

JUSTICES HARLAN, WHITE and McKENNA, dissenting.

FARRELL v. WEST CHICAGO PARK COMMISSIONERS.

ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

No. 201. Argued March 18, 19, 1901.—Decided April 29, 1901.

*French v. Barber Asphalt Co.* ante, 324, and *Wight v. Davidson* ante, 371, followed.

THE case is stated in the opinion of the court.

*Mr. George W. Wilbur* for plaintiffs in error.

*Mr. Robert A. Childs* for defendants in error. *Mr. Charles Hudson* was on his brief.

MR. JUSTICE SHIRAS delivered the opinion of the court.

This case originated in proceedings to create and improve an avenue or thoroughfare known as Douglas boulevard, in the town of West Chicago.

The full history of those proceedings, contained in the statement of facts made by this court in the case of *Lombard and others v. The West Chicago Park Commissioners*, recently decided, renders it unnecessary to repeat them here. And the legal questions involved were so fully discussed in that case, and in *French v. Barber Asphalt Co.* and *Wight v. Davidson*, cognate cases decided at the present term of this court, that we are relieved from their further consideration.

The judgment of the Supreme Court of the State of Illinois is

*Affirmed.*

MR. JUSTICE HARLAN, (with whom concurred MR. JUSTICE WHITE and MR. JUSTICE McKENNA) dissenting.

The controlling question in this case is the same as is presented in *French v. Barber Asphalt Paving Co.*, ante, 324, *Wight v. Davidson*, ante, 371, and *Tonawanda v. Lyon*, ante, 389. For the reasons stated in my opinions in those cases, I dissent from the opinion and judgment of the court in this case.