

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned. Viewers of the Alteration petitioned for by O. H. Hall, 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	<u>Hugh Merrill</u>	<u>(\$60⁰⁰)</u>	<u>Sixty</u>	dollars;
To				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	<u>Hugh Merrill</u>	<u>Ten (\$10⁰⁰)</u>	dollars;
To			dollars;
To			dollars;
To			dollars;
To			dollars.

August 14th 1878 } Thos Pyle
Israel Steen } Viewers and Jurors to
James M Comas } Award Damages.

St. Clairsville, O., Sept 2nd 1878

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: } J. J. Potts
W. C. Cuffland } Abner } Commissioners.
County Auditor. } Henry

St. Clairsville, O., Sept. 3^d 1878

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: } J. J. Potts
W. C. Cuffland } Abner } Commissioners.
} Henry

St. Clairsville, O., Sept 4 1878

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 being the third reading of the same. And said viewers having filed a separate report, in writing, of the Amount of Compensation and Damages which they have assessed to landowners, by reason of the location of said road through, these several premises, said report was also publicly read. Whereupon Wm Thomas et al filed a petition for review, and Board after hearing evidence

for and against the establishment of said Alteration are not satisfied that said Application is just and Equitable therefore decline to grant said application. And the Board being of opinion that the Compensation and damages awarded by said viewers to the several Claimants to-wit: D. Hugh Merritt \$60⁰⁰ Compensation \$10⁰⁰ Damages is 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. It is ordered that the County Auditor draw this order upon 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 road be recorded, and that said road be established a public highway ^{of the full or width}. It is further ordered that the County Auditor issue in the name of the Board, an order to the trustees of Pultney Township, directing them to cause said road to be opened according to law.

Attest
 W. N. Caffland }
 Auditor }
 J. J. Potts } Commissioners
 A. W. Anderson } of
 Henry, Tussler } Belmont County

Hugh Merritt by his Attorney J. F. Charlesworth Esq gives notice of appeal from amount of Compensation and damages, also excepts to the order refusing to grant a review.

St. Clairsville Ohio, Nov. 11th 1878.

Be it remembered that heretofore, to-wit, on the 19th day of September A.D. 1878, William N. Caffland County Auditor of Belmont County Ohio, filed in the Probate Court of said County a transcript of the proceedings of the County Commissioners in relation to the assessment of Compensation and damages by reason of the establishment of a County road, together with the original papers.

And afterwards, to-wit, on the 19th day of September A.D. 1878 the following proceedings were had in the Probate Court and entered upon the journal thereof, in the words and figures following, to-wit,

Hugh M. Merritt }
 vs } September 19th 1878
 } Appeal from the County Commissioners
 C. W. Hall & al } in relation to the assessment of
 Compensation and damages by reason of the establish-
 ment of a County road.

This day came the County Auditor of the County, and caused to be filed herein the original papers.

Certified transcripts of all proceedings and orders had or made by said Commissioners touching the case, which in it is ordered that the same be entered upon the docket of this Court.

Signed

C. W. Carrall
Probate Judge.

And afterwards, to wit, on the 25th day of September 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:

Hugh M Menutt vs C. W. Hall & al
September 25th 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. It is ordered that notice issue to the Clerk of the Court of Common Pleas, and to the Sheriff of the County, directing them to select according to law, two persons, to serve as jurors in this case and that said Clerk return to this office the names of the persons so selected without unnecessary delay, and this cause is continued.

Signed

C. W. Carrall Probate Judge

And afterwards, to wit, on the 25th day of September 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:

Hugh M Menutt vs C. W. Hall & al
September 25th 1878
Appeal from the final decision of the County Commissioners in relation to the amount of Compensation and damages assessed. This day came the Clerk of the Court of Common Pleas, and in obedience to the order heretofore made in this case, proceeded and filed herein the following reports, to wit: State of Ohio Belmont County ss.

I, C. W. Carrall Probate Judge of said County, in obedience to your order of the 25th of September A.D. 1878. The Clerk and Sheriff proceeded to draw from the jury box of the Court of Common Pleas according to law, two persons to serve as jurors in a proceeding in the Probate Court of said County of Belmont, wherein Hugh M Menutt is plaintiff and C. W. Hall & al are defendants.

Name of jurors.	Township	Name of jurors.	Township
1 Isaac Hollway	Blushing	7 William Willis	Warren
2 James Griffin	Richland	8 William J. Stroes	Stittwood
3 W. B. Caldwell	Washington	9 A. K. Millville	Pultney
4 Geo. W. Dent	Pultney	10 John C. Ayles	Pultney
5 H. A. Cummins	Pultney	11 Nathan Steyer	Colerain
6 Jacob Manly	Colerain	12 William S. Hobbs	Somerset

See page 360.

