

ROAD PETITION.

For _____ Establishment _____ Road in _____ in Union Township.

To the Board of Commissioners of Belmont County, Ohio:

We, the undersigned freeholders residents of Goshen Township, Belmont County, Ohio, hereby respectfully petition your Honorable Board for the establishing a county road along the following line or as near said line as can be made a good, practical road, to-wit:-

Beginning for the same at the center of the now traveled road at the foot of Winding Hill in Union Township, near an old house on the lands of H. C. McConnehey; thence south through the lands of Hamilton Myres; thence in the same direction through the lands of Tallman and Robison about 5 rods east of the home of Hiram Armstrong; thence through the same to the lands of Hiram Armstrong; thence south through the lands of Hiram Armstrong about 4 rods east of the home of Clarence Armstrong; thence south through the lands of Mrs. Rebecca DeBois; thence in the same direction through the lands of O. M. Grove to a small barn on the east side of the creek; thence in the same direction through the lands of Mrs. Emma Grove, there to intersect the road leading from the National Pike to Speidel.

(See Commissioner's Journal Vol. 9, Page 419.)

Dated this _____ March 27th. _____ A. D. 19 07

PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES
	C. C. Dubois L. J. Kirk D. Lucas Robert H. Walker. E. L. Mead Chester Goodman C.A. Heskett	C. W. Fissur John Warrick D. F. Barackman Edie Wright J. C. Jenkins and 37 others.	

Know all Men by these Presents:

That we, C. C. Dubois, Hiram Armstrong and Fred Bailey
are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of Two hundred and 00/100
Dollars, for the true and faithful payment of which well and truly to be made,
we bind ourselves, jointly and severally, our heirs, executors and administrators, by these presents.

Sealed with our seals and dated at Bethesda, Ohio this 27th day of April, 1907

The Conditions of the above obligations are such, That whereas application has been made to the Board of Commissioners of said Belmont County for the Granting of a County road on the following line, to-wit:

Beginning for the same in the center of the now traveled road at the foot of
Winding Hill in Union Township, near an old house on the lands of H. C. McConaughy;
thence south through the lands of Hamilton Myres; thence in the same direction through
the lands of Tallman and Rosinson; about 5 rods east of the home of Hiram Armstrong;
thence through the same to the lands of Hiram Armstrong; thence south through the lands
of Hiram Armstrong about 4 rods east of the home of Clarence Armstrong; thence south
through the lands of Mrs. Rebecca Duboise; thence in the same direction through the
lands of O. M. Groves to a small barn on the east side of the creek; thence in the same
direction through the lands of Mrs. Emma Groves, there to intersect the road leading
from the National pike to Speidel.

Now if the said applicants shall pay into the Treasury of the said County the amount of all costs and expenses accruing thereon, in case the prayer of said petitioners shall not be granted, or when the proceedings had in pursuance thereof shall not be finally confirmed and established, then this obligation to be void; otherwise to be in full force in law.

ATTEST:

J. P. Dixon

R. B. Lawrence

C. C. Dubois

Hiram Armstrong

Fred Bailey

SEAL.

SEAL.

SEAL.

St. Clairsville, O., April 29, 1907

The Commissioners met in special session at their office, and the Board being satisfied that the foregoing petition was signed by at least twelve freeholders of the County, residing in the vicinity of the of said county road, and that the proper notices had been given according to law, bond filed, approved and accepted, thereupon the Board appointed John Caldwell, B. M. Loper and D. M. Huntsman
three disinterested freeholders of the County, viewers, and John A. Bond surveyor
of said proposed road, to meet at residence of Rebecca Dubois on May 21, 1907 at 10 :00 A. M.
for the purpose of discharging their official duties relative to the object prayed for in the foregoing petition. And the Auditor is authorized to notify all non-resident land owners by publication, as required by law.

ATTEST:

A. W. Beatty

County Auditor.

A. G. Holloway

Robert McMillen

J. W. Martin

Commissioners.

Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your April 29th session, A. D. 19 07 we the undersigned, Viewers appointed under said order, met with John A. Bond Surveyor, at Rebecca Duboise on May 21st and were severally sworn to discharge faithfully and impartially, the duties required of us in said order.

