

#127

Samuel White

(vs)

Resurvey of the Cedar
Rapids and Cedar Falls
State Road

Filed June 28, 1860
J. W. Sweetman Clerk
per G. C. Eberhart Secy

The State of Iowa
Black Hawk County } 3rd

Samuel White

In County Court
July Term 1860

vs
Thomas S. Warren et al }

On application for Resurvey of
Cedar Rapids & Cedar Falls State Road.

To the Hon County
Court of said County.

Your Petitioner Samuel White
respectfully shows to this Court that
he is the owner of the of the following
described premises situated in said County
of Black Hawk to wit - Lot No Four
4, in Section No Twelve and also
the South East $\frac{1}{4}$ of South East $\frac{1}{4}$
of Sect No Twelve 12. all in Town
ship no Eighty-eight North of Range
No Thirteen 13.

Your Petitioner further
represents to this Hon Court that
one John H. Leavitt Commissioner
appointed to resurvey & plat said Road
Resurveyed & flattened said Road
through the said premises as will
most fully appear by reference
to the report & plat of said Com-
missioner on file in this Court.

Yours Petitioner says that by reason of the resurvey and location of said road through his land as aforesaid he is & will be greatly damaged to wit in the sum of One Thousand dollars

Yours Petitioner alleges that by reason of the resurvey & location of said road as aforesaid his lands and premises have been greatly injured and rendered unfit for cultivation and occupancy thereof

Yours Petitioner alleges that if said road should be located as now contemplated & proposed by Petitioner for Resurvey of said land your Petitioner will be obliged to expend large sums of money in fencing said land besides the very great depreciation of said premises in value by reason the measures in which said road will cross said premises

Yours Petitioner therefore asks that Commissioners may be appointed to appraise said damages & to view said premises on a day to be appointed by them... but to assess said damages as sustained by said Plaintiff by reason of the location of said road through his said lands as aforesaid.

and report the same to this Court according to Law

Amos is a member of David Wood
at Amherston
Apr 24 1861

Ret #82 #127

In the matter of
Resurvey of State Road

Motion to dismiss

Filed Aug 1/60
J. M. March
Clerk

In the matter of the Application of Wm
Hymen et al for the resurvey of Cedar
Road and Cedar Grove State Road.

Now come H. H. Hines who is the
owner of a portion of the land through
which said Cedar Grove State Road runs, and

Rec'd #82

In the name
of the Survey

motion

field and

J. M. Lane

copy

In the matter of the Application of J. S.
Wagner et al for the survey of Cedar
Roads and Cedar Falls State Road.

Now come H. H. Hiest who is the
owner of a portion of the land through
which said proposed road runs, and
who claims to be injured by the survey
as ordered & pretended to have been, and
moves this court to disavow said off-
location and disapprove of said
survey & plat and disavow all the
proceedings herein ~~from and against~~
~~the~~ on the ground

First there is no sufficient petition
presented to the court for a survey

Second The court had no authority to order a
survey of said road, without the presen-
tation of a petition, setting forth the "loss
" or destruction of the field notes of original survey
" or that said original survey was defective
" or that by reason of numerous alterations
" the location of said road could not be
defined" which petition has not been
presented to this court.

Third - The petition is in other respects
materially and defective, in this

It does not ^{define} what portion of Saine Road
is asked to be surveyed. Where to com-
-mence or end, and confer no
right or jurisdiction on this court
to order a survey -

Fourth - The order of this court at the March
Term ^{for a survey} does not correspond with the
petition for a survey

Fifth The Survey, filed with the court as pre-
-sented to have been made by J. H. Leont
has been made without any ^{legal} authority
whether in that

1st Saine Survey does not purport to have
been made on the 12th of ~~April~~ ^{March} as ordered
by Saine Court at the said ~~April~~ ^{March} Term
2^d There is nothing upon the files of this
court showing a necessity or reason
for extending the time for making Saine
Survey from 12th of March to 9th of
April

3^d The order made at the April Term
has been made without authority of Law
4th There has never been any legal
sufficient commission issued
to J. H. Leont to survey Saine Road
5th Saine Commission has never gone all
- the way as required -

Sixth - The petition for a survey is not correct

for extending the time for making said
survey from 12th of March to 9th of
April

3rd The order made at the April Term
has been without authority of Law

4th There has never been any legal or
sufficient commission issued
to J. H. Leavitt to survey said Road
5th Said Commission has never been
fulfilled as required -

Sixth 6th The Surveyor and Associates
have never been sworn as required by Law -

Seventh - Said Survey field notes and
plot, is irregular imperfect - and
illegal and confers no jurisdiction
or right upon this Court to locate
said Road and approve of said
Survey & plot -

~~Admission~~
~~Attorney for~~
Eighth - There is no publication or off-
-icious of publication or other
proof that notice of said sur-
-vey has been made

~~Attorney for~~
Ninth - The field notes plot & survey do not
appear to have been signed by the Commis-
sioner and no evidence that he
ever performed his duties or that
the said field notes, and said sur-
vey were made by said Commissioner

