Records to wit:

The City of Chicago $\frac{3}{2}$ Suit for a permit, on warrant
as $\frac{3}{2}$ 275 South - dated August 3^d 1858.
The Garrett Institute $\frac{3}{2}$ for Walling, filling & paving
itals $\frac{3}{2}$ Market Street, from Randolph
Street to Lake Street.

Original Town of Chicago.

Garrett Institute		4	31	Jan. 1859	2294	12	129	42
Jos Smith	N/2	5		50.000	1617	16	161	72
C M Donnell	10 ft N + adj 520 ft.	"		40.000	1210	64	121	06
R. B. Bristol	Wharfing Lots.	28		75.000	2342	07	234	20

(11)

And now on this twenty eighth day of January A D 1859 comes the said City of Chicago by E Anthony City Attorney, and due notice having been given of the time and place of making the intended application for judgment against the lands, lots, pieces or parcels of land, in said warrant set forth and no owner now appearing to make defence or show cause why judgment should not be entered against said lands lots, pieces and parcels of land, and on Motion of said Attorney, It is considered by the Court that judgment be and thereby is entered against said lands lots pieces and parcels of land described in the aforesaid Warrant, in favor of the City of Chicago for the sum annexed to each lot, piece & parcel of land, being the amount of assessments, and for costs of suit severally, thereon, and that the said City of Chicago have and recover the further sum of ten per cent upon the amount of assessments, respectively due and unpaid upon each of the lots, lands and parcels of land, therein set forth as & for her legal damages.

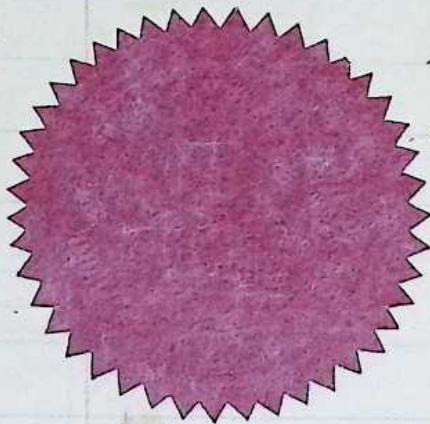
(12)

And it ^{is} further ordered by the Court
that the said several lands ^{pieces} lots and
parcels of lands, or so much thereof
as shall be deemed sufficient of each
of them to satisfy the amount of
assessment, damages & costs annexed
to them severally, be sold as the law
directs

State of Illinois
Cook County ^{Jess}

I Walter Kimball
Clerk of the Cook County Court of
Common Pleas, within and for the
County and State aforesaid, Do hereby
Certify that the foregoing is a true
and correct Transcript of the
Collectors Report, Assessment Roll,
Warrant, Notice of application for
Judgment, and Judgment, in a
certain Suit wherein The City
of Chicago was plaintiff and
R. C. Bristol Defendant, as appears
from the Record and files of said Court.

(13)



In witness whereof I
the said Walter Kimball
have hereunto set my hand
and affixed the seal of
said Court. at Chicago
in said County this 12th
day of March A.D. 1859.
Walter Kimball Clerk.

Let a supersedeas issue as to what
Set to E.B. in said record mentioned
Sum \$3000 P.H. Ball security
J.D. Catron

137
State of Illinois
Cook County
County of Common Pleas.

City of Chicago
ads
R. C. Bristol

Record.

Filed March 15. 1859
L. Deland
Clerk

Amount 5.50
Paid 5.50

SUPREME COURT OF ILLINOIS.

Third Division—April Term, 1859.

RICHARD C. BRISTOL, }
vs. }
CITY OF CHICAGO. }

POINTS FOR DEFENDANT IN ERROR.

STATEMENT OF CASE.

This case is brought to this court upon a writ of error, taken from a judgment rendered by the Cook County Court of Common Pleas, against the lots of the plaintiff, which were reported delinquent by the city collector, to recover an assessment for grading and paving Market street from Lake street to Randolph street. The judgment was taken by default; no defence whatever having been offered by any person, in behalf of the property.

The Court will observe by reference to the general revenue law of this State, (Purple's statute, pages 884, 885, 6 sec., 47, 56, 57, 58) that the amended charter of the city of Chicago, under which this proceeding was had, and by virtue of which this judgment was entered, is almost a literal copy of the general revenue law of the State in every respect; and all that is required to give the court *jurisdiction* is for the collector,

1st. To give ten days notice of his intended application to the court for a judgment upon all lots and lands &c. upon which the taxes and assessments remain unpaid; which notice, sec. 40 of amended charter of 1847, provides, "shall be deemed and taken to be sufficient and legal notice" "both of the aforesaid intended application by the collector to said court" "for judgment, and a refusal and a demand to pay the said taxes and" "assessments."

