

Commissioners Office Bel. Co.  
St. Clairsville O.

March 1st 1875

In the matter of the  
petition of Jonathan Cash  
and others for vacation of  
County Road.

} The said petition was this day publicly  
read the second time, and thereupon came  
} W. A. Carpenter a free holder of the County  
} of Belmont, and filed his written objection  
} to the vacation of said road. It is therefore

ordered that the said W. A. Carpenter enter into a bond, in the  
sum of One Hundred Dollars, payable to the State of Ohio for use of  
Belmont County, conditioned for the payments of the costs of a view  
of said road, in case the same be finally vacated.

In the matter of the petition  
of Jonathan Cash et al  
for vacation of County  
Road.

} Now comes W. A. Carpenter, objector to the  
} vacation of said road, and files his bond  
} in the sum of One Hundred Dollars, with M.  
} C. Dunn surety thereon, conditioned for the payment  
} of the costs, in case the road be finally vacated.

which bond is accepted and approved, and it is ordered that  
Isaac Holloway, Nathan B. Nichols and Stephen Hobson, three disinterested  
freeholders of the County, be, and they hereby are, appointed a Committee  
to view said road, and report their opinion as to the vacation of  
said road, according to law, and that they meet at "Pumpkin's Mill"  
on the 4th day of May 1875, at 10 O'clock A. M. and after having per-  
formed the duties of their appointment, that they make report to this  
Board at its next regular session.

Solomon Hogue  
J. H. Alexander  
William Barber  
} Commissioners of  
} Belmont County  
St. Clairsville O, June 9<sup>th</sup> 1875,

In the matter of the  
petition of Jonathan Cash  
et al. for vacation of  
County Road.

} The viewers appointed to view said  
} road, reported in favor of the vacation  
} of said road. The Board, after hearing  
} testimony for and against said vaca-  
} tion, are of opinion that said road as laid

out and established is of public utility, and it is ordered  
that said road be not vacated, and 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. C. Stamp,  
Auditor.

W. Barber  
The Alexander

} Commissioners

assessed by viewers, the Probate Judge, shall defer the issuing of venire for Jury, until such time, that the appearance of the 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 the Statute, until such as that they shall be required to appear at the time fixed for the return of venire for jury.

R. E. Chaubus 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 Thos Ault et al.

J. M. Riley atty for Alex. Wiley et al and for William Nichol and 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.

George Neff et al vs. Thomas Ault 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 26, 1878.

C. 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.

George Neff et al vs. Thomas Ault et al. } April 26th. 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 this County, directing them to select according to law, twelve 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

C. W. Carroll,  
Probate Judge.

And afterwards, to wit, on the 26th day of April 1878, the following list of jurors was returned by the Clerk of the Court of Common Pleas, in the words and figures following, to wit.

State of Ohio, Belmont County ss.  
I, C. W. Carroll Probate Judge of said County, in obedience to your order of the 26th day of April A.D. 1878, the Clerk and Sheriff proceeded to draw from the jury box of the Court of Common Pleas according to law, the names of twelve persons, to serve as jurors in a proceeding in the Probate Court of said County, wherein George Neff et al are plaintiffs and Thomas Ault et al. are defendants

Name of Jurors.	Township.
1 Reece Lewis	Warren
2 William McDonough	Flushing
3 M. R. Smylie	Pearse
4 John Coleman	Whelling
5 John F. Davis	Warren
6 John G. Owens	York.
7 William J. Thompson	Richland
8 Calvin C. Hassen	Pearse
9 F. M. Squirely	Pultney
10 John S. Bratty	Pultney
11 O. C. Parker	Pearse
12 Wm. C. Rankin	Richland

Witness my signature and the seal of said Court at St. Clairsville, Ohio this 26th day of April A.D. 1878.

