

June Session 1816

and at this meeting for road business. there is a petition forwarded against the vacation of said road. therefore the Commissioners have appointed Samuel Muchmore Samuel Brown and Michael Carroll as viewers. to meet at John McMahon's on the first Thursday of December next and proceed to view said road. as the law directs and make return at next Court of Common Pleas. whether said road is inconvenient and burdensome or otherwise.

The viewers returned the following report to wit

To the Honorable Commissioners of Belmont County Gentlemen  
Agreeable to your order we the subscribers met at the time and place appointed and viewed said road as shown to us by John Scatterday and others from McMahon's land to Tipton's mill. and are of opinion that said road will not be of public utility to the County. witnesses

March 10<sup>th</sup> 1817.

Samuel Brown  
Michael Carroll  
Samuel Muchmore } viewers

The Commissioners considering the report aforesaid are of opinion that said road will be burdensome, useless and inconvenient. doth order said road to be vacated.

(The following entry dated March 13<sup>th</sup> 1817. appears of record Vol 2. page 6 - Auditor)

Samuel Brown, Michael Carroll and Samuel Muchmore who were appointed at last November Term as viewers of the road from McMahon's to Thomas Tipton's mill on a petition of vacation of said road. having at this Term made their report in the words following to wit

To the Commissioners of Belmont County Gentlemen.

Agreeable to your order we the subscribers met at the time and place appointed and viewed said road as shown to us by John Scatterday and others from the McMahon's creek land to Tipton's mill. and are of the opinion that said road will not be of public utility to the County. witnesses

March 10<sup>th</sup> 1817.

Samuel Brown  
Michael Carroll  
Samuel Muchmore }

The Commissioners are therefore satisfied said road ought to be vacated. hereunto.

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The following petition was presented to wit.

To the Honorable the Commissioners of Belmont County  
The petition of the undersigned humbly represents that they conceive it would conduce to the public convenience if a road was established agreeable to the following boundaries to wit. Beginning at the Captina

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road near James Browns and running up Cats run until it intersects Monroe County at Mrs Sarrows and your petitioners therefore pray that your honors would appoint suitable characters to view the ground as aforesaid and make report to you according to law and your petitioners will pray.

October 5th, 1816.

James Brown, Peter Simley, Michael Martin, John Kuffsinger, George Tibz, James Madon, George Simley, John Simley, David Mc Intire, John Brown, Jasper Mallowen, James Boran.

Ordered by the Commissioners that the above petition be audibly read and no objections having been made and the Commissioners being satisfied the notice was given the law requires proceed and appoint James Smith, Abel Brown and David Gillock as viewers and John Brown as surveyor to meet at James Browns the first Friday in December next and make return the Court of Common Pleas.

(The following entry dated November 20th, 1816 appears of record Vol 2, page 74 - Auditor)

Vol. 2. Page 74 It is ordered by the Commissioners that James Smith Abel Brown and David Gillock who are appointed as viewers to view a road petitioned for beginning on the Captina road near James Browns and running up Cats run until it intersects the Monroe County line at Mrs Sarrows. They are to meet at James Browns on the first Friday in December next and proceed to said view as the law directs and make return at the next Court of Common Pleas. John Brown is appointed surveyor.

The viewers returned the following report to wit.

State of Ohio, Belmont County. To the Honorable Commissioners. We the undersigned being called upon and duly qualified as the law directs to view the ground for a certain road or highway beginning at the Captina road near James Browns and ending near John Sarrows according to the petition we do hereby certify that we have viewed the ground aforesaid and find there can be a good passable road got by reasonable expense of labor which will be useful to the inhabitants and public in general given under our hands and seals this 27th day of December 1816.

Abel Brown }  
David Gillock } Viewers

The courses and distances are as follows to wit.

Beginning at the Captina road near James Browns. thence N 32° 24' 20" W 22' 28" S 42° 47' 12" W 40' 46" W 30' 58" W 41' 76" W 16' 26" W 66' 38" W 18' 18" W 32' 57" W 14' 49" W 20' 6" W 26' 17" W 26' 49' W 36' 41' 30' S 35' 23' 51' W 12' 15° E 20' 35' W 22' 37' W 32' 64' W 24' 88' W 32' 64' W 26' 57' W 28' 53' W 30' 76' W 24' 43' W 76' ending at the Monroe County line near John Sarrows.

