

New Road, if established and opened as located by us, will be of great utility to the public, and without which a great number of the inhabitants of the County are now and will be seriously injured, and put to great inconvenience, trouble and loss. And we do appt to each of the persons through whose lands said new Road is located, Damages as follow: To Joseph Worley one hundred and fifty dollars; to Randall Austin the sum of one hundred and seventy five dollars; to Jacob Featherington the sum of one hundred dollars; to John Fink the sum of one hundred dollars; - Rodger and Lake claim no damage.

Given under our hands this 30th day of July, 1858.
 James Kelley
 J. M. Spangler
 Francis Jeffers.

The following is the Petition attached:

"To the Trustees of Putney Township, Bel. Co. State of Ohio.

"We the undersigned resident freeholders of the Township aforesaid, respectfully represent that the County Road leading from Weege, in Mead Township, to Bell in Putney Township, through the lands of Joseph Worley Randall Austin, John Rodger, h. Eben Lake and John Fink, or some portions of said Road, lying in said Putney Township, have been injured and destroyed by the washing, or influence of the Ohio River. We therefore pray your honorable body to take such action in the premises as the Statutes in such cases made and provided has authorized, that said Road may be opened and made passable"

Signed by George Crippwell & other persons.

Objections having been made to the opening of the Road, by parties interested in the lands through which said new Road is located, and it having been represented to the Commissioners that a Road opened through the lands of Worley, Rodger, Lake and Fink will accommodate the travel, for the present, the Board advised that so much of said new Road as passed through the lands of said Worley, Rodger, Lake and Fink, be established a public highway; and direct the Supervisors through whose districts said new Road is located, to open and work said Road, according to law.

We, the Commissioners of Belmont County, having examined the foregoing Record of Road business, hereby certify that we believe said Record to be correct

Orders to issue for damages assessed
 John H. Johnson
 Harrison Mappie
 John Mappie

September Session, 1858.

The Commissioners of Belmont County convened in regular session, at their Office, in St. Clairsville, Messrs. Majors, Johnson and Maffie, present, and passed the following Road Reports:

Road from Bridgeport to Steubenville, Alteration.

"We the undersigned Trustees of Peace Township, having been called upon by a portion of the citizens of said Township - The petition whereby it hereto arrived to re-locate that portion of the State Road leading from Bridgeport, Belmont County, to Steubenville, Jefferson Co. O., situated on the west bank of the Ohio River, lying between Robert Patton's lane and the northern boundary line of Belmont County, having viewed said Road, as find it necessary to alter said road according to the within described Survey. And at the same time the parties interested, viz: Noah Dillon, Joel Dillon, Joh. C. Armstrong, Admin. of David Atkinson, decd., and Joh. Patton, requested that we should apportion the damage sustained by each of them in the said re-location of said Road, In accordance with said request we find for Noah Dillon indemnified the sum of \$37⁵⁰/₁₀₀ - for Joel Dillon the sum of \$17⁰⁰/₁₀₀, for Armstrong, the sum of \$15⁶²/₁₀₀ - for Joh. Patton, the sum of \$20⁰⁰/₁₀₀. (Alexander Thoburn not appearing to make the demand, we also award to him, if it should be called upon, the sum of \$21⁵⁰/₁₀₀."

Ordered, that we find for Noah Dillon indemnified the sum of \$37⁵⁰/₁₀₀ - for Joel Dillon the sum of \$17⁰⁰/₁₀₀, for Armstrong, the sum of \$15⁶²/₁₀₀ - for Joh. Patton, the sum of \$20⁰⁰/₁₀₀. (Alexander Thoburn not appearing to make the demand, we also award to him, if it should be called upon, the sum of \$21⁵⁰/₁₀₀.
Order issued to S. Hope

"Given under our hands this 20th day of July, 1858.

William Gill } Trustees of Peace
Jephthah McGill }

Petition attached:

"The State of Ohio, Belmont County, June 18th, 1858."

To the Trustees of Peace Township, in said County -

"Whereas a portion of the State Road situated on the bank of the Ohio River, between Martinsville and the northern boundary line of said County, has been washed away by the late freshet so as to render it impassable, you are therefore requested to view and re-locate so much of said Road as lies between Robert Patton's lane and the aforesaid County line - it passing through the lands of Joh. Patton, Alexander Thoburn, David Atkinson's heirs, Joel Dillon and Noah Dillon. Your immediate compliance with this petition will much oblige, Yours &c."

Signed by Joel Dillon and 8 other persons.

The Commissioners declare the above described Road a public highway, and direct the Supervisors through whose districts said Road passes to open and work said Road according to law.
Ordered to issue on the County Treasurer for damages as above.

