

#116

James A Bailey
Road Com. Report

Filed Sept. 1st 1859
J B Severance Clerk

T88 R12, R11



To the Hon County Court of Black Hawk Co. State of Iowa
According to a commission from the County Court of Black Hawk County State of Iowa authorizing me to view on the 11 day of Aug 1859 and locate if practicable a county Road petitioned for by James A Bailey Et Al. Commencing at the NW corner of Sec 30 T88 R11 Thence south to the Cedar River Having viewed the road as required by Commission I find it passable and I believe that the petitioners will be much benefited by the said

Road. I have therefore surveyed and plotted said Road which I her return together with field notes as follows or commencing at the NW corner of Sec 30 T88 R11 Thence South on Sec or Township Line $3\frac{3}{4}$ miles. Thence west 42 Rods Thence South on a line parallel with Sec Line 80 Rods or to the South Line of Sec 12 T87 R12. Thence west 38 Rods on South Line of Sec 12 T87 R12 or to the $\frac{1}{8}$ post on the SE $\frac{1}{4}$ of said Sec. Thence South $23\frac{7}{8}$ Rods to the North Bank of Cedar River.

Witness, Willow tree 14 feet to R.
M. S. Tracy Const. and Surveyor

Fees.
Two days Surveying \$5.00
Plat 50
Expenses \$6.00

What is a 1/8 post on SE 1/4 }
Rec Payment by Warrant M. S. Tracy Const
Oct 19th 1859.

Al Bailey Road
Oath of Commissioner
#116

Filed August 11th 1837
J. D. Swearingen Clerk
Per J. A. Elmhurst

State of Iowa
Black Hawk County

M. L. Tracy of said County
having been appointed by the County Court
of said County as Commissioner to view
and locate a County Road Petitioned
for by James A. Bailey et al. - and being
duly sworn says that he will faithfully
and impartially, and to the best of his
ability, discharge the duties as such
Commissioner, and Report the same
to said County Court

Subscribed and Sworn to
before me this 11th day
of August A D 1854

M. L. Tracy

J. A. Chubbuck Depy Clerk

PAID BOND

When all shall have been paid

#116

James Bailey et al
Bond in 881178812

Filed August 1st 1889
J.B. Swanson Clerk

1889
1889
1889

ROAD BOND.

HILL & BALL, Printers, Cedar Falls.

Know all Men by these Presents, THAT WE, A. Morris

Blackhawk of the County of Blackhawk
and State of Iowa, are held and firmly bound unto the County of Blackhawk
in the sum of Fifty Dollars for the payment of which, well and
truly to be made, we bind ourselves, our heirs, executors, administrators, and every of them, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, whereas, James A
Bailey et al. has this day made application by petition, to the
County Court of said County, to appoint a commissioner to view and locate a road, called The Bailey
Road

NOW, If the said road shall be established according to law, and the same becomes a public highway, in accordance with the statute
in such cases made and provided, then this obligation to be void: otherwise, to be and remain in full force and virtue.

WITNESS our hands, this Tenth day of August A. D. 1859.

Abraham Morris

L. S.

L. P. Brainard

L. S.

Charles D. Gray

L. S.

Approved this Tenth day of August A. D. 1859

J. C. Hubbard

County Judge.

#116

Andrew Lang &
Wm. Lang

vs

De la Harpe Co

Appraiser Bond

Filed March 5, 1860
J. B. Severance Clerk
Per J. B. Severance Depy

State of Iowa }
Blackmon et al } Appeal Bond

Let the undersigned acknowledge ourselves indebted to Blackmon et al in the sum of two hundred dollars upon the following conditions

Whereas the said Andrew & Gregor Gray have appealed from the decision of the County Court of said County made at the February term of said Court A.D. 1860, in refusing to appoint new appraisers, appointed by said Court to appraise the damages claimed by said Grays in consequence of the establishment of a Road petitioned for by ^{and in consequence of said petition} Barclay and others - Now if the said Andrew & Gregor Gray shall prosecute said appeal to judgment & if the appeal be dismissed or the judgment of said County Court be affirmed he will comply with the judgment & order of the Court & will pay all costs & damages which may be adjudged against them, Then this obligation to be void else of force