If any Viewer is unable to attend here state by whom the vacancy was filled.

We took to our assistance

Allen Bond and Roy Wilson were selected by us as chain carriers, and R. B. Lawrence as a marker, who were also duly sworn.

We then proceeded to view said proposed County Road on the line described in your order, and caused the same to be surveyed, "as prayed for in the petition, or as near the same as in our opinion a good road can be made at a reasonable expense, taking into consideration the utility, convenience, and inconvenience and expense which will result to individuals as well as the public," by the Establishment of said road as follows:

(For description, see Page 8 this volume)

We would respectfully report that the said County Road ought to be established for the following reasons:

1st, That the way that has been traveled in the past has been washed out by the creek and filled in by slips making it impassable.

2d, That the route now laid out is the best in our opinion that can be made, and with a grade that is hard to beat anywhere.

We have also determined that the public convenience requires that such County Road shall be established 30 feet in width.

All of which is respectfully submitted, 19

D. M. Huntsman
John Caldwell
B. M. Loper
Viewers.

FEES.

D. M. Huntsman	Viewer,	3 days,	\$ 6.00	Allen Bond	Chainman,	2 days,	\$ 4.00
John Caldwell	"	3 days,	\$ 6.00	Roy Wilson	"	2 days,	\$ 4.00
B. M. Loper	"	3 days,	\$ 6.00	R. B. Lawrence	Marker,	2 days,	\$ 4.00
John A. Bond	Surveyor,	2 days,	\$				

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, Viewers of the County Road petitioned for by C. C. Duboise and others, make the following separate report of the compensation and damages assessed and awarded by them to persons entitled thereto. The parties named below have filed their written applications for the said allowances, according to law, and the same are hereto appended and returned with this report.

Compensation for land taken for said road has been awarded in the following sums:

To	Hamilton Myers, fifteen and 00/100	Dollars;
To	Tall and Robinson, One hundred eighty and 00/100	Dollars;
To	Hiram Armstrong, Five and 00/100	Dollars;
To	Rebecca Duboise, Twenty and 00/100	Dollars;
To	O. M. Groves, Forty-five and 00/100	Dollars;
To	E. A. Groves, Sixty and 00/100	Dollars;
To		Dollars;
To		Dollars;

Each of the above sums has been assessed without deduction for benefits to any property of the owner, which would accrue by the opening of said road.

The following sums are allowed as damages to be paid to claimants whose premises will be rendered less valuable by the opening and construction of said road through the same:

To	Hamilton Myers, Sixty-six and 50/100	Dollars;
To	Tallman and Robinson, Two hundred sixty and 75/100	Dollars;
To	Hiram Armstrong, Fifteen and 87/100	Dollars;
To	O. M. Groves, Forty and 00/100	Dollars;
To	E. A. Groves, Eighty-one and 00/100	Dollars;
To		Dollars;
To		Dollars;
To		Dollars;

D. M. Huntsman

John Caldwell

B. M. Loper

Viewers and Jurors to
award damages.

19

St. Clairsville, O., June 3, 1907 19

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view the road, as described in the above petition, was read the first time.

ATTEST:

A. W. Beatty

County Auditor.

A. G. Holloway

Robert McMillen

J. W. Martin

Commissioners.

St. Clairsville, O., June 4, 1907 19

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view the road, as described in the above petition, was read the second time.

ATTEST:

A. W. Beatty

County Auditor.

A. G. Holloway

Robert McMillen

J. W. Martin

Commissioners.

The Commissioners met in regular session, and the report of the Viewers in favor of the establishment of said road was this day publicly read for the third time and said Viewers having filed a separate report in writing of the amount of compensation and damages which they have assessed to land owners by reason of the establishment of said road through their several premises, which report was also publicly read, and the board being of the opinion that the compensation and damages awarded by said Viewers to the several claimants, to-wit:-

Hamilton Myers	Compensation	\$15.00	Damages	\$56.50
Tallman and Robinson	"	180.00	"	260.75
Hiram Armstrong	"	5.00	"	13.87
Rebecca Duboise	"	20.00	"	
O. M. Groves	"	45.00	"	40.00
E. A. Groves	"	60.00	"	81.00

are reasonable and just; that said road will be of public utility and of sufficient importance to the public to justify the payment of said compensation and damages out of the County Treasury, and no petition for review having been filed, it is ordered that the County Auditor issue his warrant on the County Treasurer in favor of said claimants for the amount of compensation and damages so awarded to them respectively; that the several reports of the Viewers with the survey and plat of said established road be recorded and that said road be and the same is hereby established a public highway thirty (30) feet in width, that the County Auditor issue the necessary order to the Trustees of Goshen Township to open said road according to law.