Tenth - There is no original plot, field
notes & survey, or copies thereof
on file in this office as required by
Law -

#127

~~W. H. H. H. H.~~

Claim for damages

Order Road H
Order Hall Road

Filed May 26. 1860
J. B. Severance Clerk
per G. A. Eckhart Deft

220
80
301

State of Iowa
Blackhawk Co

In the matter of the Application
of Thomas S. Wanner for the survey
of a road ^{ref. to} ~~proposed~~ N. Cedar Falls State
Road between the South line of Black
Hawk Co, and the North line of Township
No 88 Range 13 West in Iowa Co -

That the Hon County Court of said Co.
Wm. Peterson, the undersigned judge of said
County & this Court that he is a resident
of said Co. and the owner of the following
described premises situate in said Co.
To wit Lot No Three (3) in Section No
Twelve (12) in Township No 88 North
of Range No 13 West containing fifty & thirty
one hundred and thirty acres, Also the North
West quarter 1/4 of South East quarter
of Section No Twelve (12) Township
No 88 Range of aforesaid -

That John H. Leavelle Commissioner
appointed to survey N. of Platt Lake Road
Surveyed & of Platt Lake Road
Through said premises as will appear
by the report of said Commissioner -

Your petition says that by reason
of the survey & location of said Road
Through his land as aforesaid, he has
sustained damages to the amount -

of One Thousand Dollars - That by reason
of the removal & location of said house as afore-
said, his said premises have been greatly
impaired & rendered unfit for cultivation
and occupancy & your petitioner has
been compelled to lay out & expend
large sums of money in and about culti-
-vating & occupying said premises
and will, if said house be perman-
-ly located & established as proposed
be compelled to lay out large sums
of money to render the occupancy of
said premises convenient -

Your petitioner says that by reason
of said house he is deprived of a
large portion of land, and that
the same is useless & worthless to
him - Wherefore your petitioner claims
damages to the amount of One Thousand
Dollars & asks this Court to appoint
appraisers to view said premises
upon a day to be appointed by this
Court & assess the damages occu-
-rred by the location of said
house through his said premises
and make them return to this Court
according to law
Done May 26th 1860 H. H. Reist
for petitioner his attorney

#121
Thomas S. Warren
& others
Petition for recovery
of C. Woods & C. Hall State
Ri-na

Filed March 3/60
Wm. H. C. C. C.

In the Dec. County Court of
Black Hawk County Iowa

We the undersigned
Citizens of Black Hawk County
do hereby present our petition
asking for a resurvey of that
portion of the Cedar Rapids & Cedar
Halls State Road between the
South line of said County and
the town line of Orange and
Watrous townships commencing said
Survey at the South line of said County
Dated at Waterloo July 1, 1860

Witness

J. S. Warren

A. J. Warren

J. H. Mead

S. S. Warren

Supervisor Dist

No 4 Cedar

#127
Affidavit of John
Public Court

Filed Aug 1/60
H. M. G. ch. C. J. G.

State of Iowa
Black Hawk County

George D. Angersoll

says that he is one of the Editors of the Courier, a weekly newspaper published in said County and that the notice hereto attached was published in said newspaper for one week commencing on the 12th day of June A.D. 1860

Subscribed & sworn to before me this 7 day of August
A.D. 1860

J. A. Eberhart Dep. Secy. Dist. Ct.

ROAD NOTICE.

NOTICE is hereby given to all whom it may concern, That upon the application of Thomas S. Warren, that portion of the Cedar Rapids and Cedar Falls State Road, between the South line of Blackhawk County, Iowa, and the town of Waterloo, in said County, has been re-surveyed and platted by order of the County Court of said County, and the plats and field-notes thereof, returned and filed in the office of the County Judge; and that at the July Term, A. D. 1860 of said Court, unless good cause be shown to the contrary, the said County Court will approve said resurvey and plat, and order that the same be recorded, as in cases of the original establishment of Public Highways, according to Chapter 130 of the Session Laws of 1857.

Dated at Waterloo, June 8th, 1860.

G. W. COUCH, County Judge.

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In Motion of Application
- for Recovery of
State Road -

Motion for an
Appeal —

Filed Aug 7/60
J. M. L. C. C. C.
C. C. C.

In the matter of the Application
of L. S. Warner et al for the resurvey
of the ~~State Road~~ Cedar Rapids
Aleida Falls State Road betw-
een south line of Blackhawk Co
& Township line between George
Township & Waterloo Township

Now comes H. H.
Mist, who claims to be injured
by the survey ordered herein and
asks an appeal be allowed to the
District Court, and for the amount
of \$1000. Wm. Hendon
Atty for H. H. Mist

Appeal allowed upon the party
giving bond in the sum
of two hundred dollars to
be approved by the Dist Clerk

Wm. Carver
Clerk

#127
J S Warren et al
Petition for Resurvey
of Cedar Rapids & Cedar Falls
State Road
Com To J McLeavitt

Filed for record
April 10 1886
J. S. Warren et al
Petition for Resurvey
of Cedar Rapids & Cedar Falls
State Road
Com To J McLeavitt

Office of the County Clerk,

WATERLOO COUNTY, IOWA,
 Waterloo, April 7th 1860.

