

# Dickinson College Archives & Special Collections

<http://archives.dickinson.edu/>

## Documents Online

**Title:** Letter from Roger B. Taney to Clotworthy Birnie

**Date:** January 14, 1813

**Location:** I-SpahrB-undated-39

### Contact:

Archives & Special Collections  
Waidner-Spahr Library  
Dickinson College  
P.O. Box 1773  
Carlisle, PA 17013

717-245-1399

[archives@dickinson.edu](mailto:archives@dickinson.edu)

Hudson N. J. Aug 14<sup>th</sup> 1843

Sir

Your appeal from the decision of the  
Livy Court relative to the road, will be for  
trial at February Term - It will be decided  
by the court and not by a jury - whether it  
will be tried on the evidence offered in the Livy  
Court & which will be sent up with the appeal  
to the County Court - or whether new evidence will  
be admitted, I cannot undertake to say positively.  
My opinion is that it ought to be tried on the  
record sent up from the Livy Court, & no other  
evidence admitted - But the point is a new one  
- this being the first case of the kind, since the  
passage of the Act of Assembly giving Jurisdic-  
tion in such cases to the Livy Court - It will  
therefore be advisable to be prepared with  
any testimony, you may deem material, if  
the Court should decide to admit new evi-  
dence - The only evidence material for you to pro-



owner, would, <sup>be</sup> such as will go to show the extent of the injury you will sustain by the road claimed by mouse, or that a road in a different location might be laid out without doing so much injury to you -

Very yr. obedt. st.

R. B. Taney

8  
Fred. Town MD: 15 Jan'y

Mr. Clutworthy Birnie

near Laney Lane

Q. Jan'y  
For a/c 14 Jan'y 1813



Frederick Jany 14<sup>th</sup> 1813

Sir

Your appeal from the decision of the Levy Court relative to the road, will be for trial at February Term - It will be decided by the court and not by a Jury - whether it will be tried on the evidence offered in the Levy Court & which will be sent up with the appeal to the County Court - or whether new evidence will be admitted, I cannot undertake to say positively. My opinion is that it ought to be tried on the record sent up from the Levy Court, & no other evidence admitted - But the point is a new one - this being the first case of the kind, since the passage of the act of assembly giving jurisdiction in such cases to the Levy court - It will therefore be adviseable to be prepared with any testimony, you may deem ~~material~~, if the court should decide to admit new evidence - The only evidence material for you to produce, would be such as will go to shew the extent of the injury you will sustain by the road claimed by manse, or that a road in a different location might be laid out without doing so much injury to you -

Respy yr. Obedt. St.

R. B. Taney

On verso:

Fred: Town Md: 15 Jany 8

Mr. Clotworthy Birnie

near Taney Town