

And afterwards to wit, on the 27th day of March 1878, the following proceedings were had in this Court and entered upon the journal thereof in the words and figures following to wit,
 Alexander Wilev et al vs James Orr et al March 27th 1878, Appeal from Commissioners in relation to the assessment of Compensation and damages by reason of the establishment of a County road.

This day came the County Auditor and caused to be filed herein the original papers, Certified transcript of all proceedings or orders had or made by said Commissioners, touching this Case, Whereupon it is ordered that the same be entered upon the docket of this Court.

W. Carroll Probate Judge

And afterwards to wit; on the 3rd day of April 1878. Came the parties, by their Attorneys, and filed therein an agreement in writing, in the words and figures following to wit:

It is agreed, that in the Cases of James Orr vs Alexander Wilev et al and the Case of Alexander Wilev et al vs James Orr et al, and the Case of George Neff and William Nichols, being appeals from orders of Commissioners, Establishing roads, and Confirming damages assessed by Viewers, the Probate Judge shall defer the issuing of venire for jury, until such time, that the appearance of jury will not be required until the second week of the term of Com. Pleas Court, being about the first of May, and that he also defer notice to the parties as required by law until such time as that they shall be required to appear at the time fixed for the return of venire for jury.

R. E. Chambers Atty. for James Orr and for petitioners in the Case on petition of Thomas Ault et al
 R. M. Eaton Atty for petitioners in the Case of Thomas Ault et al.

J. M. Riley Atty for Alex Wilev et al and for Wm. Nichol & George Neff. And afterwards to wit; on the 3d day of April A.D. 1878, the following proceedings were had in this Court and entered upon the journal thereof in the words and figures following to wit;

Alex Wilev et al vs James Orr et al April 3d 1878, Appeal from the final decision of the County Commissioners in relation to The Amount of Compensation and damages assessed.

This day this Cause coming on to be heard, on motion and by agreement of parties, the same is continued until April 26th 1878.

W. Carroll Probate Judge

And afterwards to wit; on the 26th day of April A.D. 1878, the following proceedings were had in this Court - and entered upon the journal thereof in the words and figures following, to wit,

(See page 366)

ROAD PETITION

For a Location Road in Richland

To the Board of Commissioners of Belmont County, Ohio:

The undersigned petitioners, resident freeholders of said county, respectfully represent that the public convenience requires the Location of a County road on the line hereinafter described; and pray that your body will institute and order the proper proceedings in the premises to locate

such road, to-wit: Beginning at the Harnock Pike Richland Sp Belmont County, Ohio, near where the County Ridge Road leading from McMahon's Brook and the County road leading through by the Dutch Church intersecting the Harnock Pike on the lands of Daniel Ault, thence running through the lands of said Ault and Moses Boggs on the old vacated State road leading from Marietta to St Clairsville to a point where said road leaves the line between Boggs and the lands of the Heirs of Joseph Caldwell Dec'd thence North along or near the line of said Boggs and the heirs of said Caldwell to or near the corner of said lands thence North East through the lands of E. J. Zane intersecting the County Road leading from St Clairsville to Sewis Mill

Dated this _____ A. D. 18__

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
Moses Boggs	Jos Beatty	Jos Mehollin	Jos Rodman
Josiah Close	Daniel Harris	R. H. Anderson	J. M. Magee
W. Close	J. A. Rucker	L. H. McBride	Michael Myers
Robt Kerr	John A. Jeff	R. S. Duncan	E. Campbell

Know all Men by these Presents,

That we, Moses Boggs and W. H. Coffland

are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of one hundred 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 St Clairsville this 4th day of Sep 1877

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 Location of a County Road road on the following line, to-wit:

Beginning on the Harnock Pike Richland Sp Belmont County, State of Ohio near where the County ridge road leading from McMahon's Brook and the County road leading through by the Dutch Church intersects the Harnock Pike on the lands of Daniel Ault, thence running through the lands of said Ault and Moses Boggs on the old vacated road leading from Marietta to St Clairsville to a point where said road leaves the line between Moses Boggs and the lands of the Heirs of Jos Caldwell Dec'd thence North along or near the line of said Boggs and the Heirs of Caldwell to or near the corner of said lands thence North East through the lands of E. J. Zane intersecting the County Road leading from St Clairsville to Sewis Mill

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:
W. H. Stamp
Auditor

Moses Boggs SEAL
W. H. Coffland SEAL
SEAL

St. Clairsville, O., Sept. 2d 1877

The Commissioners met in regular session at Auditor's Office, and appointed
 Thos. White, David Snyder
 Viewers, and Noble Carter, Surveyor, of said proposed road,
 in meet at residence of Daniel Ault, Oct. 19, 1877 at 11 o'clock a.m.
 ATTEST:
 W. H. Coffland Dep. County Auditor. }
 William Barber } Commissioners.
 A. M. Anderson }

Surveyor's Report.