Andrew Gray
Gregor Gray

By their atty Wm. Newton
Wm. Newton

Approved this 5th Day
of March A.D. 1860

Wm. Newton
Clerk

#116

Geo H Bailey et al vs
Affidavit of Post Notice

Filed August 1st 1839
J B Swannell Clerk

Notice

Notice is hereby given that a Petition will be presented to the County Court of Black Hawk County at the August Term 1839 for the purpose of establishing a County Road forty feet in width commencing at the North West corner of Section 30 in Town 88 Range 11 thence running South Three miles & three quarters of a mile to the North West corner of the S.W. quarter of the S.W. quarter of Sec 7 Town 87 Range 11 thence West fifty Rods thence in a South Westely course until it intersects the quarter Sec. line running between the S.E. quarter & the South West quarter of the S.E. quarter of Sec twelve Town 87 Range 12 thence South until it strikes the Cedar River

July the 1st 1839

State of Iowa }
Black Hawk County }

Abraham Morris of Spring Creek Township in said County being duly sworn says that he caused to be posted Three notices (of which the above is a copy) in each of the Townships through which the proposed Road runs and one on the Court House Door Four weeks previous to this date

Subscribed & sworn to before }

me this 1st day of August 1839 }

J. P. Severance County Clerk.

Abraham Morris

#116
James A. Bailey
Road. Report of
Appraisers

Filed Jan'y 14th 1860
J. B. Diverance Clerk
per J. M. E. Clerk

THE STATE OF NEW YORK

IN SENATE

WITNESSE

THE STATE OF NEW YORK

IN SENATE

STATE OF IOWA, } SS:
BLACK HAWK COUNTY,

Office of County Court, November Term, 1859
To Benjamin Winsett & Lorrain Lennis Shroyer

Gentlemen:—You are hereby notified that you have been appointed by the County Court, appraisers to view and, if any, to assess the damages claimed by Gregor & Andrew Gray in consequence of the location of a County Road, petitioned for by James A. Bailey and others, as located by M. L. Tracy Commissioner, in Said Township.

You will therefore meet at the office of the nearest Justice of the Peace at 10 o'clock, and qualify and proceed immediately to the discharge of your duty, and report to the next term of this Court.

WITNESS my hand and Seal of Court, this Eighth day of November A. D., 1859

J. P. Severance Co.
Clerk

THE STATE OF IOWA, } SS.
BLACK HAWK COUNTY,

We Benjamin Winsett & Lorrain Shroyer do each of us solemnly swear, that having been appointed by the County Court of said County, appraisers to view and assess, if any, the damages claimed by Gregor & Andrew Gray in consequence of the location of a County Road petitioned for by James A. Bailey and others; we will faithfully and impartially discharge the duties of such appraisers according to the best of our knowledge and ability.

B. Winsett
L. Shroyer

Sworn and subscribed to before me this 19th day of November A. D., 1859

M. S. O'Leary, J. P.

THE STATE OF IOWA, } SS:
BLACK HAWK COUNTY,

To the Honorable County Court in and for said County:

The undersigned, appointed by your Honorable Court appraisers to view and, if any, to assess the damages sustained by Gregor and Andrew Gray in the location of the County Road, petitioned for by James A. Bailey and others, as located by M. L. Tracy Commissioner, beg leave to report that, in accordance with said notice, after being duly qualified, we proceeded to view said premises, and would report that we find the said Gregor Gray and Andrew Gray has sustained damages to the amount of Eighteen Dollars.

Witness Our hands, this the 29th day of November

A. D., 1859

B. Winsett
L. Shroyer

Appraisors.

