

(See C. J. Vol. 9, Page 76)

St. Clairsville, Ohio, September 6th, 1905

The County Commissioners met in Regular session and the report of the viewers in favor of the establishment of said road was on December 7th, 1904, 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 location of said road through their several premises, which report was also publicly read. The Board being of the opinion that further investigation was necessary final action was deferred, subject to the call of this Board. It appearing to the Board that proper and legal notice had not been given to the Gabel Heirs of the time of holding the view as fixed for the 10th day of November, 1904, the Board at the session held July 31, 1905 directed that the viewers be notified to meet again at the home of James J. Baker on the 8th day of August 1905, and further directed them, provided notice had been given the Gabel Heirs, at least 6 days prior to date of meeting, to award such Compensation and Damages as in their judgment the facts may warrant, and to make amended report to this Board at as early a date as possible. The said viewers having filed amended report under the order of July 31, 1905, and the Board being of the opinion that the Compensation and damages awarded by said viewers in their original and amended reports, to the several claimants, to-wit:-

The Belmont Coal Mining Co.,	Compensation	\$60.00	Damages	\$12.00
Samuel McGregor	"	110.00	"	
Margaret Hess	"	18.00	"	15.00
Newton Davis	"	19.00	"	30.00
R. J. Johnson	"	142.00	"	
Lewis Gabel	"	20.00	"	20.00
Gabel "Heirs"	"	10.00	"	

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 these 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 30 feet in width, that the County Auditor issue the necessary order to the trustees of Richland and Pultney Townships, to open said road according to law.

ATTEST:
A. W. Beatty,
County Auditor.

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

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In the foregoing entitled matter, Louis Gabel did on the 16th day of September, 1905 file his bond, appealing from the final decision of the commissioners, but failed to have the proceedings necessary in the probate Court, regular, and the same was dismissed by the said Probate Court, without any effect on the regular proceedings of the County Commissioners.

A. W. Beatty,
County Auditor.

And afterwards on the 7th day of October, 1905 proceedings were had in said Court and entered upon the Journal in the words and figures following, to-wit:- James J. Baker et al, vs. Louis Gabel et al: October 7th, 1905, Road Appeal. A transcript of the records of the County Commissioners of this County, duly certified in the matter of the establishment of a County Road on the petition of James J. Baker et al, and the original papers therein, were this day received from the Auditor of this County, in pursuance of the appeal of the defendant, Louis Gabel, from the final order of the Commissioners, establishing said road. It is therefore by the Court Ordered, that said cause be set for hearing on the 23rd day of October, 1905, at 9 o'clock A. M., and this Cause is Continued. John S. Cochran, Probate Judge. And afterwards on the 23rd. day of October, 1905, proceedings were had in said court and entered upon the journal in the words and figures following, to-wit:- James J. Baker et al. vs. Louis Gabel, et al. October 23, 1905. Road Appeal. On Motion this cause is continued to the 26th day of October, 1905 at 9 o'clock A. M. John S. Cochran, Probate Judge

And afterwards on the 26th day of October, 1905, proceedings were had in said court and entered upon the journal, in the words and figures, following to-wit:- James J. Baker et al, vs. Louis Gabel, et al. October, 26th, 1905. Road Appeal. This day this cause came on to be heard upon the appeal from the final decision of the Commissioners of Belmont County, in relation to the establishment of a county road on petition of James J. Baker et al. And the Court finds upon hearing and inspecting that the proceeding had by and before the commissioners, previous to the appeal, were in substance regular and legal. and no exceptions being taken by an claimant of damages to the assessment returned to said commissioners, said proceedings are affirmed and it is ordered that the appellant pay all costs, that have been created by the appeal, and it is further ordered that a copy of this finding with the papers in the case be certified to the County Auditor. John S. Cochran, Probate Judge. The State of Ohio, Belmont County, ss. I, John S. Cochran, Judge and ex-officio Clerk of the Probate Court, in and for said County, do hereby certify the foregoing is a true and complete transcript of the proceedings had in said court in the foregoing matter, as the same appears upon the records of said court. In testimony whereof, I have hereunto set my signature, and the seal of said court, this 26th day of October, A. D. 1905. John S. Cochran, Probate Judge, (Seal)

on Johnson's land thence S. $62^{\circ} 45'$ W. 7.54 poles to station No. 82 near run; thence N. $9^{\circ} 44'$ W. 11.62 poles to station No. 83 up a run near shed; thence N. $31^{\circ} 50'$ W. 4.13 poles to station No. 84; thence N. $48^{\circ} 45'$ W. 25.30 poles to station No. 85 across a run to a point on Hillside; thence N. $36^{\circ} 15'$ W. 9.28 Poles to station No. 86 on Johnson's Land on Hillside; thence N. $17^{\circ} 51'$ W 25.90 poles to station No. 87, 14 links from Johnson's and Baker's line; thence N. $19^{\circ} 53'$ W. 5.88-poles to station 88 on James J. Baker's land; thence N. $21^{\circ} 34'$ W. 17.12 poles to station No. 89 on Baker's land on Hill side; thence N. $13^{\circ} 48'$ W. 15.12 pol s to station No. 90 on Bakers Land, on hillside; thence N. $10^{\circ} 46'$ W 16.76 poles to station No. 91 in Bottom on James Baker's land; thence N. $12^{\circ} 08'$ W. 10 poles to station No. 92; thence N. $22^{\circ} 33'$ W. 15.08 poles to station No. 93 on James Gordon Land; thence N. $21^{\circ} 53'$ W. 13.96 poles to station No. 94 on Stilwell's land; thence N. $19^{\circ} 06'$ W 32.00 poles to station No. 95 on Gabel's land; thence N. $14^{\circ} 49'$ W 11.98 poles to station No. 96 at edge of lane; thence N. $19^{\circ} 03'$ W. 10.26 poles to station No. 97 in Lane; thence N. $6^{\circ} 17'$ E. 11.54 poles to station No. 98 in Gabel's land; thence N. $23^{\circ} 49'$ E. 11.08 poles to station No. 99 in edge of Gabel's lane; thence N. $44^{\circ} 14'$ E. 9.36 pols to station No. 100 in center of public road leading to St. Clairsville, from which station a double walnut tree, bears N. $12^{\circ} 05'$ W. 122 links and section stone bears S. $00^{\circ} 27'$ W. 104 links.
 Length of road equals 1,282.80 rods which equals 4.04 Miles.