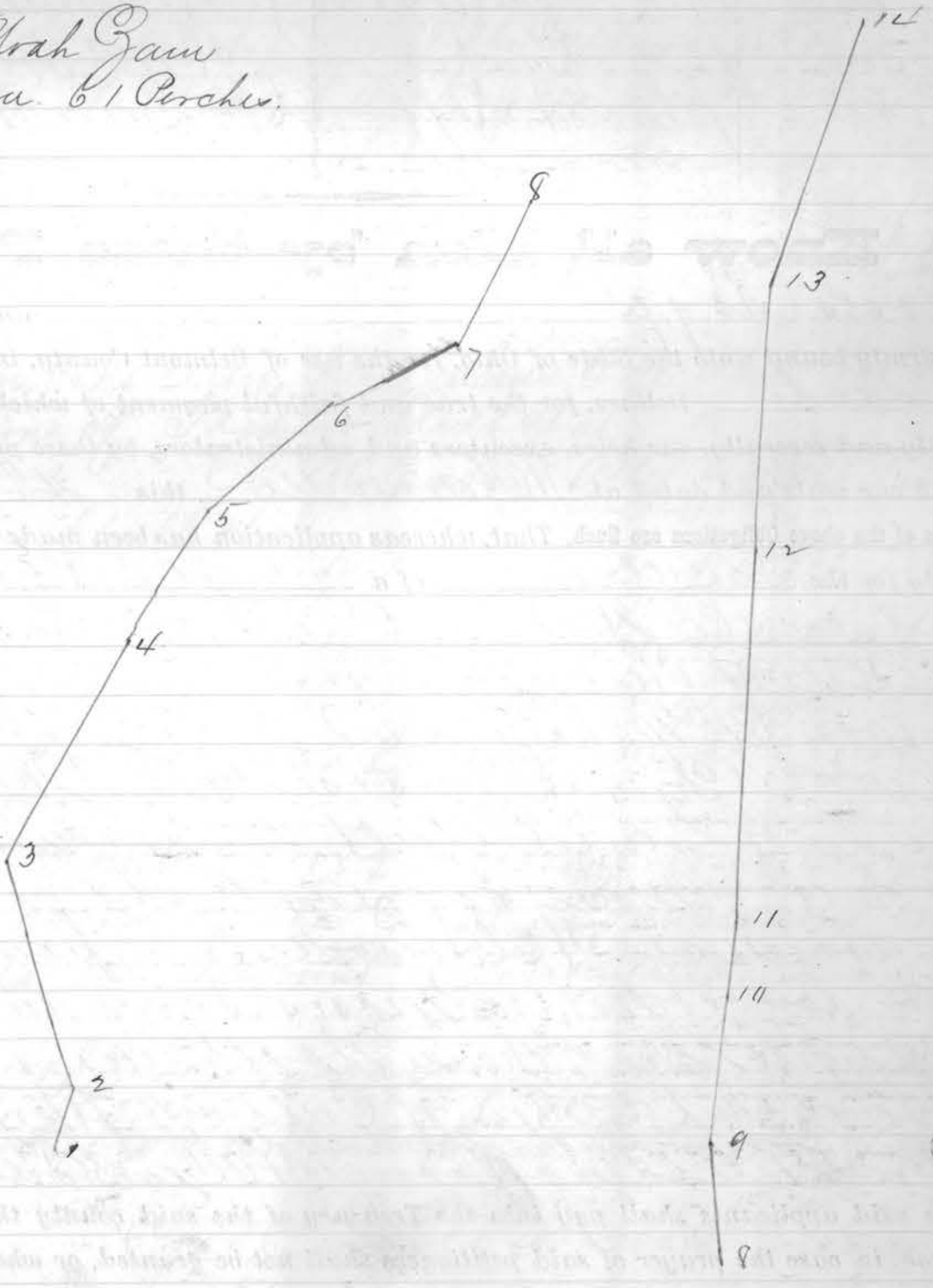
To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated September 4th 1877, proceeded, on the 19th day of October to survey and mark the Road described in said order, under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