ROAD PETITION

For a Alteration Road in Smith Tp.

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 Alteration 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 Alter such road such road, to-wit: Beginning at Said road being the County road leading from McMahoys Creek to Helpbringers Mill, Beginning at a point where said road crosses the line between lands of William Fulton and James Phillips running thence parallel with said line, on lands of James Phillips forty-five or fifty rods thence to intersect old road on top of the hill opposite a White Oak tree,

Dated this _____ A. D. 18__

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
James Phillips	R. A. Kelsey,	John Welsh	Cyrus Ramsey
A. C. Ramage	P. H. Helpbringer	John ^{his} Stillion	Robeson Workman
J. S. Hall	Wm. J. Kelsey,	John ^{marry} Workman	Hiram McLaughney
R. J. Workman	R. J. Welsh	Isaac Lash	Josiah Ramsey Etal

Know all Men by these Presents,

That we, James Phillips and _____ 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 Ch. Clairsville this 3rd day of June 1878

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 Alteration of a County road on the following line, to-wit: said road being the County road leading from McMahoys Creek to Helpbringers Mill, Beginning at a point where said road crosses the line between lands of William Fulton and James Phillips running thence parallel with said line on lands of James Phillips forty five or fifty rods thence to intersect old road on top of the hill opposite a White Oak tree

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:

M. D. Coffland
Dep Auditor

James Phillips



St. Clairsville, O.,

June 3rd 1878
Hugh W. Miller

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

John Noff and Jesse B. McSee

Viewers, and James R. McMullen Surveyor, of said proposed road.

At a meeting at Ga. Phillips's June 18. 1878 at 11 o'clock A.M.

ATTEST:

M. A. Coffland
County Auditor.

J. J. Potts
Thomas Frashy
A. M. Anderson
Commissioners.

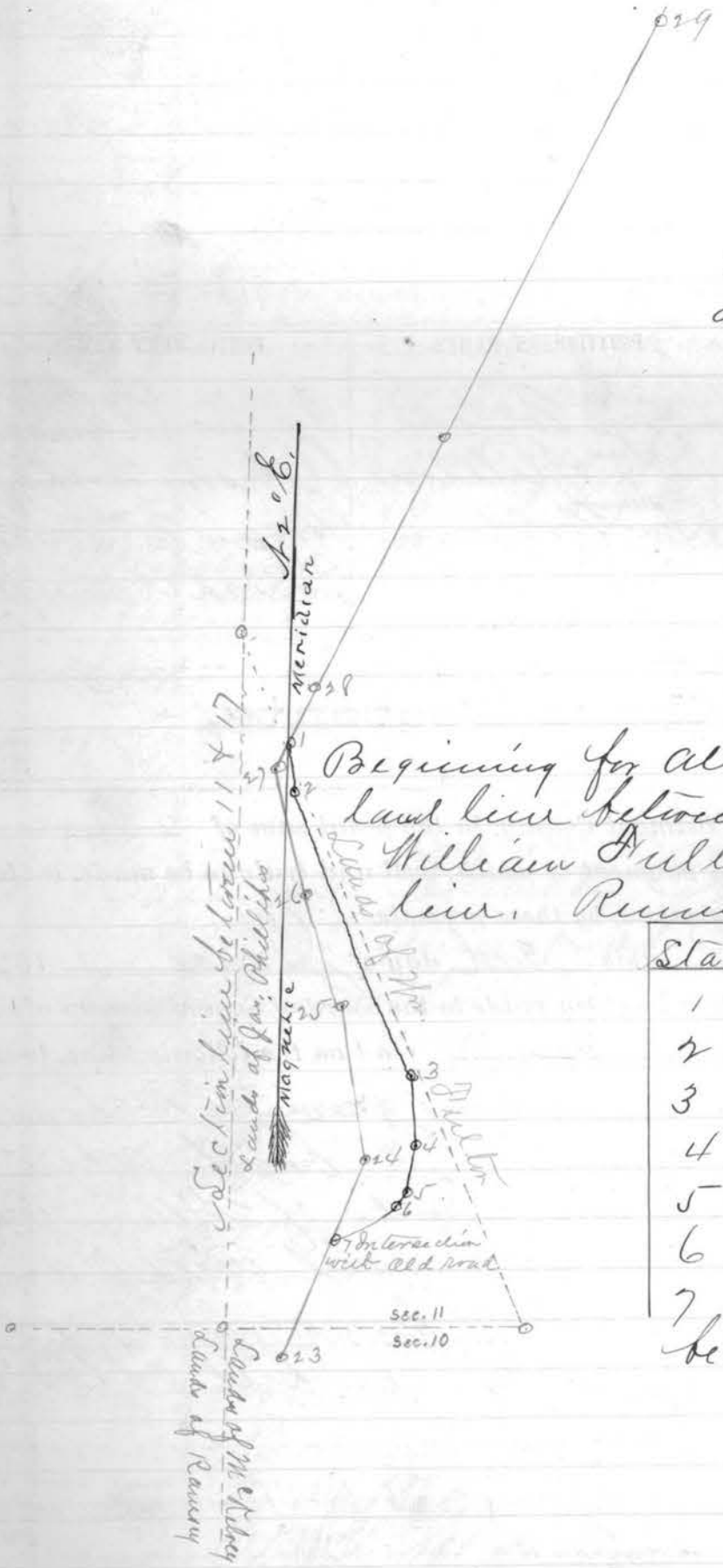
Surveyor's Report.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated June 3d 1878, proceeded, on the 18th day of June to survey and mark the Alteration of a County Road, described in said order, under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