2. To file with the clerk of the court a *report* of the lots and lands upon which the taxes and assessments remain unpaid, together with a copy of the advertisement of the notice with a certificate of its due publication.

The court will observe that the law does not require a copy of any assessment roll, or a copy of any *assessment warrant* to be filed; but simply a report of the delinquent lots and lands, in other words, a "*list*" of them.

This gives the court jurisdiction; see

"Blackwell on tax titles," page 235.

Atkins vs. Hinman, 2 Gil. 437.

Chestnut vs. Marsh 12 Illinois 173.

Spellman vs. Curtenius, 12 Illinois, 409.

Pitkin vs. Yaw, 13 Illinois, 231.

Manley vs. Gibson, 14 Illinois, 136.

The court has now, per force of the statute obtained jurisdiction in the case. What now is the *duty* of the court. Sec 43 of the amended charter prescribes that, and says:

"It shall be the duty of the court upon calling the docket of said term, if any defence be offered by any of the owners of said property, or any person having a claim or interest therein, to hear and determine the same in a *summary way*, without pleadings; and if no defence be made the said court shall pronounce judgment against the said several lots, lands, pieces or parcels of land as described in said collector's report &c.

SUPREME COURT OF ILLINOIS.

Third Division—April Term, 1859.

RICHARD C. BRISTOL, }
vs. }
CITY OF CHICAGO. }

POINTS FOR DEFENDANT IN ERROR.

STATEMENT OF CASE.

This case is brought to this court upon a writ of error, taken from a judgment rendered by the Cook County Court of Common Pleas, against the lots of the plaintiff, which were reported delinquent by the city collector, to recover an assessment for grading and paving Market street from Lake street to Randolph street. The judgment was taken by default; no defence whatever having been offered by any person, in behalf of the property.

The Court will observe by reference to the general revenue law of this State, (Purple's statute, pages 884, 885, 6 sec., 47, 56, 57, 58) that the amended charter of the city of Chicago, under which this proceeding was had, and by virtue of which this judgment was entered, is almost a literal copy of the general revenue law of the State in every respect; and all that is required to give the court *jurisdiction* is for the collector,

1st. To give ten days notice of his intended application to the court for a judgment upon all lots and lands &c. upon which the taxes and assessments remain unpaid; which notice, sec. 40 of amended charter of 1847, provides, "shall be deemed and taken to be sufficient and legal notice" "both of the aforesaid intended application by the collector to said court" "for judgment, and a refusal and a demand to pay the said taxes and" "assessments."

2. To file with the clerk of the court a *report* of the lots and lands upon which the taxes and assessments remain unpaid, together with a copy of the advertisement of the notice with a certificate of its due publication.

The court will observe that the law does not require a copy of any assessment roll, or a copy of any *assessment warrant* to be filed; but simply a report of the delinquent lots and lands, in other words, a "*list*" of them.

This gives the court jurisdiction; see

"Blackwell on tax titles," page 235.

Atkins vs. Hinman, 2 Gil. 437.

Chestnut vs. Marsh 12 Illinois 173.

Spellman vs. Curtenius, 12 Illinois, 409.

Pitkin vs. Yaw, 13 Illinois, 231.

Manley vs. Gibson, 14 Illinois, 136.

The court has now, per force of the statute obtained jurisdiction in the case. What now is the *duty* of the court. Sec 43 of the amended charter prescribes that, and says:

"It shall be the duty of the court upon calling the docket of said term, if any defence be offered by any of the owners of said property, or any person having a claim or interest therein, to hear and determine the same in a *summary way*, without pleadings; and if no defence be made the said court shall pronounce judgment against the said several lots, lands, pieces or parcels of land as described in said collector's report &c.

I.

Now, will a writ of error lie from a judgment thus entered per force of the statute itself. The judge, it will be seen, has no discretion whatever, if *no defence* be offered; the statute prescribes that the judge "shall pronounce judgment," &c. If a judgment be thus entered, would it not be entered strictly in accordance with law? Did not the party have notice, (see sec. 40 of amended charter) if he did, and it is made the *duty* of the court to render judgment—why, how can a writ of error be taken. Ask especial attention to this point; I do not believe by any rule of law that the party would be entitled to a writ of error.

This point must, I think, be held conclusive, or else the court must hold that sec. 43 is *unconstitutional*. The statute which prescribes the mode and manner of levying all special assessments, prescribed that certain notices shall be given. These notices, this court has held to be perfectly good; see *City of Ottawa vs. Macy*, 20 Ill., 413; so that from the beginning to the end, the party has notice.