Road in Wayne Township

"We the undersigned Trustees of Wayne Township, have this day examined the Road on the land of S. Davis, and find the Road so destroyed that we have laid off a new ^{Road} to supply the deficit - for which the Surveyor's plot will give description. And James Thurmon a damage for the land the Road occupied, which is twenty rods and eight links long, and thirty feet wide, and we have assessed him six dollars and fifty cents,

The Commissioners declare the above mentioned Road a public highway, and direct the Supervisor through whose district said Road passes, to open and work said Road, according to law,

Order to issue on County Treasury for damages assessed,

York Township Road - on River bank

"To the Honorable Board of Commissioners of Bel. Co., Ohio,

"We the undersigned Trustees of York Township, Belmont County, and State aforesaid, having received a petition from the freeholders of said Township, to open that part of the County Road leading along the Ohio River, which has been washed away by the last freshet in said River, and in compliance with said Petition, and agreeable to the Statutes regulating the opening of Roads, we, Daniel Kuble, Jacob Boger, and Job Giffen, did on the 30th day of July, 1858, view said Road, and survey and open the same through the land of Thomas Day. And assessed the following damages for said Thomas Day, for 68 rods long and twenty feet wide, making $\frac{1}{2}$ acre, 2 rods $\frac{4}{33}$ of ground, which we valued at \$50 for ground and moving the fence and resetting the same,

Given under our hand and seals this

Jacob Boger } Trustees of York
Daniel Kuble } Township, Bel.
Job Giffen } County, Ohio,

Petition attached

"To the Trustees of York Township, Belmont County, Ohio,

"We the undersigned resident freeholders of the Township aforesaid, respectfully request your honorable Board to meet and view and locate a new Road to connect those portions of the County Road leading along the Ohio River, which has been washed away by the freshet, on the premises of Thomas Day, in said Tp., and we will ever pray, June 18th, 1858.

Signed by Lewis Boger and 6 other persons.

The Commissioners declare the above mentioned Road a public highway, and direct the Supervisor through whose district said Road passes to open and work the same, according to law. Order to issue on County Treasury for damages assessed. Order issued the Day for \$50.00. Issued

Road from Deep Run to Plank Road in Pease Township -

At the June Session, 1858, of the Board, the following petition was presented, to wit:

"To the Commissioners of Belmont County -

"We the petitioners, do pray your honorable body, that legal steps be taken to locate and establish a County Road in Pease Township, commencing for the same at or near the point where the road leading past J. P. Mitchell's terminates in the Deep Run Road, thence in a southerly direction through lands of Barnes to the line between said Barnes and Dr. Updegraff, thence with or near said line to the top of the hill, thence through lands of said Updegraff and Geo. Bailey, to intersect the Plank Road, And also to vacate so much of the Deep Run Road as lies between this beginning point and George M. Theobald's old smith shop. April 29, 1858.

Signed by Thomas Mitchell and 17 other persons, the

requisite number of whom are freeholders. And satisfactory evidence having been furnished that the petitioners had pursued the steps required by statute, and George Cunningham and James Ward having given sufficient bond conditioned for payment of costs, the Board appointed Jacob Banfelt, William Goodhue and Peter Alexander, and Thomas Mitchell, Surveyors, to meet at J. P. Mitchell's on the 25th day of June, 1858, and from thence proceed to discharge the duties of their appointment, and report thereon to the Commissioners at their next session, commencing on the 1st Monday of September, 1858.

And at the present session the following Report of the Viewers was presented, viz:

"To the Commissioners of Belmont County, Ohio.

"In pursuance to your order, we the Viewers, being duly sworn, according to law, proceeded with Thos. Mitchell, Surveyor, J. L. Mitchell and George Cunningham, Chainmen, and Levi Barnes, Axe-man, to view and examine the ground on which it is proposed to establish a County Road, described in your order, and are of opinion that a good Road may be had on said route, as shown by the accompanying Survey and Plot. Said

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 Road will pass about 49 Rods through lands of Barnes
 thence about 65 Rods on the line between said
 Barnes and Dr. Updegraff, thence about 44 Rods through
 said Updegraff, thence about 26 Rods through lands of
 Asa Railey. And no damages being claimed by
 said Barnes and Updegraff. Asa Railey claiming
 damages, for which we assess for him the sum
 of Twenty five dollars.

We also report in favor of the vacation of the old
 Road, as mentioned in your Order

Respectfully submitted, with plot and survey, this 25th
 day of June, A. D. 1858.