A. C. Sarah. Clerk.

*(Seal)*

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

George Neff Etal }  
vs. } Appeal from the County Commissioners  
Thomas Ault Etal. } in relation to a County Road.  
April 26th, 1878

This Cause comes into this Court by appeal from the final decision of the Commissioners of Belmont County in relation to the establishment of a County road on petition of the said Thomas Ault and others, and the Court find upon hearing and inspection, that the proceedings had by and before the Commissioners previous to the appeal, were in substance, regular and legal. But the said plaintiffs, having also taken an appeal from the final decision of Commissioners in relation to the amount of compensation and damages assessed to them by reason of the location of said road through their premises, it is ordered that a venire issue for Reece Lewis of Warren township, William McDonough of Flushing township, M. R. Smylie of Pearse township, John Coleman of Whelling township, John F. Davis of Warren township, John G. Owens of York township, William J. Thompson of Richland township, Calvin C. Hassen of Pearse township, F. M. Squirely of Pultney township, John S. Bratty of Pultney township, O. C. Parker of Pearse township, and Wm. C. Rankin of Richland township, disinterested men of this County, having the qualification of jurors, to appear in this Court on the 8th day of May A.D. 1878, being the day fixed by agreement of parties aforesaid, to serve as Jurors upon the trial of the claims of said George Neff and William Nichol for compensation and damages.

C. W. Carroll  
Probate Judge

And afterwards, to wit, on the 8th day of May, the following return  
made, with the Sheriff's return endorsed thereon. Now returned and  
filed herein, 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 summon

- 1 Reeco Lewis of Warren Township
- 2 William McDonough of Flushing Township
- 3 M. R. Smylie of Pease Township
- 4 John Coleman of Whelling Township
- 5 John F. Davis of Warren Township
- 6 John G. Owen of York Township
- 7 William J. Thompson of Richland Township
- 8 Calvin C. Wassen of Pease Township
- 9 F. M. Spively of Putney Township
- 10 John S. Bratty of Putney Township
- 11 O. C. Parker of Pease Township
- 12 William C. Rankin of Richland Township.

to be and appear before the Probate Court in and for said  
County, at the Office of Probate Judge in St. Clairsville Ohio on  
Wednesday the 8th day of May A.D. 1878 at the hour of 10 o'clock  
A.M. of said day, to serve as jurors at a Probate Court to be then and  
there held. Of this writ make legal service and due return.  
Witness my hand and Seal of said Court at St. Clairsville, this 26th  
day of April 1878.

C. W. Casady,  
Probate Judge.

	Reeco Lewis P. 30 Miles	Calvin C. Wassen L 7 Miles
M. R. Smylie L 12 "	F. M. Spively L 12 "	
John Coleman P. 5 "	John S. Bratty L 12 "	
John F. Davis L 30 "	O. C. Parker L 12 "	
John G. Owen P. 20 "	Wm. C. Rankin L 2 "	
Wm. J. Thompson L 2 "	Wm. McDonough P. 16 "	

The above named persons served by copy as indicated  
Sheriff's fees \$5.00

W. G. Keirney, Sheriff.

And at the same time was filed herein, the following notice  
to defendants with the Sheriff's return endorsed thereon, in the words  
and figures following, to wit:

State of Ohio, Belmont County, ss.

George Neff and other Plaintiffs  
vs  
Thomas Ault and others, defendants.

To the Sheriff of said  
County, Greeting, You are  
hereby commanded to notify  
Thomas Ault, John M. Nelson,

George Neff and William Nichol that an appeal from the  
County Commissioners in relation to the assessment of compensation  
and damages by reason of the establishment of a County road, has  
been taken to the Probate Court of said County, and to further notify  
said above named persons to appear at the office of the Probate

on Wednesday the 8th day of May A.D. 1878 at 10 O'clock A.M. at which time certain proceedings will had in relation thereto as required by law.

Witness my hand and seal of said Court at Steubenville this 27th day of April A.D. 1878

C. W. Carroll.  
Probate Judge

(Seal)

Received this writ April 27th. 1878 and on the 4th day of May 1878 I served the within named Thomas Ault and William Nichol personally by delivering to each of them a certified copy of this writ, and the within named George Neff by leaving a certified copy of this writ at his usual place of residence, and the within named John McStelvey not found within my County.

W. L. Kinney Sheriff.

Sheriff's fees \$3.95

And afterwards, to wit, on the 8th day of May 1878, the following proceedings were had in this Court and entered upon the journal thereof, in the words and figures following, to wit.

George Neff et al. vs. Thomas Ault et al. } Appeal from the final decision of the County Commission in relation to the amount of compensation and damages assessed.