Scale 20 feet to the inch

Black lines represent the Alteration
The red ones the old road.



Beginning for alteration at Station 27, it being on the land line between the lands of James Phillips and William Fulton, where the old road crosses said line. Remaining thence from Station

Sta.	Bearings	Dis. R.	Remarks
1	S 13° E.	4. ⁹² / ₁₀₀	State 15 ft. mark of Fulton line
2	S 23° E	37.	State
3	S 4 1/2° E	8. ³⁶ / ₁₀₀	Black Stump
4	S 8 1/2° W	5. ¹⁴ / ₁₀₀	W. O. "
5	S 33 1/2° W	2.	" " "
6	S 60° W	7. ⁹⁰ / ₁₀₀	State in old road
7	a white oak tree 20 ins. in diameter bears S 53 1/2° E. 5 1/2 Links		

James R. McMullen
Surveyor.

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

James R. McMullen Surveyor of said Alteration

REPORT OF VIEWERS.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your June session, A. D. 1878, we, the undersigned, Viewers appointed under said order, met with Gas. R. McMillen Surveyor, at the house of J. Phillips on the 18th day of June 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 A. Neff appearing. Salomon Prettyman was appointed to fill the vacancy by the Surveyor and remaining viewers

Samuel Lucas and James Lome were selected by us as chain carriers, and James M. Phillips as a marker, who were also duly sworn.

We then proceeded to view said proposed Alteration of C. 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 Alteration of said road as follows:

Beginning at a stake on the land line between William Dutton and James Phillips, the said stake being also in the center of the road proposed to be altered, running thence S. 13° E. 4 ⁹²/₁₀₀" poles to a stake, thence parallel with Dutton and Phillips' line, thence S. 73° E. 37 poles to a stake, thence S. 4 ¹/₂° E. 8 ³⁶/₁₀₀" poles to a black stump, thence S. 8 ¹/₂° W. 5 ¹⁵/₁₀₀" poles to a white Oak stump, thence S. 33 ¹/₂° W. 2 poles to a white Oak stump, thence S. 60° W. 7 ⁹/₁₀₀" poles to a stake from which a white Oak tree 20 inches in diameter bears S. 57 ¹/₂° E. 5 ¹/₂ links

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

First the ground on which the proposed alteration is sought to be made is of an excellent quality for a good road bed. In the second place it can do no harm any harm, and in the third place the interest of the public in general require said alteration. We also require James Phillips the principal petitioner to widen the field at the ravine near the point where said alteration commences, so that the whole field shall be 20 ft. wide, and also open the road on said alteration so that it will be in a suitable condition for the accommodation of the public.

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, June 26 1878

Hugh McMillen
Jesse B. Magee
Salomon Prettyman Viewers.

FEES:

<u>Hugh McMillen</u> Viewer, 1 days, \$ <u>1.50</u>	<u>Sam. Lucas</u> Chainman, 1 days, \$ <u>1.00</u>
<u>J. B. Magee</u> " 1 " \$ <u>1.50</u>	<u>James Lome</u> " 1 " \$ <u>1.00</u>
<u>S. Prettyman</u> " " \$ <u>1.50</u>	<u>J. M. Phillips</u> Marker, 1 " \$ <u>1.00</u>
<u>Gas. R. McMillen</u> Surveyor, 2 days, \$ <u>6.00</u>	

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned. Viewers of the _____ petitioned for by _____ 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 _____	dollars;
To _____	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 _____	dollars;
To _____	dollars;
To _____	dollars;
To _____	dollars;
To _____	dollars.

Viewers and Jurors to Award Damages.

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St. Clairsville, O., Sept 2nd 1878

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. N. Cuffland
County Auditor.