Beginning for the survey in the middle of the Haycock Pike, on the lands of Daniel Ault. At a point witnessed by a stone planted, bearing East 1 P. Thence North 3 3/4 N. 21 links, thence N 35 N. 28 P. 13 links, thence N 10 1/4 E 30 P. 8 Links, thence N. 12 E. 8. 17 L. thence N 30 E 18 P. 23 Links, thence N 45 1/2 E 16 P. 14 L. thence N. 8 E 19 P. 6 Links, thence N 9 1/2 N. 14 P. thence N. 1 1/2 E 17 P. 22 L. thence N 2 3/4 N 9 P. thence N 3 1/2 N. 45 P. 16 L. thence N 3 N. 32 P. thence N 3 1/2 E 34 P. to the center of the County Road, on the lands of Noah Gann at Station 14 on plat.

Through the lands of Daniel Ault, distance 112 P.
 Area 1 1/4 acres.

Through Lands of Noah Gann
 Distance 34 P. Area 61 Perches.



I Certify that the above is a correct plat and return of the survey of the Road named above

Marshall Thompson Surveyor of said Road

REPORT OF VIEWERS.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your September session, A. D. 1877, we, the undersigned, Viewers appointed under said order, met with Marshall Thompson Surveyor, at Daniel Ault on October 19th 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.

William McBride and Albert McBride were selected by us as chain carriers, and Moses Boggs as a marker, who were also duly sworn.

We then proceeded to view said proposed 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:

Beginning at a point on the St. Clair side of Harrocks Pike, and on the lands of Daniel Ault. (Now particularly described in the report of the Surveyor.) to which reference is here made, running thence in a N. Easterly direction through the lands of the said Daniel Ault 112 Perches, to the lands of Moses Boggs, thence in almost a North direction through said lands 143 Perches to the lands of Eliza J. Gann, and thence in a N. Easterly direction 34 Perches to a stake in the road leading from St. Clairsville to Lewis Mills, as designated in your order.

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

In the first place, the interests of Moses Boggs, your principal petitioner, demand consideration, as his lands are situated within 1/2 of a mile of the St. Clair side and Harrocks Pike, and that he has no means of access to said road otherwise than by circuitous routes of at least 1 1/2 miles over a bad road, and said lands have been taxed their full proportion to raise funds to build said Pike, and that said Boggs entered his protest against the vacation of the road formerly on the line of this survey, but he did not take legal steps to secure his rights.

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

All of which is respectfully submitted,
November 17th 1877

Hugh McMellen
Thos. White
David Snyder } Viewers.

F E E S:

<u>Hugh McMellen</u> Viewer, 2 days, \$ <u>3.00</u>	<u>Albert McBride</u> Chainman, 1 day, \$ <u>1.00</u>
<u>Thos. White</u> " 1 " \$ <u>1.50</u>	<u>William McBride</u> " 1 " \$ <u>1.00</u>
<u>David Snyder</u> " 1 " \$ <u>1.50</u>	<u>Moses Boggs</u> Marker, 1 " \$ <u>1.00</u>
<u>Marshall Thompson</u> Surveyor, 3 days, \$ <u>9.00</u>	

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned Viewers of the County Road petitioned for by Moses Boggs 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 Daniel Ault One hundred and fifty (150) dollars;
- To E. J. Gann One hundred and eighty (180) dollars;
- To _____ dollars;
- To _____ 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 after fully examining the premises of both Daniel Ault and dollars;
- To Mrs. E. J. Gann we did not think that the premises of either of dollars;
- To them are rendered less valuable by the establishment of the dollars;
- To above proposed road. dollars;
- To _____ dollars.

Joseph W. Miller
Thomas White
David Snyder } Viewers and Jurors to Award Damages.

November 17th 1877

St. Clairsville, O., December 3d 1877

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:
W. H. Coffland }
 County Auditor.