William Goodhue }
 Jacob Banfelt } Viewers
 Peter Alexander }

Fees:
 William Goodhue } Viewers \$1.50
 Jacob Banfelt } Viewers 1.50 Damages paid
 Peter Alexander } Viewers 1.50 March 13th 1859
 J. L. Mitchell } Chairman 1.00
 George Cunningham } 1.00
 Levi Barnes — Overseer 1.00
 Phot. Mitchell, Surveyor, 4.00 = \$11.50

The following Protest was read " September 6th 1858

"To the Commissioners of Belmont County
 Gentlemen: I hereby protest against
 the location of a Road recently viewed and surveyed,
 from Deep Run to the Plank Road, in Case Township.
 My reasons for objecting, to the establishing of said
 Road are that a Road can be located on a good
 ground, and at less damage to my property
 Asa Railey"

The foregoing Report passed the requisite reading at the
 present Session, and the objection made to the estab-
 lishing of said Road not being considered sufficient
 the Commissioners order said Road established a public
 highway, and direct the Supervisor through whose
 district said Road is located, to open and work
 said Road according to law. Provided, the Petitioner
 pay the damages assessed on or before the 1st of
 March, 1859 Damages paid and order issued to
 Supervisor to open the road

Alteration of Road through Isaac Reed's lands.

At the June Session, 1858, the following Petition was presented, to wit:

"To the Commissioners of Belmont County,

"We your petitioners humbly ask your honorable body, to grant a Review for an alteration of the County or State Road leading from Barnesville to Williamsburg, on the lands of Isaac Reed, beginning for the same near the south west corner of Isaac Reed's Milldam, and running under the Drestle of the C. O. R. R. in a south-westerly direction, keeping the old Road as near as practicable south of Isaac Reed's house and barn, to a point on the Williamsburg Road, near the forks of the Williamsburg and Millwood Roads; Also, to vacate the Road lately established between the above described points, By granting the above request, your petitioners as in duty bound, &c."

Signed by John T. Mackale and 26 other persons, the requisite number of whom are freeholders. And satisfactory evidence having been furnished that the Petitioners had pursued the course required by Statute, and George Douglass and John H. Keaton having given sufficient bond conditioned for payment of costs, the Commissioners appointed John Lippincott, H. S. Clark and Eph. Thomas, Viewers, and Prof. Alder, Surveyor, to meet at Barnesville, on the 17th June, 1858, and from thence proceed to discharge the duties of their appointment, and report thereon at the next Session of the Board, commencing on the 1st Monday of September.

At the present Session the following Report of the Viewers was presented, viz:

"We the undersigned Viewers named in the Order of Commissioners attached, after having been duly qualified according to law, at the time and place as specified in the Order of the Commissioners, did proceed to perform the duties assigned, and Report favorable to the location of the Road; beginning for the same at the point specified in Order, near the southwestern corner of Isaac Reed's Milldam, thence running under the Drestle works of C. O. R. R. thence in a southwesterly direction to a point a little south of Isaac Reed's house, thence to a point on the Williamsburg Road near the forks of the Williamsburg and Millwood Roads, (concerning all the particulars of which, see Surveyor's Plot accompanying this Report, and marked A.) And vacate the Road lately established between the above described points

June 17, 1858

John Lippincott } Viewers
H. S. Clark }
Eph. Thomas }

We the above named Viewers did at the same time assess a damage in favor of Isaac Reed of Twenty Five Dollars, as damages sustained by location of the above Road

Josh Liffenette
R. S. Clark } Viewers
Ethan Thomas }

Fees	
Viewers fees	\$6.00
C. W. Keefer } Chairman	1.00
J. W. Thomas }	1.00
Douglas, Assessor	1.00
L. S. Thatcher, Surgeon	2.00
Justice, qualifying Viewers	.38 = \$11.38

The following Remonstrance, signed by Boya Oliver, and 101 other persons was presented, viz

"To the Commissioners of Belmont County

"We the undersigned petitioners having been informed that there is now a petition on file at the Auditor's Office - praying for an alteration of the County or State Road leading from Barnesville to Williamsburg, or Millwood, through the farm of Isaac Reed, would object and remonstrate against any further alteration, change or review, being made on said Road, believing the Road to now occupy the best route that can be selected through the said farm of Isaac Reed."

The foregoing Report of Viewers passed the requisite readings at the present session, and, after examining the protest presented, the Commissioners declared said Road a public highway, and direct the Supervisor through whose district said Road is located to open and work said Road according to law, provided, that the petitioners pay the damages assessed on or before the 1st of March, 1859,

Isaac Reed gave notice of Appeal from the decision of the Commissioners to the Probate Court, on account of damages,

Case filed here for payment of costs, Sept. 24, 1858
And on the 25th September 1858, the original papers and a transcript of the proceedings of the Commissioners in that case, were filed with the Probate Court,

Road from Owen Deuced to Tiltons Ferry - Vacation

At the March Session, 1858, the following petition, signed by David McKim and 38 other persons was presented and read -

"To the Commissioners of Belmont County, Ohio.