John Brown Surveyor  
The Commissioners caused said return to be twice read on two different days of the same meeting and no objections were made thereto. The Commissioners not being satisfied to

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establish the above road, until satisfactory evidence is produced of the establishment of the road, to connect with the aforesaid road, through Monroe County, which is said to be in contemplation. do suspend any further decision, until satisfactory proof is made as aforesaid.

(The following entry dated March 13/1817 appears of record vol. 2 page 86. - Auditor)

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Abel Brown and David Gilaspie who were appointed viewers of a road beginning at the Captiva road near James Browns and ending near John Durrows &c. made their report at this meeting in the words following to wit.

The State of Ohio Belmont County.

To the Honorable Commissioners of Belmont County and State aforesaid.

The undersigned being called upon and duly qualified as the law directs, to view the ground for a certain road, or highway, beginning at the Captiva road near James Browns and ending near John Durrows, according to the petition we do hereby certify that we have viewed the ground aforesaid, and find there can be a good passable road got by a reasonable expense of labor which will be useful to the inhabitants and the public in general.

Given under our hands and seals this 27<sup>th</sup> day of December 1816

Abel Brown

The viewers each one day which was said. David Gilaspie

The Commissioners not being satisfied, to establish the above road until they are satisfied of the establishment of a road to extend through Monroe County, which is said to be in contemplation, do suspend any further decision until satisfactory proof is made of said establishment.

November 26<sup>th</sup> 1817.

The Commissioners of Belmont County received a certificate from the Commissioners of Monroe County, that there had lately been established, according to law, a road to extend through said County of Monroe from the end of the aforesaid in Belmont County.

Therefore the Commissioners ordered said road to be recorded a public highway.

Order issued for opening

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The following petition was presented to wit

To the Honorable Commissioners of the County of Belmont Gentlemen  
Your petitioners humbly sheweth that they labor under many difficulties and disadvantages for the want of a public highway, being opened as follows viz. Beginning near to the dug hill between Daniel Thomas and John Browns on the Captiva road and to intersect the road which begins at the mouth of the

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rocky fork and leads to St. Clairsville and Pipe Creek on the top of the first ridge after the said road leaves the rocky fork and this your petitioners pray that viewers may be appointed to lay off the same.

Josiah Dillon. Saml. Ruiz. George Remley. Thos. Miles. Thomas Armstrong. Robert Gilkison. John Giles. Thomas Ramsey. William Frost. David Gillaspie. Richard Powell. Hugh Bryson. Edward Bryson. Saml. Thomas. John Brown.

Ordered by the Commissioners that the above petition be audibly read, and no objections having been made and the Commissioners being satisfied the notice was given that the law requires proceed and appoint Abel Brown. Saml. Sanford and John Calvert, as viewers, and John Brown as surveyor, to meet at said Saml. Thomas the second day of December and make return the next Court of Common Pleas.

The following entry dated November 20<sup>th</sup> 1816 appears of record vol 2 page 75 - (Auditor)

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The Commissioners have appointed Abel Brown John Calvert and Saml. Sanford as viewers, to view a road petitioned for beginning at the Captina road near the dug hill between Saml. Thomas and John Brown thence on to intersect the road leading from the mouth of the rocky fork of Captina to St. Clairsville on the top of the first ridge after said road leaves the rocky fork they are to meet on the second Friday of December next at Saml. Thomas and proceed to said view as the law directs, and to make return thereof at the next Court of Common Pleas. John Brown is appointed surveyor

The viewers returned the following report to wit.

State of Ohio Belmont County

To the Honorable Commissioners of the County and State aforesaid

Meeting  
We the undersigned being called upon and duly qualified as the law directs to view the ground for a certain road or highway beginning at the Captina road near the dug hill between Saml. Thomas and John Brown and ending on the top of the first ridge after said road leaves the rocky fork according to the orders.

We do hereby certify that we have viewed the ground aforesaid and find there can be a good passable road or highway got by a reasonable expense of labor which will be useful to the inhabitants and the public in general when opened.