May 8th. 1878

This day came the parties with their attorney, and thereupon came a jury to wit, Reece Lewis, M. R. Smylie, John Colerway, John W. Owens, William J. Thompson, Calvin C. Hasaen, John S. Cratty, O. C. Parker, Wm. C. Rankin, Wm. McDonough, Jr., W. Riley and Jerry Bryant who are accepted, impaneled, sworn and affirmed to try said cause, according to law. On motion of plaintiffs, if any evidence is adduced by the parties, it is ordered that said jurors proceed under the charge of the Sheriff of this County, to view the premises of the said William Nichol and George Neff, in respect to which compensation and damages are claimed, and they are ordered to return into Court at 7 1/2 O'clock P.M. of this day. William Nichol and George Neff are appointed to show the jury the aforesaid premises on the part of the plaintiff and Thomas Ault and John Stewart on the part of the defendants.

C. W. Carroll  
Probate Judge.

And afterwards, to wit, on the 8th day of May A.D. 1878, the following order to survey jurors to view premises, with the Sheriff's return endorsed thereon, was returned and filed herein, in the words and figures following, to wit.

State of Ohio, Belmont County, S.S.

George Neff et al. plffs. vs. Thomas Ault et al. defts. } To the Sheriff of said County Greeting, You are hereby commanded to conduct the twelve jurors named in the panel to this writ annexed, to view the property or premises sought to be appropriated for a County road, and owned by William Nichol and George Neff.

On the 8th day of May 1878, then and there to view the premises or property aforesaid in the presence of William Nichol and George Neff on behalf of the plaintiffs and Thomas Ault and John Stewart on the part of defendants, persons appointed by this Court for that purpose and you will make return of the manner you have executed this writ to this Court on the 8th day of May A. D. 1878, and have you then and there this writ. In witness whereof I have hereunto set my hand and seal of the Probate Court, this 8th day of May A. D. 1878.

C. W. Carroll  
Probate Judge.

Recd

Jury impaneled sworn and affirmed in case of George Neff et al vs. Thomas Ault et al

- 1 Reeco Lewis
- 2 M. R. Smylie
- 3 John Coleman
- 4 John H. Owens
- 5 Mr. J. Thompson
- 6 Calvin C. Hassen
- 7 John S. Cratty
- 8 O. C. Parker
- 9 Mr. C. Rankin
- 10 Mr. M. C. Donough
- 11 John W. Wiley
- 12 Jerry Bryant

Received this writ May 8, 1878, and on the same day I conducted the within named jurors accompanied by George Neff and William Nichol on the part of plaintiffs and Thomas Ault and John Stewart on the part of the defendants, and after they had viewed the same, I have returned with said jury into Court as commanded

H. G. Keisney  
Sheriff.

Sheriff's fee \$25.00

And afterwards, to wit, on the 8th day of May 1878, the following proceedings were had in this Court, and entered upon the journal thereof, in the words and figures following, to wit.

George Neff et al. vs. Thomas Ault et al. } Appeal from the final decision of the County Commissioners in relation to the amount of compensation and damage assessed.

This day came into Court the Sheriff of said County and brought with him the aforesaid jury, and also made return of the writ heretofore issued to him, commanding him to conduct the jurors to view the premises sought to be appropriated, and endorsed the same to the effect that the view had been made in accordance with the command thereof, and thereupon the jury were discharged from further consideration of this case until 9 o'clock tomorrow morning.

C. W. Carroll  
Probate Judge.

And afterwards, to wit, on the 9th day of May 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.

George Neff et al. vs. Thomas Ault et al. } Appeal from the final decision of the County Commissioners, in relation to the amount of compensation and damage assessed.

paneled in this cause, and. This day came the jurors impaneled in this cause, and by agreement of parties the cases of George Neff and William Nichol were tried together.

with the understanding that a separate verdict and judgement shall be found and rendered in each, and the same coming on to be heard, and after hearing the testimony of witnesses in part, the jury were discharged from further consideration until tomorrow morning at 8 o'clock.

C. W. Carroll Probate Judge.

And afterwards, to wit, on the 10th day of May, 1878, the following proceedings were had in this Court, and entered upon the journal thereof, in the words and figures following, to wit,

George Neff Etal }  
vs. } May 10th. 1878  
Thomas Ault Etal. } Appeal from the final decision of the County Commissioners in relation to the amount of Compensation and Damages assessed.