II.

But if the court should hold that a writ of error will lie, is this judgment void—the counsel have tried to make it similar to *Lawrence vs. Fost.* 20 Ill., 338. If the court will look at the *judgment* as it appears on the record, it will appear that it is not subject to the objections there made at all—the dollar and cent marks are in the record.

The clerk, in making up his record, has used the term assessment roll—but I insist that there is *no law* requiring the collector to file a copy of an assessment roll, and it has no business whatever in the record. A report of the delinquent lots and lands is all that is required. No objection whatever is made, by any assignment of error to any such thing, and the court will not take notice of any such thing.

III.

The next point I make pertains to first assignment of error made by the plaintiff, and which involves a construction of sec. 2, of ch. 7 of charter of city of Chicago, found in municipal laws, page 38.

Section one of this chapter provides, that the common council shall have power from time to time, to cause streets, alleys or highways, to be leveled, paved, graded, leveled, macadamized, planked, &c., &c., &c.

Sec. 2. then provides, that "the expenses of *any* improvement mentioned in the foregoing section, (except sidewalks and private drains) shall be assessed upon the real estate in any natural division benefited thereby, with the costs of the proceedings therein, in proportion as nearly as may be, to the benefits resulting thereto, *provided*, such assessment shall not exceed three per cent per annum, on the property assessed."

Does the language here employed, mean that the amount of the assessment which is levied upon *each* man's property for a public improvement, shall not exceed three per cent upon the value placed upon it by the commissioners, or does it mean that the whole expenses of any improvement which is levied upon the real estate in any natural division benefited thereby, shall not exceed three per cent upon the value of the whole property included in said assessment, which construction is the most reasonable, which is the meaning, judging from the context.

The language is certainly very plain, and if the first part of the section be read in connection with the last part, I think it will throw much light upon the question.

Thus: the expenses of *any* improvement mentioned in the foregoing section, shall be assessed upon the real estate in any natural division benefited thereby, provided such assessment shall not exceed three per cent.

per annum on the property assessed. The *property* in the *division benefited*, not each individual property, but the property assessed; i. e. the whole property.

This construction will further appear when it is considered that in the levying of an assessment, one man's property may be actually benefited ten times as much as another by the same improvement. Take an assessment which is to be levied for filling, grading and paving a street in the City of Chicago; take two persons owning property of equal value; in front of one man's lot, there may be untold depths of mud, and which renders access to his premises impracticable, if not impossible; in front of the other, the soil might be entirely different, and a few minutes work would suffice to fix the street and bring it to grade. "What man of ordinary sense would not say that there should be a difference in the amount which these two persons should pay. One may be actually benefited five times as much as the other; one is benefitted 6 per cent, the other three; but you must not assess either higher than three per cent upon the value of their property, says the counsel upon the other side, you are limited.

Look into sec. 4 of the same chapter; that provides that "the commissioners shall assess the *amount directed* by the common council to be assessed, on the real estate by them deemed benefited by any such improvement *in proportion to the benefit* resulting thereto, as nearly as may be &c. Now what is the meaning of this language; it is certainly very plain, and says that the assessment shall be assessed *in proportion to the benefit* resulting thereto.

Compare the language here with section 2, and I think that the construction which I contend for, will be made perfectly apparent.

Most certainly this is the reasonable interpretation of the section in question, and as the amount of property which was assessed, was valued at over \$250,000, and the amount of the assessment only \$10,000, the common council had authority to levy the assessment and therefore the proceeding was correct. A construction of this section will dispose of both the 1st and 2d errors assigned by the plaintiff in error.

IV.

The third assignment of error is that "the court rendered a judgment for the per cent, over and above the amount assessed by the common council on said lot, and made an order to sell said premises for the payment of the same. To determine the validity of this point here made, involves a construction of sec. 52 of the amended charter, passed in 1857. The court will perceive that this section provides expressly for the 10 per cent, and that a day is fixed by the statute, when this 10 per cent. cost becomes due and payable. It becomes due on the day of the *filing of the collector's report*, which is always certain; this statute, although it may be onerous, yet it is like all other statutes, which compel persons to do their duties; it is onerous, because it makes a difference between the diligent and the tardy; now I submit that our statutes are full of such onerous statutes, and they abound in every State and city in this Union.

In N. Y. City, if a person does not pay his taxes, by a certain day, 5 per cent. is added, and such statutes are common in all cities.

Certiorari is the proper and appropriate remedy.

Bacon's abridgment, see Title "*Certiorari*," ex. parte, the Mayor of Albany, 23 Wend.

State vs. Vandevere, 1 Dutcher 233; see this case particularly.

Livingston vs. Hollenbeck, 4 Barb. 9.

Rathbun vs. Sawyer, 15 Wendell 451.

Baldwin vs. Calkins, 10 Wendell 170.

Swann vs. Mayor and C C of Cumberland, 8 Gil. 151.

The People vs. the City of Rochester, 21 Barb 657.

The People ex rel Loomis vs. Williamson, 13 Ill. 661.

Berdsall vs. Phillips, 17 Wendell 465.

Elmendorf vs The Mayor of the city of N. Y., 25 Wend 693.

N. B.

Starr vs The Trustees of Rochester, 6 Wend 564.

In the matter of Carlton street, 20 Wend. 685.

Mayor of Brooklyn vs Meserole, 26 Wend 132.

Heywood vs City of Buffalo, 4 Kernan 535.

E. ANTHONY,
For Defendant in Error.

187-47 30
 Richard, C. Bristol
 vs
 City of Chicago

Points for Left in
 Row -

814
 4
 9256

Filed April 29, 1839

L. Hedman

L. Hedman

312,30

32,58

34488

200,000

1448

E. Anthony

Judgment Book
for Special Assessments City of Chicago, Illinois.

The City of Chicago } Sent for Enclosure in Warrant 276
 ———— no ———— }
R. C. Bristol et als } South dated August 3. 1838 for walling
 } filling and paving Market Street from
 } Randolph Street to Lake Street.

Original Town of Chicago.

Names	Description	S	Lol	Blk	Value:	Cont of	Ten per	Cont	Total
					Dollars	Dolls Cts	Doll Cts	cts	Dolls Cts
	Wharfing Lots								
R. C. Bristol			20		75000	2342 07	2342 20		

And now on this twenty eighth day of January A. D. 1859 comes the said City of Chicago by E. Anthony City Attorney and due notice having been given of the time and place of making the intended application for Judgment against the Lands Lots pieces or parcels of land in said Warrant set forth, and no owner now appearing to make defence or show cause why judgment should not be entered against said lands lots pieces and parcels of land and on Motion of said Attorney,

It is considered by the Court that judgment be

and hereby is entered against the said lands, lots, pieces and parcels of land described in the aforesaid Warrant in favor of the City of Chicago for the sum annexed to each lot piece and parcel of land, being the amount of assessments and for costs of suit generally thereon and that the said City of Chicago have and recover the further sum of ten per Cent upon the amount of assessments respectively due and unpaid upon each of the lots lands and parcels of lands therein set forth as and for her legal damages.

And it is further Ordered by the Court that the said several lands lots pieces and parcels of land or so much thereof as shall be deemed sufficient if each of them to satisfy the amount of Assessment damages and costs annexed to them generally be sold as the law directs.

State of Illinois
Cook County . *sp*

I Walter Kimbato Clerk of the Cook County Court of Common Pleas, within and for the County and State aforesaid Do hereby Certify the foregoing to be a true and correct copy of the Order of Judgment entered of Record in the Judgment Book for Special Assessments

of the City of Chicago County and State aforesaid, in certain
proceedings in said Cook County Court of Common Pleas
wherein the City of Chicago aforesaid is plaintiff and
Richard M. Bristol and others are defendants.

In testimony whereof I the said Walter
Kimball have hereunto set my hand and
affixed the Seal of said Court at Chicago
in said County this sixth day of
April in the year of our Lord one thousand
eight hundred and fifty nine.

Walter Kimball Clerk

1839
State of Illinois
Cook County
Court of Common Pleas

The City of Chicago
— (and) —
J. C. Bristol & others)

Certified Copy
Judgment

Filed April 20. 1839
L. Leland
Clerk

Trans
Certified \$150



By Superintendent of Public Works under a
from the Committee on Streets and Alleys of the
West Division, submits the following as an estimate of the
cost for Macadamizing West Lake Street from the West line
of Halsted Street to the City limits, the work to be done
according to the specifications set forth in the Contract for
paid work between John C. Koenig and the owners of the
property interested in paid improvement work; which specifications
are herewith submitted.

From West line Halsted Street to West line of Morgan Street 12621 feet (linear) @ \$5 per Contract	6320.00
Engineering, Supt &c.	130.00
	6450.00

From West line of Morgan Street to City limits 9321 feet (linear) at \$2.60 per Conts	24234.60
Engineering Supt &c &c.	316.00
	24550.60
	31,000.00

Dated Chicago, July 19, 1858.

N. S. Bouton

Superintendent,

State of Illinois)
Cook County.)st

Walter Kimbale Clerk of the Superior Court
of Chicago (late Cook County Court of Common Pleas) in
the County of Cook and State aforesaid Do hereby Certify
the foregoing to be a true and correct Copy of the original
Return of the City Superintendent of the City of Chicago in
relation to Special Warrant No 367 West of said City of Chicago,
for "Macadamizing West Lake Street from the West line of
Halsted Street to the City limits", in certain proceedings in
said Court wherein The City of Chicago was Plaintiff and
Richard H. Pease and others were defendants. And I do
hereby further Certify that the said Superintendent's Return
as inserted in the Record of said proceedings is erroneous, owing
to a mistake being made by the defendant's Attorney in copying
said Return into the Original Bill of Exceptions filed in my
office in said proceedings.

In testimony whereof I the said Walter
Kimbale have hereunto set my hand and
affixed the Seal of said Superior Court at
Chicago in said County this twenty ninth
day of April A. D. 1834.

Walter Kimball, Clerk

State of Illinois } ss The People of the State of
Supreme Court } Illinois to the Clerk of the Cook
County Court of Common Pleas for the County of Cook
greeting: Because in the Record and proceedings, as
also in the rendition of the judgment in a certain
application for judgment against said suit for assessment
on Warrant No. 275 south dated August 3^d 1858 for walling
filling & paving Market Street from Randolph Street
to Lake Street, ^{which was in the Cook County Court of Common Pleas of Cook County} before the Judge thereof between the
The City of Chicago

plaintiff, and Richard C. Bristol owner of Wharfage
lot number twenty eight in the Original Town of
Chicago defendant, it is said mani-
fest error hath intervened, to the injury of the aforesaid defendant

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

Witness, The Hon. John D. Caton, Chief
Justice of our said Court, and the Seal
thereof, at Ottawa, this 15th day of
March in the Year of Our Lord
our thousand eight hundred and fifty-nine
L. Leland

Clerk of the Supreme Court.

by J. B. Rice Deputy

The City of Chicago
vs 137
Richard B. Bristol
Writ of error

This writ of error is
made a supersedeas
as to the writ return required by 28
and as such is to be obeyed
by all concerned.

L. Leland
Clerk
By J. B. Rice, Deputy

Filed March 14th 1839
L. Leland
Clerk

Appeal Bond

Know all Men by these Presents, that
we Richard C. Bristol and P. H. Ball
are held and firmly bound unto the City of
Chicago in the penal sum of Three thousand Dollars
lawful money of the United States, for the
payment of which said sum well & truly
to be made, we bind ourselves, our heirs,
executors & administrators, jointly and severally,
firmly, by these presents,

Sealed with our seals and dated
this fourteenth day of March A.D. 1859

The Condition of the above
obligation is such that whereas the above
named City of Chicago did on the 28th
day of January A.D. 1859 recover a
judgement for the sum of two thousand
one hundred & forty two $\frac{2}{100}$ Dollars against
wharfing lot (28) twenty eight, original
town of Chicago for an assessment
for walling, filling and paving Market
Street from Randolph & La Salle Street &
for ten per cent upon said sum making
the further sum of of two thousand
& thirty four $\frac{2}{100}$ Dollars, making in
all the sum of two thousand five
hundred & seventy six $\frac{2}{100}$ Dollars
from which said judgement the said
Richard C. Bristol as owner of said

wherein lot twenty eight (28) hath
procured a writ of error to the Supreme
Court, and the same being about
to be sued out and made a super-
-cedas, by order of the Chief Justice

Now if the said Richard J. Bristol
shall procure said writ of error
with effect and shall pay the
said judgment, costs, interest and
damages in case the judgment
shall be affirmed, then this ob-
ligation shall be null and void
and of no effect, otherwise to re-
main in full force & effect,

R. J. Bristol

PH Ball

seal
seal
seal

State of Illinois 241
Cook County

The City of Chicago } Special
— vs — } Warrant
Richard W. Pease Et als } No 367
West.

Certified Copy
City Superintendents Estimate

State of Illinois }
Cook County } p

P. H. Ball -

being duly sworn says that he is worth
the full sum of three thousand dollars
over and above all his liabilities
Subscribed & sworn to
before me this 14 day of }
March A.D. 1859 } P. H. Ball

Joshua S. Colgate
Notary Public

Supreme Court

Richard C. Bristol

137 ads

City of Chicago

Appeal Bond

Filed March 15, 1889

L. Deland

Clerk