#116
J. T. Norwin
Report in the
Baily road

Filed February 1786
J. B. Swinburn

State of Iowa Blackhawk co ss
In the matter of {
The Bailey Road }

The undersigned having
been appointed one of the commission-
ers to appraise the damages sustained
sustained by Andrew & Gregor Gray in
consequence of the establishment of the
road called the Bailey road across their
land they leave to report that he does
not find that said Grays have received
or will receive any damage from
the establishment of said road

Feb 6th 1860

J. S. Corwin

#116

Atty. Gen.
Claim for Damages
in the Naval Station
by Capt. Bailey et al.

Filed August 24th 1859
J. B. Severance Clerk

Stob & Sons }
Bloomhatch Co }

vs The Hon. County Court of Saline
County -

Your Petitioners Andrew Shroy
hereby represents to this Court that they are
the owners of the following described premises
to wit: The NW of the SW of Sec 7, T8S, R11,
and NE of the SE and the SE of
the NE of Sec 12, T8S, R12, West -

Your Petitioners further say, that
the defendant Rowell, as petitioner for
by Thomas A. Bailey et al runs through
the above described premises, thereby using
up and destroying a large portion of valuable
land belonging to your Petitioners and rendering
the cultivating & working of said premises
nearly impossible and separating and
cutting said premises into small and
valuable pieces of land and compelling
your Petitioners to build a large amount
of fence and destroying a large amount
of valuable timber -

Your Petitioners therefore claim
damages to the amount of one thousand
Dollars -

Andrew Shroy being
J. W. Shroy et al

#116

James A Daily et al
Petition for County Road
through 8811 & 8812

Filed August 1st 1859
J B Severance (Clerk)

To the County Judge of
 Black Hawk County, State of Iowa:
 Your Petitioners Citizens of said
 County by this their Petition, ask the
 County Judge to appoint a commis-
 sioner to examine into the expediency
 of establishing a County Road Forty
 feet ^m width, commencing at the North
 west corner of Section ~~29~~³⁰ in Town 88 Range 11
 thence running South Three and miles and
 three quarters of a mile to the North west
 cor. of the S. W. quarter of the S. W. quarter of
 Sec. ~~29~~³⁰ 7 Town 87 Range 11 thence west
 Fifty Rods thence in a South westerly
 course until it intersects the quarter
 sec. line running between the S. E. quarter
 & the S. W. quarter of the S. E. quarter of Sec.
 Twelve Town 87 Range 12 thence South
 until it strikes the Cedar River
 and your Petitioners will ever pray
 K D

James A. Bailey	E. O. Roberts
Thalma Sprague	Robert Cambell
Jacob Haymond	C. Linderman
John Haymond	J. Masiker
A. C. Haymond	Luman Dixon
John M. C. C.	H. Dixon
have	

David M. Taylor Simon Taylor
 Edmund Sawyer Samuel
 John W. W.

& the S.W. quarter of the S.E. quarter of Sec.
Twelve Town 87 Range 12 thence South
until it strikes the Cedar River
and your Petitioners will ever pray
K R

James A Bailey	E. O. Roberts
Thalma Sprague	Robert Campbell
Isaac Haymond	C Linderman
John Haymond	J Masiken
A. C. Haymond	Luman Dixon
John et al et al	A Dixon
have	

David M - Taylor Simon Taylor
Edmund Sawyer Samuel Perry
John Winst George Worthen
Edmund Sawyer Jr
Isaac Sawyer Galen P Billings
John Bailey B. Brown
F. T. Shroyer C. D. Morris
J. R. Brown
A. Morris
R. D. Cagles
John B. Taylor
Lewis Shroyer
James Taylor
Isaac Shimes
John Blackford
G. W. Carr
Joseph Deery
John Perry
Silas H. Pettit
A. G. Jones
Henry H. Hinkle

" And does not approximate to the real Down-
" - eyes Sustained

Wm. Newton
Atty for Grey's "

That said Court thereupon ordered
said Motion and Estimation said moved
upon condition that Petitioner pay
the damages awarded & costs.