ATTEST:

A. W. Beatty, Auditor.

A. G. Holloway
Robert McMillen Commissioners
J. W. Martin

St. Clairsville, O. Sept. 16, 1907

The Commissioners met in special session and it appearing to the Board that on June 5th, 1907 they did establish said road according to report of Viewers and Surveyor and allowed to claimants all compensation and damages awarded and recommended by said Viewers and that on June 17th 1907, James C. Tallman and Lilah Robinson, two of the claimants, filed their bond with the County Auditor as provided by the statute, appealing from the decision of this Board of County Commissioners in relation to their claim, and application for compensation and damages in said matter and the transcript of the proceedings of the Board, with reference to the said establishment having been certified to the Probate Court, and the same having been heard in said Court (reference to record in Probate Court is hereby made) and the proceedings certified under date of July 26, 1907, having been filed in the office of the County Auditor, reference to which is hereby made and this Board refusing to allow compensation and damages as shown in said proceedings and finding and afterward a further proceedings was had in said Probate Court and certified as follows: "Be It Remembered, that on the 17th day of August, 1907, a motion was filed in the Probate Court of Belmont County, Ohio in the words and figures following, to-wit:- State of Ohio, Belmont County ss.

Probate Court

James C. Tallman and Lilah Robinson, appellants vs. C. C. Duboise et al Obligors, MOTION The Defendant moves to set aside the finding and judgment in this cause for the reason that the same was an agreed finding and judgment, and that the same is contrary to law.

Smith and Howard, Attorneys for the Defendant.

And afterward on the 19th day of August, 1907, proceedings were had in said court and entered upon the journal in the words and figures following, to-wit:- James C. Tallman and Lilah Robinson vs. C. C. Duboise et al August 19, 1907.

Road Appeal this day

this cause came on to be heard upon the motion of the defendants to set aside the order and judgment heretofore entered herein. And the court being fully advised in the premises, order, that said finding and judgment be and the same is hereby set aside. And the transcript of the record of the County Commissioners and the original papers herein having been returned into this court; it is now ordered by the Court that a jury of twelve (12) men be selected and returned by the Sheriff and Clerk of Courts of this County as provided by law: that this cause be set for trial on the 3d day of September 1907 at 8:30 A. M. and that a venire issue, directed to the Sheriff, of this County, commanding said jurors to appear in this Court on said day at said hour, and that summons be issued according to law, to all the appellants and to all the obligors in the bond given by the petitioners for the establishment of said road, to attend at the same time and place, and this cause is continued. John S. Cochran, Probate Judge.

And afterwards on the 19th day of August, 1907 an order to Clerk and Sheriff to draw a jury was issued out of said Court in the words and figures following, to-wit:-

ORDER TO DRAW JURY

Probate Court Belmont County, Ohio.

James C. Tallman and Lilah Robinson, plaintiff, vs C. C. Duboise, Hiram Armstrong and Fred Bailey, defendants, to the Clerk of the Court of Common Pleas and the Sheriff of said County: You are hereby notified and directed to meet at the Clerk's office and proceed at one in said office, to draw from the jury box according to law, the names of twelve jurors; to serve in the Probate Court of said County: and the Clerk aforesaid will make a list of the names so drawn, in the order in which they are drawn and certify the same to me, with the return of this writ. Witness my hand and the seal of said Probate Court at St. Clairsville, Ohio, this 19th day of August, 1907.

(SEAL) John S. Cochran, Probate Judge.