"It appearing that a Road had been long since laid out from Owen Deuced to Tiltons Ferry, on the Ohio River, in Jefferson County, and a large portion of said Road had not been for some years occupied as a public road. And your petitioners, humbly conceive, is now become useless to the inhabitants thereof. Your petitioners, therefore, humbly pray your honor that so much of said Road as passed through the lands of William Reed, David McKim, James C. Mitchell, George M. Theaker, and Samuel P. Pickens, may be vacated, according to law. January 19th, 1858."

At the same Session a remonstrance was presented, to the Board, against granting the prayer of the foregoing petitioners. Therefore, further action upon the petition was deferred until the June Session of the Board. And at the June Session the said Petition and remonstrance were taken up and read.

The following, is the Remonstrance, signed by Joseph Moore, and fifty three other persons:

"We the undersigned, residing in the vicinity of the Road leading from Owen Deuced to Tiltons Ferry, on the Ohio River, and of where it passed through the lands of William Reed, David McKim, James C. Mitchell, George M. Theaker, and Samuel P. Pickens, and believing that the entire road is of public utility convenience, do respectfully remonstrate and object to the vacation of any part of the said road.

The petitioners having furnished satisfactory evidence that they had pursued the course required by Statute, and J. C. Pickens and David McKim having given sufficient bond conditioned for payment of costs, the Board appointed James Helsey, Alvan Hornick and Robert Patton, Clerks, and Thomas Mitchell, Surgeon, to meet on the 6th of August, 1858, at the former residence of James Mitchell, and from thence proceed to discharge the duties of their appointment, and report thereon at the next Session of the Commissioners.

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And at the present Session of the Board the following Report of the said Viewers was presented, viz.

"To the Commissioners of Belmont County,

"Gent: The undersigned Viewers, appointed by the annexed Order, to view the location of a Road in said Order described, do Report that we met at the time and place in said Order mentioned, and having been first duly sworn, did proceed to examine so much of said Road as is embraced in and passes through the lands of William Reed, David M. Kim, and James C. Mitchell, (the same having been pointed out to us by Thomas Mitchell, Surveyor) And after a careful examination of the same, and having obtained such other information in relation thereto as we deemed necessary and proper, are of opinion that so much of said Road as passes through the lands of the said William Reed, David M. Kim and James C. Mitchell is not of sufficient importance to the public as to justify its being kept open as a public highway, and that it ought to be vacated, As a reason for arriving at the above opinion we would state that with little exception we find the entire Road embraced in and passing through the lands of the above described named person, shut up and not kept open for public convenience, and from the appearance of the Road, and the information we received in relation thereto, it had been suffered to remain in that condition for a number of years, and has not been worked or treated by the people of that or any other District, as a public highway, and although, (as we are informed) it had been a Road long established, yet from the manner in which it has been treated by the public, a person unacquainted with the ground upon which it is located, would not ever think of a public highway being there. We did not examine that part of said Road which passes through the lands of George W. Theaker and Samuel Cickers, being informed by the Surveyor that the same had been previously vacated. Given under our hands this 6th day of August, 1858

James Kelley }
Adam Hornick } Viewers
Robert Patton }

Feet
James Kelley } \$3.00
Adam Hornick } Viewers 1.50
Robert Patton } 1.50
Thomas Mitchell, Surveyor 2.00 = \$8.00

The foregoing Report passed the requisite reading at the present session, and the Board approved of and adopted said Report, Messrs. Johnson and Massie voting in the affirmative, and Mr. Major in the negative. The said Road is therefore declared vacated.

I protest against the adoption of the above Report
John Major

Messrs. W. Reed, J. C. Pickens, Jos. Moore and Alexander Thoburn, gave notice, through their attorney, of appeal from the decision of the Commissioners, to the Probate Court.

We, the Commissioners of Belmont County having examined the foregoing Record of the Road business transacted at the present session, hereby certify that we believe the same to be correct.

John W. Johnson } Commissioners
Harrison Massie } of
John Major } Belmont County

December Session, 1858.

The County Commissioners met in regular session, at their Office in Aldainsville, December 7th, 1858, & passed upon the following Road business. Present Messrs. John Major, Harrison Massie and George W. Bethel, Esqrs.

Road through lands of Isaac Reed - Appeal case.

At the September session of the Board Isaac Reed gave notice of appeal, and on the 24th day of said month did appeal from the decision of the Commissioners to the Probate Court, on account of the damages assessed by the Board, on said Road, in his behalf.

And at the present session of the Board the proceedings had before the Probate Court, in said case, were read, as follows, to wit:

Isaac Reed
vs.
George Douglass
and
John H. Heston

Road Damages
Appeal from the final decision of the
Commissioners of Belmont County, Ohio.
Transcript filed Sept. 25th 1858.

And afterwards, to wit, on the 29th day of September, 1858, a venire facias was issued out of the Probate Court of Belmont County, Ohio, directed to the Sheriff of said County, in the words and figures following, to wit: