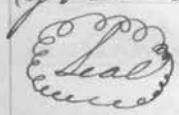


The State of Ohio, Belmont County, ss:

To the Sheriff of said County, Greeting:

You are hereby commanded that without delay you summon David Brown, Alexander King, Joseph Nicholten, Nicholas Cooper, Sutherland Chandler, Valence P. Martin, Solomon Bentley, Jr., Elijah Fitcher, Michael Fuge, Hugh McMillen, Charles Aicks, and William Grinnel, to be and appear before the Judge of the Probate Court of said County, at his Office in St. Clairsville, on Thursday the 7th day of October, 1858, at 9 o'clock, A. M. and so from day to day until discharged, then and there to serve as Jurors in the case of Isaac Reed against George Douglas, Et al. And have you then and there that writ with your diaries thereon.



Witness my hand and seal of said Court at my Office in St. Clairsville, this 29th day of September, A.D. 1858,

Robert Landry  
Probate Judge

And afterwards said Sheriff returned said venire into Court endorsed as to the service thereof in the words and figures following, to wit:

Received this writ September 29th 1858. The within named Jurors all served personally.  
Oct. 2nd 1858. Fee \$4.00/100 J. S. Anderson,  
Sheriff Belmont County, Ohio.

And afterwards, to wit, on the 29th day of September, 1858, came the said plaintiff, Isaac Reed, and waived service of notice, and entered his appearance herein.

And afterwards, to wit, on the 29th day of September, 1858, a notice to said defendants was issued out of said Court, and directed to the Sheriff of said County, commanding him to notify George Douglas and John H. Neaton, that Isaac Reed has appealed from the final decision of the County Commissioners, of Belmont County, Ohio, for damages sustained by said Isaac Reed, by the location of a State or County Road, commencing near the south west corner of Isaac Reed's Milldam, running thence under the Trestle works of the C. O. R. R. thence in a south-western direction to a point a little south of Isaac Reed's house, thence to a point on the Williamsburg and Millwood Roads; to the Probate Court of said County; and that the said Isaac Reed has filed with the Judge of said Court a transcript of the proceedings before said Commissioners, in said case. And the said Douglas and Neaton were summoned to be and appear before said Probate Court, on the 7th day of October, at 9 o'clock, A. M. to answer to said proceedings; at which time and place a jury would be empanelled and sworn to assess the damages



The said Isaac Reed will sustain by reason of the location of said Road, which notice the said Sheriff served upon the said George Douglass and Job H. Heston, personally by copy.

And on said 7th day of October, 1858, the parties appeared before said Probate Court, and the Jury heretofore summoned, was thereupon duly empanelled and sworn and affirmed, by the said Probate Judge, to justly and impartially assess and determine the amount of compensation to be paid in money which is due to Isaac Reed for the property sought to be appropriated for the location and location of said State or County Road, in Warren Township, petitioned for by George Douglass, Et al, without deducting for any benefits to any property of the owner, and that they would also assess and return how much less valuable, if any, the lands from which said appropriation is taken, will be rendered by the opening and construction of said Road. Said Sheriff thereupon conducted said Jury to view the premises sought to be appropriated for said Road, in the presence of D. D. T. Leover, Esq, on the part of the Plaintiff, and Job Downport, Esq, on the part of the Defendant - two persons for that purpose appointed by the said Court.

And on the 9th day of October, 1858, said Sheriff, with said Jury, again appeared in said Court, having viewed said premises. And, thereupon, having heard the testimony of witnesses, and the allegations of the parties, retired to deliberate upon their verdict. And afterwards, to wit, on the same day, the said Jury, upon their respective oaths and affirmations, said that they assessed the damages in money which the Plaintiff Isaac Reed will sustain by the appropriation of his property to the use of said Road, in these proceedings mentioned, at the sum of \$75<sup>00</sup>/<sub>100</sub>. And also that the lands from which said appropriation is proposed to be taken, will be lessened in value by the opening and construction of said Road, the sum of \$215<sup>00</sup>/<sub>100</sub>, making the sum total of damages assessed \$290<sup>00</sup>/<sub>100</sub>. The Court approved and confirmed said verdict. And considered that the State of Ohio, for the use of Belmont County, recover of the said defendants George Douglass and Job H. Heston, the sum of \$167<sup>83</sup>/<sub>100</sub>, being the costs taxed in this case. Signed Robert Clantly, Probate Judge. Transcript certified to, and seal attached.