This day came the jurors impaneled in this Cause, and after hearing the remainder of the testimony of witnesses, Arguments of Counsel, and Charge of the Court, retired to their room to deliberate.

C. W. Carroll Probate Judge.

And afterwards, to wit, on the 11th day of May 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,

George Neff Etal }  
vs. } May 11th. 1878.  
Thomas Ault Etal } Appeal from the final decision of the County Commissioners in relation to the amount of Compensation and Damages assessed.

This day came the jurors impaneled in this Cause, and returned into Court their verdicts in the words and figures following, to wit,

1st. We, the jurors in this Case, having inspected the premises of the said George Neff, and after hearing the testimony offered by the parties and the Arguments of Counsel, do award and determine, that George Neff be paid the sum of One hundred Seventy five dollars, as compensation for the land belonging to him which is appropriated to the County road petitioned for by Thomas Ault, and others, without deduction for benefit to any property of the said George Neff, derived or to be derived by the location of said road. And we do also find and determine that the premises of the said George Neff from which said appropriation is taken, will be rendered less valuable by the location of said road the sum of Fifty dollars.

Rece Lewis Foreman Martin R. Smylie John W. Riley  
John Coleman Calvin O. Hadden W. C. Rankin  
J. Bryant W. J. Thompson Am. M. Dorough  
John G. Owens Jno. S. Gratty O. C. Parker.

2d. We, the jurors in this Case having inspected the premises of the said William Nichol, and having heard the testimony offered by the parties, and the arguments of Counsel, do award and determine; That William Nichol be paid the sum of Seventy seven dollars as compensation for the land belonging to him which is appropriated to the County road petitioned for by Thomas Ault and others, without deduction



for benefit to any property of the said William Nichol, derived or to be derived by the location of said road, and we do also find and determine that the premises of the said William Nichol from which said Appropriation is taken will be rendered less valuable by the location of said road, the sum of Two hundred and forty two dollars.

Ruby Lewis Donnan O. C. Parker  
John S. Cratty H. J. Thompson  
John Coleman Calvin C. Hassen  
J. Bryant John G. Owens Martin R. Smylie  
H. C. Rankin  
John W. Riley  
Wm. McDonough

And it appearing that the sums thus assessed are greater than the award made before the Commissioners, it is considered by the Court that the State of Ohio, recover against the said Thomas Ault the sum of \$118.45 being the amount of costs created by the appeal.

*Seal*

C. H. Carroll  
Probate Judge

The State of Ohio, Belmont County, S. S.

I C. H. Carroll Probate Judge in and for said County, do hereby Certify the foregoing to be a true and correct copy of the record of the proceedings had in this Court in the foregoing cause.

In witness whereof I have hereunto set my hand and the seal of the Probate Court, this 13th. day of May A. D. 1878.

*Seal*

C. H. Carroll  
Probate Judge

Costs in the foregoing proceedings		\$ 276.00
Probate Judge Carroll		
Sheriff Kinney		32.45
Witness fees		45.25
Clerk of the Court of Common Pleas		1.50
J. F. Fullum for making transcripts		5.65
Jury fee		6.00
Auditor's fees		7.10 Pd.
Total	Pd.	\$ 125.45 Pd.

Commissioners Office, Belmont County  
Jan 3d. 1878

It appearing from the transcript of the record of the proceedings had in the Probate Court, that the jury appointed therein to assess compensation and damages to George Neff and William Nichol two of the claimants in this case have awarded them as follows.  
To George Neff \$175.00 Compensation and \$571.00 Damages  
" William Nichol \$77.00 Pd no 1119 " \$242.00 Pd no 1119  
and the Board being of opinion that said award is of sufficient importance to the public, to justify the payment of said compensation damages and costs out of the County Treasury. It is ordered that the Auditor draw his order upon the Treasurer

in favor of the several claimants for the amounts so as aforesaid  
assessed to them respectively. Also draw order in favor of the  
Probate Judge for amount of costs taxed in the Probate  
Court, and order in favor of the County Auditor for  
amount of fees for transcripts, record &c.

Attest  
W. K. Coffland,  
Auditor

A. M. Anderson  
Henry Grashy  
S. J. Potts

} Commissioners  
of  
Belmont County