

and after taking an actual view of the above described road do unanimously recommend a vacation of the same Dec 18<sup>th</sup> 1858

fees each \$15<sup>00</sup> paid

Wm Eaton  
Oliver Taylor  
John Miller

The above report having passed the requisite number of readings the present session of the board was adopted and the said road is declared vacated

### June Session 1859

The Commissioners of Belmont County met in regular session at their office in Steubenville March 6<sup>th</sup> 1859 Present John Majors Harrison Cassie & George C Bethel and during the session passed upon the following Road reports

#### At the December session

A petition was presented by David Brown and fourteen others asking for the vacation of a road commencing at a bridge east of Lewis Sutton's residence and about fifty rods north of the National Road, thence continuing north through the lands of Louis Sutton David Brown and John Bell, to where it intersects the Road leading from Wheeling Creek to the National Road

A remonstrance was also presented on read and action deferred until next session

At the March session 1859, the said petition and remonstrance were again taken up and read

The Board being satisfied that the petitioners had proceeded according to law, and bond having been given by David Brown & C Froll conditioned for the payment of costs, appointed John Johnson of Pulney Township James Dixon and William Frasier Viewers to meet at the public house of C Welby and from thence proceed to view

June 10<sup>th</sup> 1859

Said road and report thereon to the Commissioners at their next regular session commencing on the first Monday of June 1859

At the Present session the following report was made and read

To the Commissioners of Belmont County

We the undersigned viewers met according to appointment and viewed the road contained in the order commencing at a Bridge East of Lewis Suttons Residence and about fifty rods North of the National Road thence continuing through the lands of Lewis Sutton David Brown and John Bell to where it intersects the Road leading from Wheeling Creek to the National Road.

We hereby agree that the said road is of but little public utility and the same be vacated.

The said report having been read on the Seventh and Eighth days of June was adopted and said Road declared vacated

Road from Barnesville to State Road

At the March Session a petition signed by Joseph Lisle and one hundred and sixteen others asking for the appointment of viewers to view the ground for the location of a County Road commencing at the East end of Moulbury Street in the Northern addition to the Town of Barnesville from thence through the lands of John Hall, along or near the line between the lands of Allen Barnes and Joseph Bond, through the lands of Joseph Lisle and William Green passing near a gate near the corner of Eli Hoagins orchard thence past Clendonmoss Mill and intersecting the state Road leading from the National Road to the town of Barnesville near where Laurence Coffland live on said Road.

The Commissioners being satisfied that the petitioners had pursued the legal course and Joseph Lisle and George Douglass having given sufficient bond conditioned for the payment of costs. They appointed Samuel Price James Tallman and Washington Buchanan Viewers, and William S Alder Surveyor. To meet at the Rail Road Depot at Barnesville on the fifth day of April 1859. and from thence proceed to view and survey the location for said Road and report their doings thereon to the Commissioner at their next regular session commencing on the first Monday of June next. Order to viewer Issued



June 10<sup>th</sup> 1859

The Commissioners having notice that William S. Alder could not survey said Road on account of other engagements appointed James M. Miller

At the present Session of the Commissioners the following report was received

April 5<sup>th</sup> 1859. To the Commissioners of Belmont County

We the undersigned, after being duly sworn proceeded according to your order. I have viewed and located said Road as set forth in your order, and report favorably to said Road, width of said Road to be thirty three feet

April 5<sup>th</sup> 1859 J. Washington Buchanan James Tillman and Samuel Price Road viewers.

I claim damages for Road viewed by you and located by you through my lands.

Amount \$1,500 (Signed) William Green.  
on the above demand we have assessed the damages at one hundred dollars \$100

(Signed) James Tillman  
Samuel Price  
Washington Buchanan

The above report having been read on the seventh and eighth days of June was adopted and said road declared a public highway and that the Supervisors through whose districts said road is located be ordered to open and work the same according to law, provide said petitioners shall pay the damages assessed thereon, on or before the first day of March 1860. Notice given for Appeal to Probate Court. & Transcript of proceeding given to William Green for proceeding see page 61

### Old Town Road

At the December Session of the Commissioners a Petition signed by Allen Dorsey and seventeen others was presented and read asking for an alteration to be made of the Road from Captina Creek to Pipe Creek. Beginning for said alteration near the dwelling of A. McKenzie thence up the Run known as Old Town through the lands of said McKenzie and Mathew Giffin, to the Middle point of the first fork of said Run thence up said point and along the ridge through the lands of said M. Giffin and Harrison Massie and intersect the old Road on the land of William Mellott at or near a pair of bars leading to a wheat field.