J. J. Potts
Henry Trasher
A. M. Anderson } Commissioners.

St. Clairsville, O., December 4th 1877

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:
W. H. Coffland }

J. J. Potts
Henry Trasher
A. M. Anderson } Commissioners.

St. Clairsville, O., Dec. 5th 1877

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view said road, was this day publicly read, being the third reading of the same, and now comes Mrs. E. J. Gann, through whose lands said proposed road has been surveyed and proposed to be established, and moves the Board to dismiss the application of said Moses Boggs, for reasons following:

- 1st. The report of the viewers is not sufficient to authorize the establishment of said road.
- 2d. That the report of the viewers does not show that said

proposed road, if established will be of public utility and convenience. 3d. That the report of the viewers, instead of showing that said road if established will be of public utility or convenience, shows on the contrary, that the interest and convenience of Mrs. Boggs, principal petitioner, only, demands consideration, 4th. And for other good and sufficient reasons.

Mrs. E. J. Zaw

Per. J. M. Riley atty.

The Board being of opinion, after due consideration, that said report of viewers is informal and not sufficient to satisfy the Board, that said Road, if established, would be of public utility, it is ordered that said petition be dismissed, without further proceedings, and that the petitioners pay the cost and expenses, that have been caused by their aforesaid application.

Attest,

W. H. Coffland,
Auditor

W. J. Potts }
Henry Trask } Commissioners
A. M. Anderson } of
Belmont County

To which ruling of the Board dismissing said petition, Mrs. Boggs principal petitioner, excepts,

ROAD PETITION

For a Straightening Road in Richland OH

To the Board of Commissioners of Belmont County, Ohio:

The undersigned petitioners, resident freeholders of said county, respectfully represent that the public convenience requires the Straightening of a County road on the line hereinafter described; and pray that your body will institute and order the proper proceedings in the premises to Straightening such road, to-wit: Beginning at Mouth of Reff Saw mill run to the Echols mill road to a point near Joseph Synders, established on petition of Andrew Work and others. Said road has almost become useless on account of having been changed at different times off the established location.

Dated this _____ A. D. 18_____

PETITIONERS' NAMES:	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
<u>Joe Giffin</u>	<u>Wm Harvey</u>		
<u>C. E. Welsh</u>	<u>And Dauplass</u>		
<u>Alex Stitt</u>			
<u>Orin McLean</u>			

Know all Men by these Presents,

That we, _____ and _____ are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of _____ 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 _____ this _____ day of _____ 18_____

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 _____ of a _____ road on the following line, to-wit:

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:

_____ }



St. Clairsville, O., Sept 4 1877

The Commissioners met in regular session at Auditor's Office, and appointed Robt Clark

Daniel Stearns and William Chambers

Viewers, and Wm Carter Surveyor of said proposed road
at residence of William Wiley Sept. 18. 1877. at 9 1/2 o'clock a.m.

ATTEST:

M. H. Coffland Dep.
County Auditor.

Wm Barber
A. M. Anderson

Commissioners.

Surveyor's Report.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated _____ 18____, proceeded, on the _____ day of _____ to survey and mark the _____ described in said order, under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

[The main body of the report is mostly blank and contains faint, illegible ghosting of text from the reverse side of the page.]

I Certify that the above is a correct plat and return of the survey of the _____ named above _____ Surveyor of said _____

REPORT OF VIEWERS.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your September session, A. D. 1877, we, the undersigned, Viewers appointed, under said order, met with Noble Carter Surveyor, at the point designated on the 18th of Sept. 1877 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.

John Richner and Mr. Marpole were selected by us as chain carriers, and Mr. McGreen as a marker, who were also duly sworn.

We then proceeded to view said proposed _____ 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 _____ of said road as follows:

Upon examination and actual trial, we find that it is impossible to find any monument that will give satisfaction to us that the road was ever laid out at those points, and it appears from the record that a line has been left out in making the Plot or in taking the note, a distance of some 80 paces. Therefore we come to the conclusion that the old road could not be determined from the Record.

We would respectfully report that the said _____ ought _____ to be _____ for the following reasons:

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

All of which is respectfully submitted, {
Sept. 19. 1877

Robt Clark
Danly Stearns
Mr. Chambers } Viewers.

<u>Robt Clark</u>	Viewer,	2 P ^l days,	\$ 3.00	<u>John Richner</u>	Chainman,	Pl. 1	days,	\$ 1.00
<u>Danly Stearns</u>	"	2 P ^l "	\$ 3.00	<u>Mr. Marpole</u>	"	"	"	\$ 1.00
<u>Mr. Chambers</u>	"	2 P ^l "	\$ 3.00	<u>Mr. McGreen</u>	Marker,	Pl. 1	"	\$ 1.00
<u>Noble Carter</u>	Surveyor,	3	days,					\$ 9.00 P ^l .