J. J. Potts
A. W. Abrahamson
Henry Truesdell

Commissioners.

St. Clairsville, O., Sep. 3rd 1878

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. N. Cuffland

J. J. Potts
A. W. Abrahamson
Henry Truesdell

Commissioners.

St. Clairsville, O., Sep. 4th 1878

The Commissioners met in regular session, and the report of the viewers in relation to the establishment of said road, having been this day publicly read, being the third reading of the same, thereupon came Wm. Fulton and filed a resignation signed by him self and _____ having reported in favor of the establishment of said road, are of opinion that said road, as laid out and surveyed, will be of public utility, it is ordered that the reports of said viewers, with the survey and plat of said alteration be recorded.

and that said alteration be established a public highway thirty feet in width. It is further ordered that the County Auditor issue an order, in the name of the Board, directing the trustees of Smith Township to cause said road to be opened according to law.

Attest
W. H. Coffland
Auditor

"C" Subsequent entry, J. J. Potts }
A. W. Anderson } Commissioners
Henry Frush } Belmont County

St. Clairsville Ohio. Sept 4, 1878.

In the matter of the petition of Jas. Phillips for a change in the route of a road through his premises

The views having been filed in their report whereby it appears that the length of said road will not be increased

to the injury of the public, by the same change proposed by the petitioner; that said alteration will not place said road in worse ground than it at present occupies, and that in their opinion, said alteration ought to be granted. And the Board concurring in said opinion, it is ordered, that upon satisfactory proof being made that said alteration has been opened a legal width, and that the same has been made equal, in all respects, to the old road, for the convenience of travelers, such further proceedings be had as are required by law to establish such alteration a public highway.

Attest
W. H. Coffland
Auditor

A. W. Anderson }
Henry Frush } Commissioners
J. J. Potts } Belmont County

St. Clairsville Ohio March 5, 1879.

In the matter of the petition of Jas Phillips for a change in the route of a road through his premises.

The Commissioners met in regular session and it appearing to the satisfaction of the Board that said applicant has opened

the alteration petitioned for by him a legal width and has made the same equal in all respects to the old road for the convenience of travelers. It is ordered that said alteration be established a public highway that the proceedings had in the premises with the report of the viewers, and the plot and survey of said alteration be recorded, and that so much of the old road as lies between the intersecting points of said alteration, be vacated. It is further ordered that said applicant pay the costs of the view survey and return of said alteration.

attest
M. Coffland }

J. J. Potts }
Henry Truskey } Commissioners
A. W. Anderson } Belmont County

ROAD PETITION

For a Alteration Road in Peace of Colerain Tps.

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 _____ of a _____ road on the line hereinafter described; and pray that your body will institute and order the proper proceedings in the premises to _____

such road, to-wit: Beginning at Your petitioner Daniel Y Parshall respect-
fully represents that he is the owner of certain real estate in said County
through which land the county road leading from Scotts Meeting House near the
National Road in Peace Township, to M. Greenless in Colerain Township is located.
The course of said road through said real estate is such as to do him great injury
and that changing the route of the same through said lands as hereinafter described the
aforesaid objections will be removed, and said road will be placed upon as good
ground as at present, without increasing the distance to the injury of the public.
Said proposed changes of route are as follows, 1st so much of said road as lies between
a point on your petitioners south line near station 5 on said line, and station
7 thereon, the south side of said alteration to extend to said line, the length of said road
between said points being about 54 rods & 2nd so much of said road as lies between station
11 on said Parshalls West line and a point on said line about 17 rods north of station 12 thereon the west
side of said alteration to extend to said line. The length of said road between said points being about 56
rods, said alteration at no point to be exceeding two rods from said road as now located, he therefrom
prays that such proceedings may be had as required by law to make the aforesaid changes
Dated this _____ A. D. 1878 in the line of said road, April 29 1878

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
D Y Parshall			

Know all Men by these Presents,

That we, Daniel Y Parshall D. D. J Cowan and W H Hoge
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 3rd day of June 1878

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

Leading from Scotts Meeting House near the National Road in Peace Township to M. Greenless in Colerain Township the first alteration so much of said County road as lies between a point on said Parshalls south line of said land near station 5 on said line and station 7 thereon, the south side of said alteration to extend to said line. The length of said road between said points being about 54 rods, and the 2nd alteration so much of said County road as lies between station 11 on the west line of said land and a point on said line about 17 rods north of station 12 thereon, the west side of said alteration to extend to said line the length of said road between said points being about 54 rods, said alteration at no point to be exceeding two rods from said road as now located,

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:

F M Cowen

D Y Parshall
D D J Cowan
W H Hoge