And afterwards on the 19th day of August, 1907, said order to Clerk and Sheriff to draw jury was returned and filed in said Court with the return of the Clerk endorsed thereon in the words and figures following, to-wit:-

List of names drawn for jurors in the Probate Court. Office of the Clerk, Court of Common Pleas, Belmont County, Ohio. To the Probate Judge of said County, Greeting: Pursuant to your order and notice dated August 19th, 1907, I, with the Sheriff of said County, met at this office and we proceeded at one, therein, on this 19th day of August, 1907, to draw from the jury box the name of twelve jurors. I certify that the following is the list of names so drawn, in the order in which they were drawn, to-wit:-

1, J. I. Lewis, Goshen Tp.; 2, A. A. Leach, Pultney Tp.; 3, John Cunnard, Jr., Union Tp.; 4, H. B. Wilkinson, Mead Tp.; 5, W. H. Shry, Warren Tp.; 6, J. J. Crawford, Flushing Tp.;

Surveyor's Report.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated 19 07 proceeded on the 21 day of May to survey and mark the proposed County Road described in said order under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

Situate in Section 31, Tp. 8, Range 5, and Section 36, Tp. 7, Range 5, beginning at a stone planted in the center of county road leading from Mt. Olivett to Morristown from which a locust tree bears S. 84° 30' W. 24 ft.; thence S 14° .5' E. 757.42 ft. through lands of Hamilton Myers and Tallman and Robinson to station No. 2 on lands of Tallman and Robinson; thence S. 1° 18' W. 584.50 ft. to station No. 3 from which a wild cherry tree 20" D. bears S. 74° 57' E. 15' 6" on lands of Tallman and Robinson; thence S 6° 25' E. 948.25 ft. on lands of Tallman and Robinson to station No. 4; thence S. 3° 18' E. 305.50 ft. on lands of Tallman and Robinson to station No. 5; from which the south-west corner of Tallman and Robinson's barn bears N. 87° E. 31 ft; thence S. 14° 56' W. 305.50 ft. to station No. 6 on lands of Tallman and Robinson from which a locust tree 12" in diameter bears S. 78° 30' E. 23.75 ft.; thence S. 15° 34' E. 392 ft. to station No. 7 on lands of Tallman and Robinson; thence S. 9° 42' E. 58.25 ft. to station No. 8 on lands of Tallman and Robinson; thence S. 5° 38' W. 310.50 ft. on lands of Tallman and Robinson to station No. 9 from which a thribble cherry tree bears S. 43° 30' E. 20 ft. ; thence S. 10° 32' W. 195 ft. on lands of Tallman and Robinson to station No. 10; thence S. 33° 20' W. 494 ft. on lands of Tallman and Robinson and Armstrong to station No. 11 from which the north-east of Hiram Armstrong's house bears N. 75° 20' W. 41.50 ft; thence S. 7° 30' W. 190.50 ft. on Hiram Armstrong to station No. 12; thence S. 32° 27' W. 175.50 ft. on lands of Hiram Armstrong and Rebecca Duboise to station 13; thence S. 9° 55' W. on lands of Rebecca Duboise to station No. 14 in center of county road; thence S. 14° W. 230.25 ft. along center of public road on lands of Rebecca Duboise to station No. 15 in road; thence S. 26° 08' W. 219.42 ft along public road on lands of Rebecca Duboise to station No. 16 in road; thence S. 40° 10' W. 476.25 ft. on lands of Rebecca Duboise; thence S. 19° 32' W. 65.50 ft. to station 18 in center of road from which the N. E. Corner of Mrs. Duboise house S. 27° 20' W. 70.50 ft. ; thence S. 7° 40' E. 370 ft. onlands of Rebecca Duboise to station No. 19 in road; thence S. 7° .04' E. 312.66 ft. to station No. 20 in road; thence S. 2° 23' W. 101.66 ft. to station No. 21 on west side of road; thence S. 24° 59' E. 138.50 ft. to station 22 in old road line Duboise and Groves; thence S. 2° .09' E. 589.50 ft. along road to station No. 23 on lands of O. M. Groves; thence crossing creek S. 44° 34' E. 59 ft. to station 24 from which a black walnut tree double 24" D. bears S. 62° E. 58'; thence S. 1° 50' W. 210 ft. on lands of O. M. Groves to station 25 from which the south-west corner of O. M. Groves' barn bears N. 74° W 41.50 ft; thence S. 9° 31' W. 169 ft. to station 26 on O. M. Groves' land from which a sugar tree 28" in diameter bears N. 78° 30' E. 15.25 ft.; thence S. 4° 21' E. 369.25 ft. to station No. 27 on lands of Mrs. Emma Groves; thence S. 1° 10' W. 234.75 ft. on lands of Emma Groves to station 28; thence S. 5° 00' W. 289 ft. to station No 29 from which the north-west corner of Groves' house S. 60° 35' E. 45 ft; thence S. 0° 17' E. 122.50 ft. to station No. 30 on lands of Mrs. Emma Groves; thence S. 31° 44' E. 219.50 ft. on lands of Mrs. Emma Groves to station No. 31; thence S. 4° .03' E. 464 ft. on lands of Mrs. Emma Groves to station 32 in center of county road and iron pin said road being 1.838 miles long.