To John H. Leavitt Esq.

You are hereby notified that you have been appointed a Commissioner to ~~run~~ ^{survey} ~~the~~ ^{the} ~~road~~ ^{road} petitioned for by ~~John H. Leavitt Esq.~~ ^{John H. Leavitt Esq.} and others. Said survey as ~~is~~ ^{is} petitioned for, is to commence at the South line of Black Hawk County and

run from thence to where the said State Road intersects the Township line between Township 88 Range 13 and Township 89 Range 13 in said township being a part of the Cedar Rapids and Cedar Falls & Atlantic Road.

You will, therefore, ~~appear in the Office of~~ ^{appear in the Office of} ~~qualify~~ ^{qualify} ~~according to law~~ ^{according to law} in said County, on the 9th day of April A. D. 1860, at ~~the~~ ^{the} ~~county~~ ^{county} ~~office~~ ^{office} and place immediately to the discharge of your duty and make your report thereon according to Law and the following Instructions, on or before the next term of this Court:

1. In your survey of this Road you will particularly describe the point of commencement, with reference to some monument record, which will generally be found to consist of corners in the public and private surveys; the exact course and distance from some one of which, you must give in your field notes.
2. You must also measure to, and in your field notes return the distance to some section or quarter section corner, from the point where you intersect each and every line of sections in the public surveys.
3. The point at which you terminate your survey must be ascertained and returned by reference to the same evidence as is herein required for the commencing point.
4. All letters and figures inscribed upon wood must be cut with a "marking iron," similar to that used in the government survey of lands.
5. Where bearing trees are taken, (and it is strongly enjoined that, if within ten chains of an angle, they should without fail be taken,) a smooth face fronting the angle of the Road, should be made as near the ground as practicable, and in this face should be cut the initial letters of the points of beginning and ending of the Road. For example—a Road from Dubuque to Cascade: D. & C. R. When bearing trees cannot be had at angles, it is recommended that the bearing and distance to a boulder, edifice, or corner of an enclosure be taken, and where this is impracticable, a large mound of earth should be raised at the point of the angle.
6. Marks in timber will consist of a smooth blaze with a notch in the center, except those trees which the line cuts, each of which must have three notches, both upon the side which the line strikes and that upon which it leaves the tree.
7. After completing your survey of this Road you must carefully protract the same upon paper, with a view to the detection of all errors, either in your chaining or course.
8. Before commencing your survey you must compare and adjust your chain to a standard kept for that purpose, in this office.
9. These Instructions in no way relieve you from each and every duty prescribed by the Code of Iowa, pages 91 and 92.
10. Your compass must be adjusted to run upon the true medium; that is, the true magnetic variation only must be employed, and this must invariably be stated, and all changes, as a part of the field notes of this survey.

Given under my hand, and the Seal of said County, at my Office in Waterloo, this 7th day of April 1860.

By J. B. Lawrence County Clerk.
 Deputy.

#127

Resurvey of Part of
Cedar Rapids Muddy Falls
State Road

Affidavit of Com^d

Filed April 7th 1865
J B Severance Clerk

State of Iowa
Black Hawk Co.

John H. Leavitt of said
County having been by the County Court
appointed to procure that part of the
State Road from Leake Rapids east to
Leake Falls between the south line of
said County and the township line of
township 89 Range 13 and township
88 Range 13 in said County - and
being duly sworn upon his oath says
that he will faithfully and impartially and
according to the best of his ability per-
form said duty as required by that
Honorable body of Jurors
to whom said John H. Leavitt
was appointed
The day of April
1887

J. B. Leavitt

127
Resurvey of C.P. & C.T.
State Road
Ac of J. H. Leavitt Comr
and assistants

Filed May 14. 1860
J. B. Seeverance Comr
for J. H. Leavitt Comr

W. Adams May 14/60

Blackthorn Co.

Is of met. & earth Dr.

Services as Const. and Surveyor Apr. 1st 10th & 11th Receiving a portion of the R. & L. S. M. Road 3 do @ \$3 - per day 9 00

Expenses of travel & baggage 3 do 3 00
To Making plat

3 00
\$ 15.00

Blackthorn Co.

To the following persons Dr. for labor

as assistants in above survey			
Ward Dec 29/60 E. S. Sennett 3 do @ 10/-			3 75
Do same 21/60 J. L. Leary " " "			3 75
Do May 19/60 J. D. Campbell " " "			3 75
Do same 16/60 W. M. Whaley & Son " " 16 1/2			6 00

I hereby certify that the above is a true and correct bill

Witness my hand May 14th 1860
Wm. H. Adams Const.

D. Clark

Survey this line as above for

Blackthorn Co.

rich