Given under our hands and seals this 31<sup>st</sup> of December 1816

Abel Brown

Saml. Sanford } Viewers

The Commissioners caused said return to be twice read on two different days of the same meeting and no objections having been made they ordered said road to be recorded a public highway the courses and distances are as follows beginning at the dug hill N. 28. 24 1/4 to the top of the ridge.

John Brown Surveyor.

The following return dated March 13<sup>th</sup> 1816 appears of record vol 2

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Page 88 - Auditor)

Abel Brown and Samuel Sanford who were appointed at the last term as viewers of a road petitioned for beginning at the Captina road near the dug hill. between Samuel Thomas and Browns &c made their return at this session. in the words following to wit  
The State of Ohio, Belmont County.

To the Honorable Commissioners of the County and State aforesaid.  
Greeting.

We the undersigned being called upon and duly qualified, as the law directs, to view the ground for a certain road or highway, beginning at the Captina road, near the dug hill between Samuel Thomas, and John Browns, and ending on the top of the first ridge after said road leaves the rocky fork according to the orders. we do hereby certify, that we have viewed the ground aforesaid, and find there can be a good passable road, or highway got by a reasonable expense of labor which will be useful to the inhabitants, and the public in general, when opened.

Given under our hands and seals this 3<sup>d</sup> day of December 1816  
Abel Brown

The Course and distances are as follows beginning at the dug hill N 28 degrees W 1/4 ending at the top of the ridge.

The Commissioners having read said report, on two different days of the same meeting, and no objections made thereto, the Commissioners ordered said road to be established a public highway.

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The following petition was presented to wit.

To the Board of Commissioners of Belmont County, at their next session.

The petition of sundry inhabitants of said County sheweth that the present established road leading westward from Flushing has been laid on such ground, as will render it very expensive, if not entirely impracticable, to make it a good road, and we conceive a road may be had on good ground, without increasing the distance to reach the same point near the widow Howells about four miles, from Flushing we therefore request that viewers may be appointed to alter said road, beginning in the western boundary line of section 21, thence on the best ground, either along a foot of said road, or out of it on the best ground to said widow Howells

Jesse Foulke, James Crozier, Thomas Crozier, Heortou, Howard, John Lewis, Benjamin Howell, William Hoge, Joseph, Doughys, Samuel Holloway, Samuel Crossly, John Ciggath, Horatio Murphy, Isaac Braunsan, Jonas Pickering, Levi Horseman, Benj. Brock, Jas. W. Smith.

Ordered by the Commissioners that the above petition be audibly read, and no objections here made, and the Commissioners being satisfied the notice was given that the law requires, proceed and appoint William Dunn, John Mercer and Allen Stewart, as viewers and

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John Sharp as surveyor. to meet at Flushing the second day of December next. and make return at the next March term.

(The following entry dated November 20<sup>th</sup> 1816 appears of record Vol. 2. page 75 - Auditor)

The Commissioners have appointed William Dunn, John Mercer and Allen Stewart as viewers to view alteration, applied for of the road from Flushing to the westward. the alteration beginning on said road on the western boundary line of section no. 21. thence on the nearest and best way, to the widow Howells they are to meet. at Flushing town on the second day of December next. and proceed to view said alteration as the law directs, and make return thereof. at next Court of Common Pleas.

Septa Sharp is appointed surveyor. The viewers returned the following report to wit.

We the viewers appointed by the Commissioners of Belmont County. to review the road from the town of Flushing westward to widow Howells. post Stacy Evans and do give it as our opinion. that said alteration. petitioned for agreeable to the survey. and plot will be the best way. or much better ground. and less expense to keep it in repair. and are of opinion. that it ought to be granted &c.

Given under our hands this 10<sup>th</sup> day of March 1817.