and if an easier grade can be had than that of the present Road, then vacate so much of the old Road, as lies between the point on Old Town Run, where it is proposed to commence the alteration, and the forks of the lane South of the dwelling house of Harrison Massie. Satisfactory evidence having been furnished that the petitioners had proceeded according to statute And Allen J. Dorsey and Matthew Siffen having given sufficient Bond conditioned for the payment of costs the Board appointed Lewis Boger James M. Dillon and John Mooney, Viewers and Thomas Mitchell Surveyor to meet at Alexander McKinsey's on the twentieth day of January 1859 and from thence proceed to view and survey said road and report to the Board of Commissioners at their next session commencing on the first Monday of March 1859

At the March session the above named viewers made the following report

To the Commissioners of Belmont County

We the undersigned viewers met at the time and place set forth in your order, and the surveyor failed to appear and we adjourned to meet on a subsequent day and notified said Surveyor of the time and of our next meeting. we met but owing to the inclemency of the weather we were unable to perform the duties of our appointment (Signed) Lewis Boger

James M. Dillon Viewers  
John Mooney

Report accepted and the same persons reappointed with Thomas Mitchell Surveyor to meet at the house of Alexander McKinsey on the 7<sup>th</sup> day of April 1859 and from thence proceed to view and survey said road and report to the Commissioners at their next regular session commencing on the first Monday of June 1859

At the present session of the Commissioners the following report was received from said viewers

To the Commissioners of Belmont County Gentlemen: We the undersigned viewers appointed by you met at the time and place set forth in your order, and after having been duly sworn according to law proceeded to the discharge of our duties by calling to our aid Thomas Mitchell Esq Surveyor and Alexander McKinsey and Daniel Ruble as Chairman and David Skellett as Assessor. And we do hereby report that we are of opinion that a better grade can be had than



June 10<sup>th</sup> 1859

is on the old Road, that the route lies on better ground than the old one does, and are of the opinion that it should be established a public highway of the width of thirty feet, and so much of the old road vacated, as is mentioned in your order, for course and distance we refer you to the Surveyor's Report and plat hereto annexed.

Mathew Dillen presented a claim for in writing for damages asking Fifty dollars damages \$50. We consider the farm is rendered no less valuable by the location of said road, but assess a damage of Five dollars \$5. for the land appropriated and for the removing of a fence thereon.

William Bellott, also presented a claim for damages not stating the amount, we consider the expense of making fences in addition to the value of the lands appropriated to be of the value of Forty dollars \$40. we consider the farm is rendered no less valuable.

The other free holders through whose land the Road passed Claimed no damages.

June 10<sup>th</sup> Signed John Mooney }  
 A receipt was filed for the damages of M<sup>r</sup> Dillen } Viewers  
 assessed in favor of Lewis Boyer } 2 days each

(read on the 7<sup>th</sup> & 8<sup>th</sup> days of June and)

The above report was adopted and said road declared a public highway and that the Supervisors through whose land said road passes shall be ordered to open and work the same according to Law. provided the petitioners shall pay the amount of damages returned by said viewers on or before the first day of March 1860.

June 10<sup>th</sup> 1859

At the March Session of the Commissioners the following Petition was presented and Read

To the Commissioners of Belmont County Ohio

We the undersigned petitioners in accordance with notice published in the "Belmont Chronicle," and posted in the Auditor's office and at three public places in this Township, praying for a view and Survey to be made of the grounds for the location of a County Road from the National Road to the Mouth of Genin's Run. Commencing for said proposed County Road at the National Road East of St. Clairsville and running in a South Eastern direction through the Lands of heirs of John Thompson deceased and thence through the lands of Thomas H. Genin to a line on the line between the lands of said Genin and James Young, thence along said line to the woodland South of James Young's Residence, thence in an Easterly direction and intersecting Genin's run, thence with said run to its mouth. We would ask of your honorable body to give our petition due consideration

Signed Amos Sawcett & 13 others

Satisfactory evidence having been furnished that the petitioners had pursued the legal course, and sufficient bond having been given by James Young, David Philips and Shepherd Davis, conditioned for the payment of costs, William Hardesty, Jess Barton and B. Ellis Duggan, were appointed viewers and Thomas Mitchell Surveyor, to meet at the public house of Mr Lewis in St. Clairsville on the fifteenth day of April next and from thence proceed to discharge the duties assigned them by the order of their appointment and report to the Commissioners at their next regular meeting to commence on the first Monday of June 1859.