S	D	M	Ft	Scale	S	D	M	Ft.	Scale
1	S 14	05 E	757.42	1.515	17	S 19	32	65 50	.131
2	S 18	18 W	584	1.169	18	S 7	40 E.	370 00	.740
3	S 6	25 E	948	1.896	19	S 7	04 E	312 66	.625
4	S 3	18 E	305	.611	20	S 2	23	101 66	.203
5	S 14	56 W	305	.611	21	S 24	59 E	138 50	.277
6	S 15	34 E	392	.784	22	S 2	09 E	589 50	1.179
7	S 9	42 E	58	.116	23	S 44	34 E	59 00	.118
8	S 5	38 W	310	.621	24	S 1	50 W	210 00	.420
9	S 10	32 W	195	.390	25	S 9	31 W	169 00	.358
10	S 33	20 W	494	.988	26	S 4	21 E	369 25	.738
11	S 7	30 W	190	.381	27	S 1	10 W	234 75	.469
12	S 32	27 W	175	.351	28	S 5	00 W	289 00	.578
13	S 9	55 W	350	.700	29	S 0	17 E	122 50	.245
14	S 14	00 W	230	.460	30	S 31	44 E	219 50	.439
15	S 26	08 W	219	.438	31	S 4	03 E	464 00	.928
16	S 40	10 W	476	.952				9707 41	

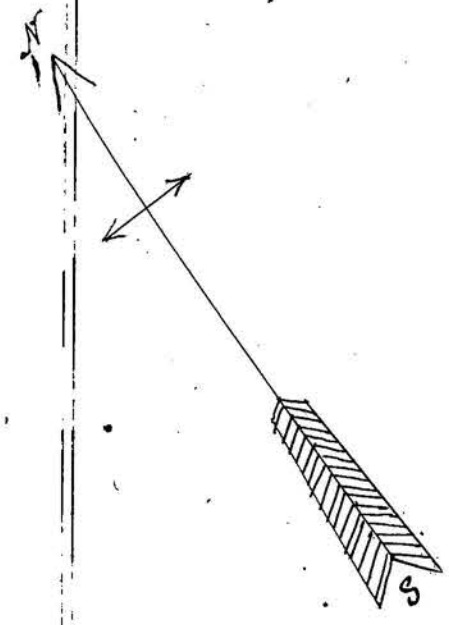
I Certify, That the above is a correct plat and return of the survey of the proposed county road named above

John A. Bond

Surveyor of said

Plat of County C.C. Du. Bois. Road.

Line between Hambyers & Tallman

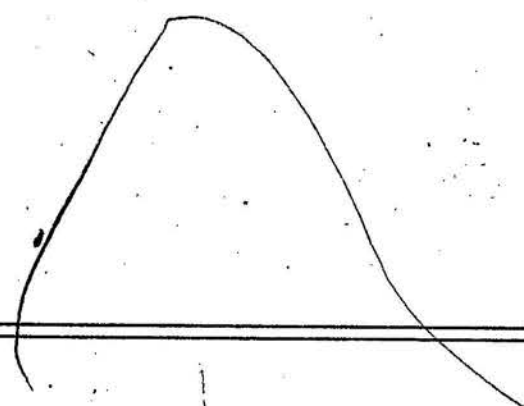


Line between Tallman and Armstrong

Line between Armstrong & Dubois

Line between Dubois and Groves

Line between O.M. Groves & F. Groves



Iron Pin