After having said proceedings before the said Probate Court read, in full, and being fully advised of the necessity of having a public highway, on the grounds proposed to be appropriated for that purpose, the Board of Commissioners declared said Road established a public highway, and order the damages assessed to be paid out of the County Treasury. And direct the Road to be opened and

worked according to law, by the Supervisor through whose  
Road District said Road passes.

Order to Supervisor issued and forwarded to George Douglass

Road from Gladden's to Reed's.

At the June Session, 1858, the Board passed upon  
the Report of the Viewers on a County Road, commencing on  
lands of James Gladden, in Smith Township, and running thro'  
the lands of said Gladden, Euclid Scatterday and Job Reed,  
to the County Road lately located from Glencoe Station  
to the Monroe County line. The Board ordered said Road to  
be established a public highway, upon condition that the peti-  
tioners pay the damages appraised. And at the present session  
of the Board satisfactory evidence was furnished of the  
payment of said damages, \$115.<sup>00</sup>/<sub>100</sub>. Thereupon said Road  
was declared established a public highway, and the Board  
ordered that the Supervisor through whose District said  
Road passes, be directed to open and work the same  
according to law.

Order to Supervisor issued and forwarded to

James Gordon

Road from Pipe Creek to Ridge Road

At the June Session, 1858, the Board  
passed upon the Report of the Viewers of a County Road  
from Pipe Creek to the Ridge Road South of said  
Creek, and ordered said Road to be established a pub-  
lic highway, upon condition that the petitioners pay  
the damages appraised, before the 1st Monday of Dec. 1858.  
At the present Session the action of the Board at  
their June Session was reconsidered, and the time for  
the payment of said damages was extended until the  
1st Monday of March, 1859.

Damages paid & order issued to Supervisors  
by Harrison Massie

Road from National Road to Mouth of Genies Run.

The Viewers appointed at last Session of the Board  
to view the ground for a County Road from the Na-  
tional Road, east of St. Clairville, to the mouth of Genies  
Run, failed to make said view. The petitioners  
having failed to give proper notice.

And at the present Session the same Viewers and  
Surveyor were re-appointed to make said view and  
survey. And the petitioners having again failed to  
give proper notice, the view and survey was not made.



Vacation of New Cornertown Road.

At the September Session of the Board, William Eaton, Oliver Doyle and John Miller were appointed to view the New Cornertown Road, between the Road from Israel's Bridge to Egypt, and thence a western course past Mathew Barber's until it intersects the Road leading from the National Road across Spencer's Fork of Hitevate to Egypt, near the residence of Jonathan Fox. Which Road petitioners ask to have vacated.

The said Viewers having failed, for want of proper notice, to discharge the duties of their appointment, the Board again appointed the same persons to view said Road, and report at the next Session of the Commissioners.

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

Harrison Massie  
Geo. C. Bethel

March Session 1859

The County Commissioners met in regular session at their office in St. Clairsville March 7<sup>th</sup> 1859 and passed upon the following Road business present John Majors Harrison Massie and George C. Bethel Esq.

54  
Road in Wayne Township

At the December Session the following petition signed by Andrew Love and twenty two others was presented

To the Commissioners of the County of Belmont  
We the Subscribers, Landholders and Residents in the said County thinking that a County road through the Townships of Wayne and Somerset in said County to begin at the county line on the land of Garreson in the road in Wayne township leading to Jerusalem in Monroe County thence the nearest and best route to intersect the road leading from Somerton in Somerset Township to Malaga in Monroe County, on the hill South of the Steam Mill of Pocumt. is necessary and if established would be conducive to public utility and convenience as hereby respectfully apply to and request of the said Commissioners to appoint viewers to view the grounds along which said road is proposed to run

Satisfactory evidence having been furnished that the petitioners had pursued the course prescribed by Statute, and Alfred Bishop and Isaac Askew having given their bond conditioned for the payment of costs, The board appointed Camm Thomas, Othrel Taylor and S. G. Smith viewers and Asa Garretson Surveyor to meet at John Nicholson on the 24<sup>th</sup> day of December 1858 and from thence proceed to view and survey said road, and report thereon to the Commissioners at their next session commencing on the first Monday of March 1859

At the present session of the Commissioners the following report of said viewers was presented

To the Commissioners of Belmont County this Pursuant to your Order we met at the house of John Nicholson on the 24<sup>th</sup> and after being duly qualified, proceeded to view and locate a county road as required by said order, a particular description of which is contained in the Surveyor's plat of the same to which we refer

We are of opinion that the said road will be of public utility, and therefore would suggest that it be established and made a public highway and that it be opened thirty feet wide



An application for damages was presented by Rezin Lucas through whose premises the road is located for the distance of about eighty one perches which application is herewith presented, we think he is entitled to the sum of fifteen dollars.