I CERTIFY that the above is a correct plat and return of the survey of the proposed County Road named above.

John A. Bond
 County Surveyor.

ROAD PETITION.

For VACATION Road in WAYNE TOWNSHIP.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned residents of the Township of Wayne respectfully represent that the County Road commencing at the farm line between James and Malinda Wallace and W. R. King thence running westerly to a point near the residence of William Neptune, where now stands Guide Board on lands of W. R. King has become useless and no injustice will be done to anyone by the vacation of the same and they therefore ask that the same may be vacated.

(See Commissioners Journal No. 9, Page 92)

(For Objectors Petition see Page 390 this Volume)

Dated this August 22, 1905 A. D. 189

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
	Eugene Steward Eli B. Doudna Ared Sutton W. S. Wilcox James McMillen A. P. Howell Thomas Yarnell Joseph A. Harris	W. R. King John S. Shry William E. Shepherd W. F. Neptune and others.	

Know all Men by these Presents:

That we, W. R. King and J. F. Shry
are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of
Fifty (\$50.00) 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 _____ 189

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

Commencing at the farm line between James and Malinda Wallace and W. R. King
thence running westerly to a point near the residence of William Neptune where now
stands Guide Board on the lands of W. R. King,

Now if the said applicants shall pay into the Treasury of the said County the amount of all costs and ex-
penses 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. R. King SEAL

J. F. Shry SEAL

SEAL

(See C. J. Vol. 9. Page 6)

St. Clairsville, O., October 26th 1905 189

The Commissioners met in Special session at their office, and the Board being satisfied that the fore-
going 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 J. I. Lewis, Joseph Dougless and W. P. Moore
three disinterested freeholders of the County, viewers, and John surveyor
of said proposed road, to meet at the residence of W. R. King, near Cole's Mills, Oct. 26, 1905
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.

Robert McMillen,

J. W. Martin

A. G. Holloway

Commissioners.

Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your session, A. D. 189....., we the undersigned, Viewers appointed under said order, met with Surveyor, at on 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.

..... and were selected by us as chain carriers, and 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:

(For Report of Viewers see Page 391 this volume)

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, }
..... 189..... } Viewers.

FEES.

..... Viewer, days, \$..... Chainman, days, \$.....
..... " days, \$..... " days, \$.....
..... " days, \$..... Marker, days, \$.....
..... Surveyor, days, \$.....	

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;
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;
To	Dollars;
To	Dollars;
To	Dollars;

.....

 } Viewers and Jurors to award damages.

189

St. Clairsville, O., 189

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:

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 County Auditor. }
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 } Commissioners.

St. Clairsville, O., 189

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:

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 } Commissioners.

(See C. J. Vol. 9. Page 109)

St. Clairsville, O., December 4th, 1905 189

The Commissioners met in regular session, and W. R. King et al having presented their petition in the above entitled matter on October 2nd, 1905, and J. E. Wallace et al, Objectors, having filed their petition on October 16th, 1905, against the vacation of said road, and J. I. Lewis, Joseph Douglass and W. P. Moore, having been appointed viewers in said matter and having performed their duties as required by law, this day filed their report as follows:

To the honorable Commissioners of Belmont County, Ohio:

We, John I. Lewis, William P. Moore, and Joseph Douglass, viewers appointed by your Board to vacate or reject the proposed vacation of a County Road, Commencing at the farm line between James and Malinda Wallace and W. R. King; thence running westerly to a point near the residence of William Neptune, where now stands guide Board on the lands of W. R. King, in Wayne Township, Belmont County, Ohio.

After viewing said road and considering its location and proximity to the new County Road petitioned for by J. F. Wilcox, et al now opened, we have decided the above described road should be vacated for the following reasons; viz;

- First;--That public utility does not require the maintenance of both roads;
- Second;--That the public travel will go over the new road with preference to the old one except in case of an ice gorge;
- Third;---That no injustice will be done to the general public by the vacation of said road except as heretofore mentioned.

Viewers sworn,

John A. Bond,
N. P.

John Ira Lewis
J. H. Douglass
W. P. Moore,

John Ira Lewis	2 Days	\$3.00
J. H. Douglass	1 "	1.50
W. P. Moore	1 "	1.50
John A. Bond	1 "	5.00
Total		\$11.00

The viewers having reported in favor of the vacation of said road, and the Board being of the opinion that the same is just and reasonable, it is ordered that so much of the County Road as lies between the farm line of James and Melinda Wallace and W. R. King, thence running westerly to a point near the residence of William Neptune, where now stands the guide Board on the lands of W. R. King in Wayne Township, be and the same is hereby vacated. It is further ordered that the persons who filed their objections to said vacation, pay the costs of the view, had in pursuance of the same.

(ATTEST :
A. W. Beatty
County Auditor.

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