William Dunn }  
John Mercer } Viewers  
Allen Stewart }

The Commissioners caused said return to be twice read on two different days of the same meeting. and no objections being made thereto. they ordered said road to be recorded a public highway. The courses and distances are as follows Beginning on the Flushing road. near William Kirk's. S. 73. N. 9. S. 81. N. 80. S. 69. N. 36. N. 75. N. 44. S. 73. N. 56. S. 47. N. 24. S. 28. N. 49. S. 44. N. 34. S. 46. N. 33. S. 42. N. 14. S. 59. N. 26. S. 52. N. 32. S. 53. N. 16. S. 42. N. 14. S. 27. N. 13. S. 80. N. 48. N. 82. N. 26. N. 80. N. 70. N. 65. N. 28. S. 46. N. 16. S. 87. N. 36. N. 77. N. 22. N. 88. N. 26. S. 84. N. 38. S. 35. N. 12. S. 16. N. 30. and thence S. 88. N. 10. to intersect the road leading from the Short Creek road to widow Howells.

Septa Sharp Surveyor.

(The following entry dated March 23<sup>rd</sup> 1817. appears of record Vol. 2. page 89 - Auditor)

John Mercer William Dunn. and Allen Stewart who were appointed viewers on the road. from the town of Flushing westward to the widow Howells farm. made their return at this session in the words following to wit.

We the viewers appointed. by the Commissioners of Belmont County. to review the road from the town of Flushing westward to the widow Howells. post Stacy Evans &c. do give it as our opinion. the said alteration. petitioned for agreeable to the survey and plot. will be the best way. and on much better ground and less expense to keep it in repair. and are of opinion. that it ought to be granted.

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Given under our hands and seals this 10<sup>th</sup> day of March 1817  
The courses and distances are as follows to wit  
Beginning at the Flushing road about 90 perches N. N. of William  
Licks plantation &c

Thence S 73. N. 9 perches. S 81. N. 80. S 69. N. 36. N 75. N. 44. S 73. N. 50. S 47  
N 24. P. S 28. N. 4. S 44. N. 30. S 46. N. 33. S 42. N. 14. S 59. N. 26. S 52. N. 32.  
S 53. N. 16. S 47. N. 14. S 27. N. 13. S 80. N. 48. N. 82. N. 26. N 80. N. 70. N 63. N. 28  
S 46. N. 16. S 87. N. 36. N. 17. N. 22. N 88. N. 26. S 84. N. 38. S 35. N. 12. S 16. N. 30  
S 88. N. 10. to intersect the road leading from the short creek road  
to widow Howells. length of road 2.  $19\frac{5}{32}$  0.

The Commissioners having read said report on two different  
days of the same meeting and no legal objections made thereto  
the Commissioners ordered said alteration to be recorded as a  
public highway.

William Hewitt and others having raised some objections  
and failing to make them appear. and the road between  
the points of intersection vacated.

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Vol. A. Page 67 Moses Milligan presented a petition of a number of free holders  
of the County in the words following to wit.

To the Commissioners of Belmont County.

The petition of the undersigned, humbly represent that they con-  
ceive it would conduce to the public convenience if a road  
was established agreeable to the following boundaries, to wit  
beginning at the ridge road near James Murphys. in Kirkwood  
township. thence to Mary Milligans. thence to Anthony Arnolds  
upon the three forks of Stillwater. thence to or near William  
Traves mill. thence to intersect the road near William  
Tassaways.

Your petitioners therefore pray, that your honors would appoint suit-  
able characters to view the view the ground as aforesaid. and make  
return thereof according to law. and your petitioners, as in duty  
bound, will ever pray.

Moses Milligan. Abner Moore. Joseph Medley. Rezin Medley. Francis  
Medley. Joseph Medley. John Hart. David Miller James Trifallett. Jas  
Murphy. Isaac Chouger. John Edwards. Enoch Wist. Henry Dodder  
James Moore. Samuel Gordon Benjamin Murphy. John McFadden.  
Charles McFadden. William Groves Robert Tassaway. Douner Coomer  
Joseph Traves. Joseph E. Merrill. Barnabus Curtis. Eli Curtis. Nicholas  
Tassaway. Isaac. Redkiff. Samuel Shepherd. Thomas Dunn. John O'Neil  
John Oumphrey.

The Commissioners being satisfied that the petitioners had given  
the notice as required by law. proceeded to appoint Isaac Brauer  
Evan Jenkins. and John Mercer. respectable land holders of said  
County to view said proposed road. and make return thereof of  
their proceedings on the first Monday of June next. they are to  
meet at a school house near James Murphys. on the second  
Monday in May next. Jephtha Shark is appointed surveyor

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Order given to Moses Milligan, who entered into bond together with Daniel Conner as security in the sum of fifty dollars. Conditional as the law directs.

The following entry dated March 10<sup>th</sup>, 1817 appears of record vol. 2 page 78 - Auditor.

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The Commissioners being satisfied that the petitioners had given the notice as required by law, proceeded to appoint Isaac Brownson, Esau Jenkins and John Mercer, respectable land owners of said County, to view said proposed road, and make return thereof of their proceedings, on the first Monday of June next. They are to meet at a school house near James Murphys, on the second Monday in June next. Jephtha Hawk is appointed surveyor.

Order given to Moses Milligan, who entered into bond, together with Daniel Conner, security in the sum of fifty dollars. Conditional as the law directs.

The viewers returned the following report to wit.

According to your order we proceeded to view a road, from the road near James Murphys, thence by Moses Milligans, Antons Arnolds, and near William Trovis, will intersect the Belmont road, and so on to Belmont town, near Nicholas Gas-saways, and after taking into consideration, the advantages we consider the road to be of general <sup>and</sup> public utility, by giving a passage from Barasville, and to Moorefield and Freeport, and Jereus Pierses salt works, and partic-ularly to the Citizens of that neighborhood.

Given under our hands, this 3<sup>rd</sup> day of June A.D. 1817.

Isaac Brownson

John Mercer

Viewers

The Commissioners caused said return to be twice read on two different days of the same meeting, and on the second reading, John McCallough presented a petition praying damages, that he would sustain, in consequence of the establishment of said road, whereupon the Commissioners appointed, Thomas Gilham, Thomas McMillians, Alexander Harrow, William Dunn, and John McMillians, good and lawful men of said County, to assess the damage, or several damages that said petitioners may sustain, with orders to re-examine the ground, through said objectors land, if in their opinion the nature of the case required it. They are to meet on the fourth of July the 19<sup>th</sup> inst, and proceed to assess the damage, if any, and make their report to the Commissioners at the next August Court of Common Pleas to be held for the County.

Order given for the view

The viewers aforesaid, who were appointed on the 5<sup>th</sup> of June last to assess the damage, aforesaid, made the return of said assessment, to wit.

We the undersigned appointed by the Commissioners, of said County of Belmont, to view and assess damages applied for by John McCallough, do hereby certify that after being duly qualified

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proceeded to view and assess the damages, and do find the sum of four hundred dollars, for the said John Mc Cullough.  
Given under our hands this 19<sup>th</sup> day of Jan<sup>y</sup> 1817.

John McWilliam  
Thos. McWilliam  
Thos. Gilham  
Alex Harrow  
William Duan } Viewers

Therefore the Commissioners considering said report, believe that said road would be burdensome to the County, and that the prayer of the petitioners ought not to be granted. Moses Milligan, one of the petitioners, entered notice of an appeal to the Court of Common Pleas, and entered into bond and security to abide by the judgment of said Court.

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(An entry dated Jan<sup>y</sup> Session 1817 appears of record Vol. 2, page 98-C, showing the report of the viewers to be in favor of the establishment of said road - Auditor)

The courses and distances are as follows beginning at the ridge road near James Murphys school house. thence S. 53. E. 30. S. 36. E. 40. S. 51. E. 26. S. 68. E. 30. S. 86. E. 47. S. 69. E. 56. S. 57. E. 34. S. 48. E. 40. S. 36. E. 40. S. 1. E. 18. S. 6. E. 16. S. 2. W. 26. S. 33. W. 12. S. 31. N. 26. S. 13. W. 48. S. 18. N. 12. S. 13. N. 18. S. 1. E. 17. S. 28. E. 12. S. 43. E. 8. S. 77. E. 16. S. 87. E. 40. S. 64. E. 18. S. 15. E. 50. S. 55. N. 28. S. 26. E. 20. S. 67. E. 32. S. 18. E. 12. S. 20. N. 22. S. 57. N. 22. S. 36. N. 26. S. 7. E. 34. S. 6. N. 14. S. 1. E. 18. S. 19. E. 24. S. 15. N. 22. S. 5. N. 14. S. 4. E. 46. S. 20. N. 20. S. 17. N. 28. S. 12. N. 18. S. 5. E. 18. S. 3. E. 40. S. 5. N. 24. S. 29. E. 19. S. 49. E. 12. S. 19. E. 20. S. 6. E. 17. S. 20. E. 28. S. 33. E. 12. S. 29. E. 22. S. 17. E. 24. S. 22. E. 34. S. 26. E. 14. S. 18. E. 10. S. 7. E. 14 1/2. S. 11. E. 18. S. 10. E. 30 and thence S. 28. E. 20. to intersect the Belmont road at N. Gassaways.