At the present session of the Commissioners the following report was presented from said Viewers

To the Commissioners of Belmont County

Gentlemen: We the undersigned viewers appointed by you, met at the time and place designated by you in your order, and having been duly sworn according to law, proceeded to the discharge of our duty by calling to our aid Thomas Mitchell Surveyor and A. Majors and W. D. Martin Chairmen and Remben Rose Axeman, we then proceeded to view the ground for the location of a county road leading



June 1859

from the National Road to the Mouth of Genins  
run commencing for said proposed County road  
at the National road East of St. Clairsville, and running  
in a South-Eastern direction through the lands  
of the heirs of John Thompson deceased. Thence  
through the lands of Thomas H. Genin to the line  
between Thomas H. Genin & James Young thence  
along said lane to the woodland South of James  
Young's residence, thence in an Easterly direction  
and intersecting Genins Run, thence with said  
run to its Mouth, and we report as follows

That we are of opinion that it is of public  
utility and report favorably to said road  
width of said road to be Thirty feet

The following persons presented their claims  
for damages, and we think the following  
damages all they sustain

- Eliza Steenrod Four hundred dollars (400.00)
- J. Thompson One hundred dollars (100.00)
- Thomas H. Genin Seventy Five dollars (75.00)
- Alexander Humphrey One hundred dollars (100.00)
- Amos Horner Thirty dollars 30.00
- Christopher Hinkle Forty dollars 40.00
- Charles Shoemaker put in a written

amount of damages, and we agree that he  
is not damaged any and therefore did not  
allow him any. The other free-holders through  
through whose lands the road passed did not  
claim any damages. April 23<sup>rd</sup> 1859

(Signed) William Hardesty }  
 Jesse Barton } Powers  
 B. Ellis Dungan } 2 days \$3.00 each

Thomas Mitchell 5 days \$10.00  
 Tho J. Major 2 2.00  
 W. D. Martin 1 day 1.00  
 Remben Rose 1 day 1.00

The above report having been read  
on the 7<sup>th</sup> & 8<sup>th</sup> days of June, was adopted after having  
been read the third time on condition that  
the petitioners shall pay the amount of damages  
assessed thereon, before the first of March 1860  
in which case the same shall be declared a public  
highway, and opened and worked according to law

June 7<sup>th</sup> Notice was this day given  
by E. E. Kenyon Att. for Thompson et al that this  
case would be appealed to Com. Probate Court

August 5<sup>th</sup> 1859

Proceedings had before the Probate Court on Appeal in Road Case of William Green vs George Lisle George Douglass et al Warren Township

William Green vs Joseph Lisle & George Douglass	}	The State of Ohio Belmont County Probate Court Road Damage Appeal from the final decision of the Commissioners of Belmont County Ohio Transcript filed June 28 <sup>th</sup> 1859
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And afterwards to wit, on the 2<sup>nd</sup> day of July 1859 a venire faciens 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:

State of Ohio Belmont County ss.

To the Sheriff of said County greeting, You are hereby commanded that without delay you summon William Grimes Abner Loage William Norris John Welsh Alexander King Capt. Thomas Thompson Samuel McDowell Matthew C

Trumble Euclid Scatterday Robert M Wilkins Andrew Porterfield & Francis Ferrell to be and appear before the judge of the Probate Court of said County, at his office in St. Clairsville on Tuesday the 12<sup>th</sup> day of July 1859 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 William Green against Joseph Lisle and others. And of this writ make legal service and due return with your doings thereon

Witness my hand and Seal of said Court at my office in St. Clairsville this 2<sup>nd</sup> day of July 1859

Signed Robert C Landy Probate Judge

And afterwards said Sheriff returned said venire into Court endorsed as to his service thereof in the words and figures following to wit, Service made July 7<sup>th</sup> 1859 Abner Loage P. 4 miles William Norris P. 1 mile Capt. Thos Thompson P. 1 mile Samuel McDowell P. 1 mile Euclid Scatterday P. 11 m John Welsh P. 6 m R M Wilkins P 1 m Francis Ferrell L. 4 m Andrew Porterfield P. 4 m M C Trumble L 10 m William Grimes L. 3 m, Alexander King P. 3 m; fees 4, P. Lochery Sheriff

And afterwards, to wit: on the 5<sup>th</sup> day of July 1859 a notice to said plaintiff was issued out of said Court and delivered to the Sheriff of said County in the words & figures following to wit:

William Green vs Joseph Lisle & George Douglass	}	The State of Ohio Belmont County Damages for County Road Appealed by plaintiff from final decision of County Commissioners of Belmont County To William Green. You are hereby notified that
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A Jury of Twelve men will be empannelled and sworn in the above case at my office in Stillairsville in said County of Belmont on the 12<sup>th</sup> day of July 1859 at 9 o'clock A.M.