And now comes the said
Grey and Appeals from the
verdicts Orders & Decisions in said
Cause made by said Court and
asks the said Court to fix the amt.
of Damages herein required.

Wm. Newton

Grey's atty

Said Appeal allowed & ordered
to five bonds in the sum of
Two Hundred Dollars (\$200)

Wm. Newton
Clerk

" And to return the same to this Court and, the
" return shows that but two of said appraisers
" viewed said premises & appraised the damages -
" 2^d The Order of the Court in appointing
" appraisers to view and appraise the damages
" has not been complied with in that but -
" two of said appraisers viewed & appraised said
" damages and returned their said appraisement
" into this Court Le wit - Benj. Lunsford & Lewis
" Shroyer -

" 3^d That one of the said appraisers who appears
" to have viewed & appraised said damages is
" one of the petitioners for said bond as
" appears by the said petition

" 4th The requirements of the Law has not been
" complied with - ~~In that~~ in the appointment
" of Lewis Shroyer as one of the appraisers,
" In that, he is not a disinterested & disinterested
" person being a petitioner for said bond

" 5th There has been no legal & sufficient notice
" to the appraisers of their appointment - In that
" said notice does not fix the name of the justice
" of the Peace or other Officer qualified to
" administer Oaths, before whom they shall
" qualify

" 6th There has been no legal & sufficient award
" of damages returned to this Court - In that
" the award returned is signed by but two
" of the said appraisers -

" 7th The said award is insufficient & nominal

" And to return the same to this Court And, the
" return shows that but two of said Appraisers
" viewed said premises & appraised the damages -
" 2^d The Order of the Court in appointing
" Appraisers to view and appraise the damages
" has not been complied with in that but
" two of said Appraisers viewed & appraised said
" damages and returned their said appraisement
" into this Court Le wit Benj. Warrat & Lewis
" Shroyer -

" 3^d That one of the said Appraisers who appears
" to have viewed & appraised said damages is
" one of the petitioners for said Road as
" appears by the said petition

" 4th The requirements of the Law has not been
" complied with - ~~Le~~ That in the appointment
" of Lewis Shroyer as one of the Appraisers,
" In that, he is not a disinterested & disinterested
" person being a petitioner for said Road

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" to the Appraisers of their appointment - In that
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" of the Peace or other Officer qualified to
" administer Oaths, before whom they shall
" qualify

" 6th There has been no legal & sufficient award
" of damages returned to this Court - In that
" the award returned is signed by but two
" of the said Appraisers -

" 7th The said award is insufficient & nominal

" And does not approximate to the real Dam-
" - ages Sustained

W. H. Hewitt

Atty for Grey "

That said Court thereupon overruled
said motion and established said Award
upon condition that Petitioner pay
the damages awarded & costs -

And now comes the said
Grey and appeals from the
rulings Orders & Decisions in said
Cause made by said Court and
asks the said Court to fix the amt.
of Damages herein required -

W. H. Hewitt

Grey atty

Said Appeal allowed & ordered
to fix bonds in the sum of
Two Hundred Dollars (\$200)

M. M. Gough

Clerk

#116

- A. & G. Gray -
of

James A Bailey Road

Filed - Aug. 6/60
M. C. C. C. C.

~~4th Motion has been read~~

4th The arguments of the Law has not been completed with. On that

At the appointment of Henry Thompson as one of the Appraisers ^{On that 1st day} not ~~the~~ ^{of the} ~~day~~ of a duplicate & discontented person, being a petitioner for his Board -

8^m There has been no report & reportment made to the Appraisers of their appointment. On that, said notice does not fix in name of the parties of the peace or of the Appraisers & admittance both before whom they should proceed

6^m There has been no report & reportment because of damages returned to the court. On that, the court returned is agreed & but time of said Appraisers appointment

4^m There is no report & reportment because of damages returned to the court. On that, the court returned is agreed & but time of said Appraisers appointment

At the Court

At the Court