Jeftta Shorb Surveyor.

The following order dated August 13<sup>th</sup> 1817 appears of record Vol 2 page 98-D - Auditor)

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John McWilliam, Thomas McWilliam, Thomas Gilham, Alexander Harrow and William Duan, who were appointed on the 5<sup>th</sup> of Jan<sup>y</sup> last, to assess the damages petitioned for by John Mc Cullough, of Ohio County Commonwealth of Virginia, made their return of the assessment of damages aforesaid assessed by them in which they have stated the said John Mc Cullough is intitled to four hundred dollars damages.

Therefore the Commissioners being satisfied the establishment of said road would be burdensome to the County, the Commissioners therefore believe the prayer of the petitioners ought not to be granted. Moses Milligan entered notice of appeal from said judgment to the Court of Common Pleas, and entered into bond and security, as the law directs.

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(The following entry dated November 21<sup>st</sup> 1816 appears of record Vol 2, page 76 - Auditor)  
Jacob Davis, as guardian for James Dixon, has applied for the alteration in the land of James Dixon, of the road laid out leading from

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Charles Eckles mill, to opposite George Kulls or nearly so. the alteration of said road to begin, when it crosses the little fork of McMahons creek, so as to lead down the said little fork on the north east side, thence to intersect the road, leading up the main creek, at the mouth of said little fork.

Matthew Howell, Oliver Semfield and James Hatcher, are appointed viewers, and to meet at the widow Dicksons, on the 27<sup>th</sup> day of this month, and proceed to the view of said alteration and to make return thereof at the next Court of Common Pleas.

(Also the following order dated March 10<sup>th</sup> 1817, appears of record vol. 2. page 76 Auditor)

The report of the above viewers, was this day returned wherein it is stated, that the present established road, is two hundred and eighty yards. The proposed alteration is eight hundred and seventy seven yards, but they were of the opinion, that if the new route, was established, it would be of no inconvenience as it would be on better ground, and easier kept up.

But the Commissioners considering the difference, on the distance to be injurious, to the public, do adjudge the prayer of the petitioners, to be unreasonable and ought not to be granted.

(The following entry dated March 10<sup>th</sup> 1817 appears of record vol. 2. page 78 Auditor)

Robert Moore presented a petition praying for the alteration of the road from Nicholas Gassaways on the Whelung road to the town of Belmont, in the words following to wit: To the Honorable Commissioners of Belmont County Gentlemen. We your petitioners conceive that there is an alteration, might be made, on the road that leads from the Whelung road at Nicholas Gassaways, to the town of Belmont, viz from James E. Newells saw mill to the Whelung road, if instead of intersecting at Nicholas Gassaways, to intersect on the top of the hill east of said Gassaways where there is a Baptist meeting house is going to (be) raised, it would likewise be a nearer way to intersecting the Newcomerstown road, and not cut through small tracts of land as it now does.

There is likewise a road opened the way mentioned.

We therefore pray, that you in your wisdom, would appoint viewers, to review that part of the road viz from James E. Newells saw mill to the Whelung road, and we your petitioners will ever pray.

Noble Taylor, Samuel Wiley, William Scott, John Israel, Benjamin Vanfossen, Jacob Holtz, Robert Moore, William Shear, John P. Agers, Stephen Voorhis, James Eckles, Joseph Eaton, Henry Brown, Charles Haran, William Eaton, John Triplett, James Triplett, Thomas Gilham

The Commissioners being satisfied, that these was twelve land holders, of the above, and that the notice was duly

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