Witness my hand and Seal of said Court at my office in Stillairsville this 5<sup>th</sup> day of July A.D. 1859  
Robert Clancy Probate Judge

And afterwards said Sheriff returned said notice into Court endorsed, Recd this writ July 5<sup>th</sup> 1859 at 5 o'clock P.M. and on the 6<sup>th</sup> day of July 1859 I made service by delivering a certified copy of this writ to the within named William Green Shps fee Mileage 100 Serv 35 Copy 35, Return 10. = 180. P. Lockery Sheriff

And on the said 5<sup>th</sup> day of July 1859 a notice to the defendants was also issued out of said Court and delivered to said Sheriff in the words and figures following, to wit:  
The State of Ohio Belmont County ss.

To the Sheriff of said County Greeting;

You are hereby commanded to notify Joseph Lisle and George Douglass, that William Green has appealed from the final decision of the County Commissioners of Belmont County, Ohio, for damages sustained by the said William Green by the location of a County road commencing at the East end of Mulberry Street, in the Northern Addition to the town of Barnesville from thence through the lands of John Hall along or near the line between the lands of Allen Barnes and Joseph Bond, through the lands of Joseph Lisle and William Green passing a gate near the corner of Eli Hodgins Orchard, thence passed Cleddensons Mill and intersecting the state Road leading from the National Road to the town of Barnesville near where Lancelot Coffman lives on said Road, to the Probate Court of said County of Belmont, and that said William Green has filed with the Probate Judge of said County a transcript of said proceedings before said Commissioners and that they be and appear before said Probate Court at the office of the Probate Judge in Stillairsville on the 10<sup>th</sup> day of July 1859 at 9 o'clock A.M., to answer to said proceedings and at which time and place a jury will be empannelled and sworn to assess the damages the said William Green will sustain by reason of the location of said Road, and of this writ make legal service and a return with your doings thereon.

Witness my hand and seal of said Court, at my office in Stillairsville this 5<sup>th</sup> day of July A.D. 1859 Robert Clancy Probate Judge

And afterwards said Sheriff returned said notice into Court endorsed

Received this writ July 5th 1859 at 4 o'clock P.M. and on the 6th day of July 1859 I made service by delivering to the within named Joseph Lisle and George Douglass each certified Copies of this writ Sheriff fees mileage \$1.25 Service, 53 Copies \$109 return 10. — \$ 2.90  
 P. Loehery Sheriff

And afterwards to wit on the 12th day of July 1859 the following proceedings were had in said Probate Court and entered on the journal thereof, in the words and figures following to wit:

William Green } Probate Court July 12<sup>th</sup> 1859  
 vs } Road Damages  
 Joseph Lisle and } Appealed from the final decision of  
 George Douglass } the County Commissioners  
 Transcript filed June 28<sup>th</sup> 1859

This day came the parties by their Attorneys and thereupon came a jury summoned and qualified to wit: William Grimes Abner Lodge William Morris John Welsh Alexander King "Capt" Thomas Thompson Mathero Trumble Euclid Scatterday Robert M. Wilkins Andrew Porterfield Francis Farrell and S. M. Howey twelve good and lawful men of said County and no objections they were then duly sworn and affirmed by the Probate Judge according to law, "to justly and impartially assess and determine the amount of Compensation to be paid in money, which is due to William Green for the property sought to be appropriated for a County Road in said County of Belmont, petitioned for by Joseph Lisle and others, without deducting for benefits to any property of the owner, and that they would also assess and determine how much less valuable if any, the lands from which such appropriation is taken will be rendered by the opening and construction of said Road"

The Probate Judge issued to the Sheriff of said County of Belmont, a writ signed by him officially and sealed with the seal of the Probate Court, Commanding him to conduct the jurors aforesaid, to view the premises sought to be appropriated for said County Road and owned by the aforesaid plaintiff, in the presence of John Davenport Esq on the part of said owner, and Joseph Lisle on the part of the defendants, two persons appointed by the Court for that purpose and to return said jury into Court on said 14th day of July 1859

Thereupon said writ was placed in the hands of said Sheriff and he retired with said jury to execute the Command thereof. And afterwards to wit, on the 14th day of July 1859 came the said Sheriff to whom said writ heretofore mentioned was delivered, Commanding him to conduct said jury in said writ and the panel annexed thereto named, and by special return thereto certified to under