Signed  
Camm Thomas  
Oswal Taylor  
Thomas Smith

Fees				
Camm Thomas	2 days.	3.00	} Viewers	
Oswal Taylor	" "	3.00		
Thomas Smith	" "	3.00		
Joshua Bishop	" "	2.00	} Chain carriers	Order Issued June 7 <sup>th</sup> 1859
George Bishop	" "	2.00		
John Nicholson	" "	1.00	} Markers	Damages paid into County Treasury
William Gilham	" "	1.00		
Asa Carretson	Surveyor	7.50		
				<u>\$22.50</u>

The foregoing report passed the requisite number of yeas at the present session, and no objections being made thereto it was adopted by the Commission and the road established a public highway on condition that the petitioners pay the amount of damages returned by said viewers by the next regular meeting of the Commissioners to be held in June next. and that the Auditor notify said petitioners of this action

Petition for Road on Brush Run

The following petition of Payton A Harrison and thirteen others was presented at the December session

To the Commissioners of Belmont County  
Gentlemen We respectfully petition you to authorize a view and survey to be made of the ground for the location of a county road.

Said road to commence at a Blacksmith Shop on the premises of Hannah Foreman thence in a southern direction down Brush run to the first fording above Payton A Harrison's Mill Dam here forming a junction with the road leading from the Barnesville road south of Nicholas Coopers. to the said Harrison's Mill

Also the grounds for the alteration of the last described road, commencing at the

Mouth of a ravine, near the residence of James Smith, and running thence West near the line between the lands of George W. Gosney and Hugh McMillen to a Stone at the North East Corner of the lands of Thomas White, and that that portion of the ~~lands~~ <sup>said Road</sup> running through the lands of George Gosney be vacated.

Being satisfied that the petitioners had complied with the requirements of the law and George W. Gosney, Payton A. Harrison and J. B. McMillen having given sufficient bond conditioned for the payment of costs, the Board appointed Bushrod Hoge, Conrad Fulton and Josiah Close viewers and J. B. McMillen Surveyor to meet at McMillens on the 17<sup>th</sup> day of December 1858 and from thence proceed to view and survey, said road and report thereon to the Commissioners at their next Session commencing on the first Monday of March 1859, Order issued.

At the present Session of said Board the following report of said viewers was presented.

To the Commissioners of Belmont County O:  
 We the undersigned having been appointed by you on the 8<sup>th</sup> inst for the purpose of viewing the ground for the location of a road, commencing at or near the Blacksmith Shop on the premises of Mrs Hannah Foreman - this Shop is situated by the side of the Barnesville Road near Brush run a Branch of McMahan's Creek on which there is a sawmill and one Grist Mill in good running order, we report to you that we met on the 17<sup>th</sup> inst, and after being duly qualified we viewed the ground and found a practicable route for a road, and highly necessary that there should be one located there. This opens a road by those two Mills, and to the Rail Road accommodating a considerable scope of country and we further agree that this road is so near the Stream that it does not damage any persons lands, or if they should think it does, we think the advantages of the road far over balance the disadvantages, and we also agree in vacating the East end of that road mentioned in the petition, leaving the



Barnesville Road south of Nicholas Cooper's Farm running to Harrison's Mill, this road will now intersect the one we locate on Brush run at a small ravine a little below Mr. Miller's Saw Mill, we consider this a better way for the road, and for all the difference there is in the distance, or all the travel there is, or is likely to be, that the change will be no disadvantage

For further particulars we refer you to the Surveyors report accompanying our's

signed Bushrod W Hoge  
Andrew A. Fulton

Josiah Close

Fees				
Bushrod W Hoge	2	Days	300	
Viewers Andrew Fulton	1	"	150	
Josiah Close	1	"	150	
Chairman G W Gorney	1	"	100	
P. A. Harrison	1	"	100	
Surveyors J. R. Miller	2	"	4.00	\$12.00

The foregoing report of viewers having passed the requisite number of readings, and no objections having been made thereto, the commissioners declared said road a public highway and directed the supervisors through whose district said road is located to open and work the same according to law. And that that part of the road recommended to be vacated, be and the same is hereby declared vacated.

At the September session 1858 the following petition was presented

To the commissioners of Belmont County

State of Ohio

The undersigned petitioners respectfully represent that their interest, as well as that of the public in general would be promoted by the vacation of a certain County road heretofore laid out and a part never yet opened, as follows commencing for the same at a public road on the line between the lands of Charles Harrow and Ruth Courrow on the township line between Flushing and Union townships thence running West between the lands of Thomas McCall and David Connor, to the road running from Howells School House to the road leading from Morristown to Union town on the farm of Caldwell Dunn which said road was laid out some twelve years since, a part of which road has never been opened. The undersigned believe that the portion of the above road commencing on the line between Charles Harrow

Order Resolved



and Ruth Courrow and thence West to Thomas McCall's land be kept open and the balance be vacated. Said petition was signed by David Courrow and 12 others.

A remonstrance was also read against the granting of the above petition when it was laid over until the December Session when it with the remonstrance was again read. And the board being satisfied that the petitioners had proceeded according to statute and sufficient bond having been given conditioned for the payment of costs the board appointed Hiram Dewart Samuel Park and Joseph Morris viewers to meet at Rockhill on the 17<sup>th</sup> of January 1859 and from thence proceed to view said road and report thereon to the Commissioners at their next session commencing on the 1<sup>st</sup> Monday of March 1859. Orders & Viewers issued.

At the present session of the board the following report of viewers was presented and

That the viewers after being duly qualified proceeded to view the above described road and we are of the unanimous opinion that it is a nuisance

1<sup>st</sup> That the public is not benefited by said road from the fact that there is but one or two persons who will ever be likely to use or travel it

2<sup>nd</sup> That the ground is too rough and hilly ever to be a serviceable road

3<sup>rd</sup> That there is ground half mile North intersecting the same roads, which is much better than this and would be of much service to the public in general and which the citizens contemplate opening provided this one is vacated. Signed Hiram Dewart

Samuel Park

Joseph Morris

fee \$150 each

The above report having passed the requisite number of readings the present session of the board and no objections having been made thereon the report was adopted and that part of the road running through the lands of David Courrow and Thomas McCall to the road running from Howells Schoolhouse to the road leading from Union town to Morristown, on the farm of Colanell Dune be and the same is declared vacated.

At the June Session the following petition was presented and read

To the Commissioners of Belmont County

The undersigned petitioners respectfully pray your honours to vacate so much of the Old Newcomerstown road as is contained between the following points commencing at the road leading from Chreals bridge on the National road to Egypt and from thence a westerly course past Matthew Bailey's until it intersects the road leading from the National road down Spencers fork of Stillwater to Egypt near the residence of Johnathan Fox.

for the following reasons in part 1<sup>st</sup> Having served out its day and generation, it is no longer of general utility to the public, 2<sup>nd</sup> It is in very bad condition and the travel would not justify its repair, as it will require two new bridges built at considerable expense, before it could be traveled with any degree of safety, and for various other reasons we pray your honours to vacate the same, and your petitioners as in duty bound will ever pray

April 24<sup>th</sup> 1858 signed by Silas Shepherd and 17 others. action upon the above petition was referred until the September Session of the board when a remonstrance was presented signed by Eli Dallas and 10 others which was read.

The petition was again read, and Silas Shepherd and Robert Chreal having given sufficient bond conditioned for the payment of costs and the board being satisfied that the petitioners had proceeded according to Statute, appointed W. Eaton John Miller and Oliver Taylor viewers to meet at Johnathan Fox's on the 21<sup>st</sup> day of October and from thence proceed to view said road and report thereon to the next Session of the board

At the present session of the board the following report of viewers was presented

To the Commissioners of Belmont County We the undersigned viewers appointed by the Comm<sup>rs</sup> of the aforesaid County Dec. 4<sup>th</sup> 1858 for the purpose of viewing the ground for the vacation of so much of the Newcomerstown road, from a certain point on the road leading from Chreals Bridge on the National road to Egypt, near the residence of Matthew Barber to a point on the road leading from the National road down Spencers fork of Stillwater to Egypt near the residence of Johnathan Fox, do hereby, after being duly sworn by W<sup>m</sup> Seaball Esq<sup>r</sup>