

Downers Grove Reporter
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POST!—Don't Knock

COMMUNICATION

Downers Grove, Ill., July 12, 1915.
 Editor of the Downers Grove Reporter.
 I am sincerely thankful to the President of the Village of Downers Grove for his frank reply to my communication published in your issue of June 29th. My reply appearing in your issue of July 9th. This statement, containing specific allegations, which he has refused to deny or admit, is a violation of the requirements of the statute in providing the necessary information for the payment of overdue special assessment bonds, enables me to make such allegations.

Article 9 of Chapter 24 of the Revised Statutes of Illinois.
 While Mr. Backus is apparently quite accurate in stating the amounts transferred from the special assessment funds to the general fund, water and light fund and street and alley fund, he falls entirely in advising the tax payers of this village as to the amount of money that had previously been advanced and expended from these funds on account of the special assessment funds, and as to materials furnished for foundations and other purposes and the large quantity of water furnished contractors, which was furnished from the contract price of the various contractors and transferred to the funds to which it properly belonged. It should also be remembered that the first installment of every special assessment, under our statute, does not become due and payable until the succeeding second day of January, after a special assessment has been confirmed. In order to give the contractors an opportunity to do the construction work of our improvements during the summer and fall of the year, nearly all of our assessments were confirmed during the spring, so that in most cases no money had been paid into the special assessment funds until after the work had been completed and not as a rule, until a year after the first expenses on account of such improvement were incurred.

Some of the principal items, for the payment of which, money from the general fund had to be, and was, utilized according to law, are the following: Printing and publication of notices for public hearing and confirmation of assessment, special assessment books for use of County Clerk and Village Collector (not kept in stock, but especially made for that purpose), printing of several thousand special assessment coupon bonds, advertising for bids in trade papers and re-advertising where bids were too high, publication of ordinances, required to be published by law, publication of notices of award of contract, payment for property condemned (see assessment proceedings for sanitary and storm water sewers), which must be paid before possession can be obtained by the municipality, commissions and jury fees in condemnation proceedings, court costs, inspection of cement, brick and other material made by the University of Illinois and the Hunt Laboratories of Chicago. In addition to the foregoing, there are many minor items, a record of which was kept by the Clerk of the Board of Local Improvement. In the construction of street pavements, at the beginning, crushed stone was used as a foundation, while later gravel from the municipal gravel pit was used for that purpose and in order to equalize to some extent, the cost of such improvements between property owners who had paid for a stone foundation and those satisfied with a gravel foundation, a reasonable charge was made by the village for the gravel thus furnished and a transfer for that purpose was made from such special assessment funds to the street and alley and general fund in payment of such gravel.

Mr. Backus further states that I did not have my connection with the village of Downers Grove until May, 1912. I have no fault to find with his statement. I should have stated that I had my connection with the village of Downers Grove as its attorney from the close of the fiscal year 1911, which Mr. Backus will find to be correct.

It is not my intention to criticize Mr. Backus personally for statements made in his communication, for the average layman—yes, and the average lawyer—has, as a rule, a very limited knowledge of the special assessment law, which is, to say the least, very complicated and a specialty of the few lawyers who are conversant with its provisions and complications and complexities. My practice of eight years has not been with which I am conversant, and my Mr. Backus has, as a rule, a very limited knowledge of the special assessment law, which is, to say the least, very complicated and a specialty of the few lawyers who are conversant with its provisions and complications and complexities.

that his attention was called to the condition of the special assessment funds when he assumed the duties of his office. In speaking for myself on this subject, I wish to say that I did bring to the attention of my successor in office the fact that the special assessment funds needed close watching and when the present village attorney was about to assume the duties of the office of village attorney for the village of Downers Grove, I had numerous conversations with him and, if he is honest on this subject, he must admit that I called his attention to the special assessment matters.

I responded to an invitation of our president last year to be present at a meeting, to which meeting I went with only one intention and that was to offer any assistance that I could to help them in these various matters, and so stated to the president at that meeting and at a subsequent meeting which I had with the president and present village attorney, but from the attitude of these officials, I could draw no other conclusion than that they did not care for my advice or that my experience and knowledge of these matters was inferior to theirs, consequently I have ceased to offer any further suggestions to them.

Mr. Backus makes the further statement that the municipality of Downers Grove, during my incumbency, did not levy a sufficient amount of money each year for the purpose of paying the special assessments of the village made against it on account of public benefits and property owned by the village.

I do not criticize Mr. Backus personally for this statement, but he has been, no doubt, ill advised on this proposition. The records of the village show that in each fiscal year during my incumbency, the village of Downers Grove levied to the limit allowed by statute, namely, 2 per cent. of the total assessed valuation, which was afterwards changed by what is known as the Junil Law to 1.2 per cent. of the assessed valuation, as levied and equalized for State and county purposes.

I infer from the statement made by Mr. Backus that he is under the impression that for the purpose of paying the assessments for public benefits against the property owned by the village, a levy could have been made in addition to the 2 per cent. herein referred to. I have searched our statutes and authorities in vain for the purpose of finding any authority for making such an additional levy. Our statute does not permit such additional levy.

It must be borne in mind that a municipality, like the village of Downers Grove, is a creature of our legislature and has only such powers as are expressly given to it by statute and this is especially true of matters appertaining to taxation. The only levy which the statute authorizes, outside of the 2 per cent. herein referred to—now 1.2 per cent.—is a levy for the sinking fund to provide for the payment of general improvement bonds (not special assessment bonds) and the interest thereon. Our statute expressly provides that no other levy shall be made, in any one fiscal year, by any municipality except upon authority given by a vote of the people where the question is submitted to them at an election.

Mr. Backus further states that the law provides that villages may use 6 per cent. of the amount of the assessment for expenses. His premise in this matter is correct, but his conclusions are wrong, due no doubt to the fact that he has been ill advised as to what under our statute can be included within said 6 per cent. and what cannot be included. Our local improvement act provides that in municipalities like Downers Grove, 6 per cent. of the amount of the assessment may be utilized for the purpose of paying preliminary expenses, such as the making of estimate, passing resolutions and public hearing and the making and returning of the assessment roll, etc.

If Mr. Backus will take the time to separate these items from the total amounts claimed as having been appropriated under the section of the statute to which he refers, he will find the village of Downers Grove has kept well within the limit of the 6 per cent.

He further states that 5 per cent. was allowed to the engineer and 2 per cent. to the attorney, evidently believing that these two items themselves exceed the 6 per cent. limit. It has been held by the Supreme Court of our State that the part of the engineer's services rendered during the construction of the improvement, such as superintending the construction, in respect to the material and other work necessary, is part and parcel of the construction of the improvement and does not come within the 6 per cent. limit.

Mr. Backus will further find, if he refers to the records of the Board of Local Improvements, that in accordance with the statute, which demands strict inspection of all materials used in the construction of improvements, as well as with the request of the property owners of Downers Grove, all material which was used in the construction of our local improvements were tested at considerable expense and that in cases where a large force of men were working on the improvement, the village hired an inspector besides the one furnished by the engineer for the reason that the engineer's forces were kept busy many times setting stakes and correcting faults in the work already done.

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ADVERTISEMENTS

TO RENT—CLARENDON HILLS; 5 rooms, large porch, hot water, bath, gas, garage, terrace lawn, fruit garden. Rental \$25.00. Address Reporter.

FOR SALE CHEAP—Four-burner gas stove with oven. Cost \$30.00 new. Address J. D. McVean, R. F. D. No. 3. 7-13-15

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FOR SALE—AT T. E. BROOKS' STORAGE Warehouse: 1 bed, 2 dressers, 2 desks, 3 lawnmowers, 1 piano, 1 sewing machine, stove, 1 safe, 1 table (extensible). Telephone 136.

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Seven-room house, bath, stove heat, cement basement, lot 73x106. Price \$2,300.

Six-room house on north side, steam heat, gas, electric lights, furnace heat, laundry tubs, in good repair and well built. Location one of the best. Price \$4,300. Make offer.

Six-room bungalow, new, best street in town. Extra large lot, barn. Price \$4,200. Make offer.

Six-room flat for rent, all modern, \$18.

Seven-room house, steam heat, oak floors, electric lights, lot 100x132. Price is low to put in figures. Ask me about a real bargain. This property can be bought on your own terms. Act quick.

Seven-room house on the north side, cement basement, furnace heat, laundry tubs, bath, gas and electric lights, in fact everything is strictly modern. Large shade trees, best neighborhood, small lot, lot 100x111. Price only \$4,100. About \$1,000 cash, the balance on your own time.

Eight-room house in the best condition, south side, bath, gas, electric lights, hot water heat, large porch, furnace heat, lot 70x121. Price \$4,500.

Nine-room house on Maple avenue, heat, all modern, large barn, assessments paid in full. Price \$5,000. Make offer.

Seven-room house, cement basement, hot water heat, bath, gas, electric lights, oak floors, in lower floor. This property is in A-1 condition. East front. Price \$4,500.

Six-room house, all modern, just newly painted, this house is only seven years old, has cement basement, furnace heat, laundry tubs, electric and gas lights, bath, in fact complete in every way, also barn and chicken house, fruit trees, grapes, etc. Price \$3,900.

In-acre farm, large barn, deep well, about 100 feet of timber, fruit trees, also pump house with gas engine for pumping water, about 1 1/2 miles from depot. Price \$2,000.

Two acres land, new six-room house, fruit trees, chicken house, one mile from depot. Price \$2,800.

Seven-room house and bath, cement basement, hot water heat, small barn, fruit trees, these blocks from depot. Price \$2,200.

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SIX ROOM house, cement basement, furnace, large porch with screens, good well, gas, lot 100x122, near corporation limits. This house is in A-1 condition. Price \$2,600, terms.

50x141 foot lot, north Forest Ave., water, gas and electric light, only \$2500. best of location. You some Maple avenue. Ask if you are figuring on building this year.

Four and one-half acres of land, eight-room house, good condition, barn, chicken house, fruit trees. Must be seen to compare the price, \$2,000. Make offer.

How can you duplicate this one? Six-room house, new, cement basement, laundry, furnace heat, large living room with fireplace, open stairway, up to date bathroom, two porches, paved street. Lot 60x120. Price \$3,500.

Six-room house, furnace heat, bath, house just newly painted, large barn. Lot 62x150. Price \$3,500. Easy terms.

If you are looking for acre property within one or two blocks of corporation limits ask me about easy terms.

Nine-room house, all modern, in A-1 condition, large barn, fruit trees, one of the best locations. Downers Grove. Lot 100x200. Price \$7,200.

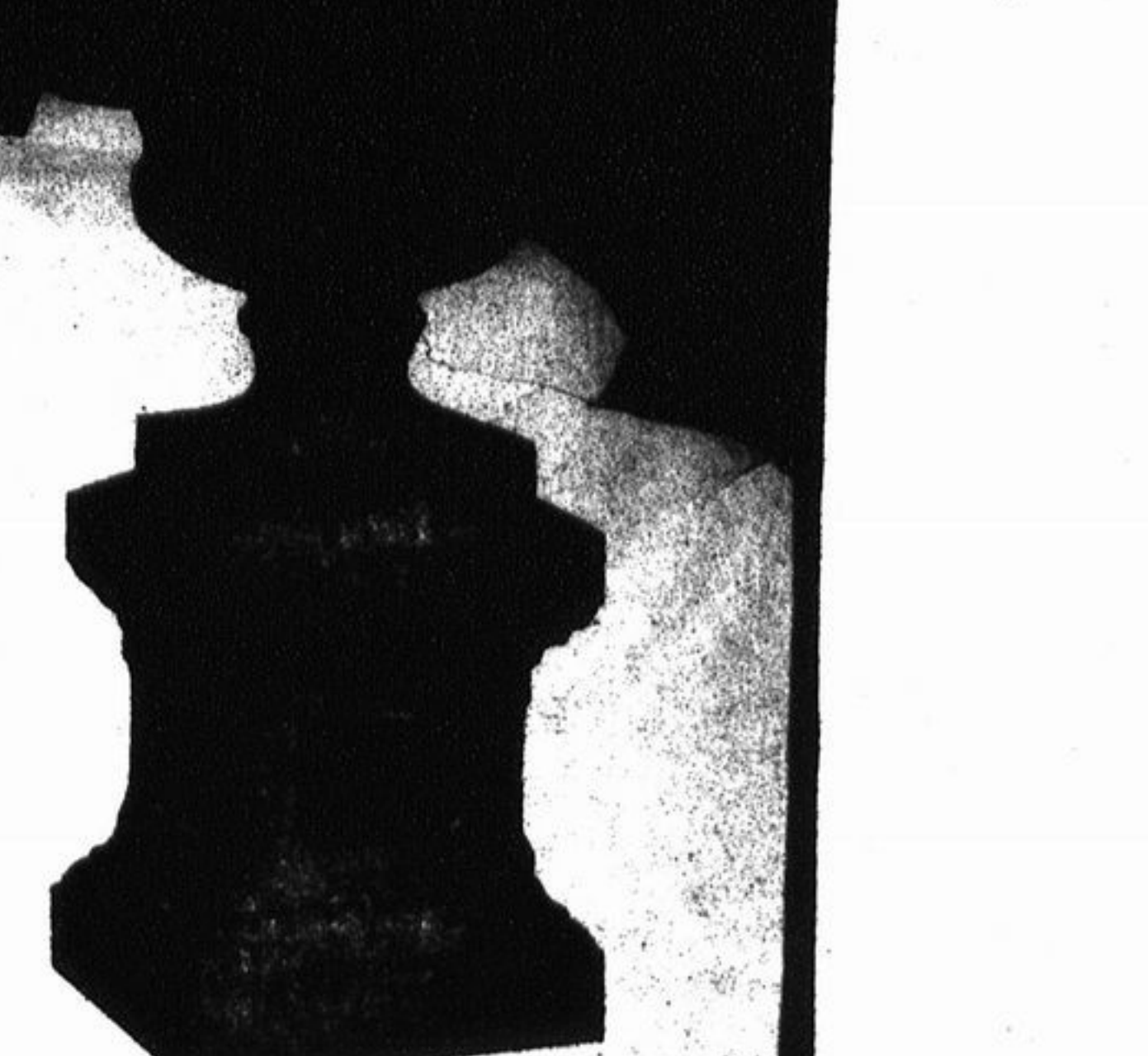
6-room house, modern; in good condition; on best street in Downers Grove. Price \$2,100. Make offer.

6-room house, hot water heat, bath, chicken house, fruit trees, grapes, plenty of shade trees, paved street, north side, best of location. Lot 75x142. Price \$2,500.

Another Bargain—7-room house, all modern, on paved street, 100x142. Price \$3,000.

If you are looking for a bargain let me have a talk with you, and if you have a house or lot you want to sell I shall be pleased to list it.

We will find me at 35 South Main St. Telephone 113R.



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 SOLE AGENTS IN THIS TERRITORY

Chas Haller
 35 S. Main Street
 Phone 113-R

This paper belongs to you, Mr. and Mrs. Subscriber, just as well as to the publisher. You are to be a newsy one, of course. You can help make it so.

EVERY READER SHOULD BE A REPORTER, at least to the extent of reporting the news concerning HIS OWN family and You perhaps have wondered how we gather news for every issue. If every reader were as NEWSY as it now is.

Merely paying for the paper and taking give you is not enough. Other readers interested in learning the news YOU enjoy seeing it in print, yourself. If you are acquainted with the items YOU cannot find fault with the PAPER for not reporting them.

If you think for one minute, right now, that you are not doing your part, they are but PERSONAL & LOCAL AFFAIRS. We want ANYTHING that will interest in YOUR family and friends, as well as all of