

7, John W. Laughlin, Warren Tp.; 8, Wm. Kompart, Pultney Tp.; 9, Benjamin T. Powell, Peas Tp.; 10, James Dunn, Flushing Tp.; 11, W. L. Cronin, Somerset Tp.; 12 T. B. Smith, Peas Tp. Witness my signature and seal of said Court of Common Pleas at St. Clairsville, Ohio, this 19th day of August, 1907. Louis L. Scheehle, Clerk. (Seal) Attest: F. S. Amrine Sheriff, and afterwards on the 19th day of August, 1907 a notice was issued out of said Court in the words and figures following, to-wit:- Summons or Notice Probate Court, Belmont County, Ohio. James C. Tallman and Lilah Robinson, appellants vs C. C. Duboise et al obligors. Road Appeal from decision confirming compensation and damages. summons or notice To the Sheriff of said County, Greeting: You are hereby commanded to notify James C. Tallman, Lilah Robinson, C. C. Duboise, Hiram Armstrong and Fred Brailey, that on the 19th day of June, 1907, the originals papers in the matter of the County Road, petitioned for by C.C. Duboise and others were transmitted to the Probate Court, of Belmont County, Ohio, together with a certain transcript from the record of all proceedings and orders in said matter. Said matter was forthwith docketed as provided by law. And you will notify the appellants and obligors aforesaid to attend at the said Probate Court on the third day of September, 1907, at 8:30 o'clock A. M. the time fixed for trial of said case, on or before which day you will make due return of this writ. Witness my hand and the seal of said Court this 19th day of August, 1907. John S. Cochran, Probate Judge. and afterwards on the 31st day of August, said notice was returned and filed in said Court with the return of the Sheriff and acknowledgment of service endorsed thereon in the words and figures following, to-wit:- Sheriff's Return The State of Ohio, Belmont County. Received this writ August 19th, 1907 at 10 o'clock A. M. pursuant to its command I made service of the same by delivering personally, on the 23d day of August A. D. 1907, to the within named James C. Tallman, Hiram Armstrong and Fred Brailey, each a true and duly certified copy of this summons. And on the same date I made service of the same by leaving at the usual place of residence of the within named C. C. Duboise a true and duly certified of this summons. And on the same date James. C. Tallman, as Attorney of Record for Lilah Robinson, accepted service of this summons for the said Lilah Robinson who is not a resident of Belmont County, Ohio. F. S. Amrine, Sheriff of Belmont County, Ohio. I accept service of the within, Lilah Robinson, by James C. Tallman her Attorney. And afterwards on the 19th day of August, 1907 a venire was issued out of said Court in the words and figures following, to-wit:- Special Venire. The State of Ohio, Belmont County ss. To the Sheriff of said County Greeting: We command you that, without delay, you summon: 1, J. I. Lewis, Goshen Tp.; 2, A. A. Leach, Pultney Tp.; 3, John Cunnard, Jr., Union Tp.; 4, H. B. Wilkinson, Mead Tp.; 5, W. H. Shry, Warren Tp.; 6, J. J. Crawford, Flushing Tp.; 7, John W. Laughlin, Warren Tp.; 8, William Kompart, Pultney Tp.; 9, Benjamin T. Powell, Peas Tp.; 10, James Dunn, Flushing Tp.; 11, W. L. Cronin, Somerset Tp.; 12, T. B. Smith, Peas Tp.; to be and appear before the Probate Court within and for the County and State aforesaid, at the Court House in St. Clairsville, Ohio, in said County on Tuesday the 3d day of September A. D. 1907, at 8:30 o'clock A. M., and so from day to day until discharged, then and there to serve as jurors in a case pending in said court, wherein James C. Tallman, et al, are Plaintiffs and C.C. DuBois et al are defendants and how you shall execute this writ make appear to our said Court on the day above named, and have you then and there this writ. Witness my signature as Clerk of said Court at St. Clairsville, this 19th day of August A.D. 1907. John S. Cochran, Probate Judge, (Seal) And afterwards on the 31st day of August 1907, said venire was returned and filed in said Court with the return of the Sheriff endorsed thereon in the words and figures following, to-wit:- State of Ohio, Belmont County, ss. Sheriff's office August 30th, 1907. On the 19th day of August, 1907, I received this venire and served these same on the several persons named therein, at the time and in the manner placed opposite their name endorsed hereon. 1, J.I. Lewis, August 26" '07, by leaving at usual place of residence 21 miles; 2, A.A. Leach, August 23" '07, personal, 17 miles; 3, John Cunnard, August 24" '07, personal, 17 miles; 4, H.B. Wilkinson, August 23" '07, personal 21 miles; 5, W.H. Shry, August 26" '07, personal 30 miles; 6, J.J. Crawford, August 28" '07, personal, 21 miles; 7, John W. Laughlin, August 27" '07, personal, 30 miles; 8, William Kompart, August 23" '07 personal, 17 miles; 9, Benjamin T. Powell, August 24" '07, by leaving at usual place of residence, 15 miles; 10, James Dunn, August 28" '07, personal, 28 miles; 11, W.L. Cronin, August 27" '07, personal, 40 miles; 12, T.B. Smith, August 22" '07, personal, 13 miles; fees \$20.80 F.S. Amrine, Sheriff. And afterwards on the 3rd day of September, 1907, proceedings were had in said Court and entered upon the Journal in the words and figures following to-wit:- James C. Tallman and Lilah Robinson Vs. C.C. Dubois et al. September 3rd, 1907, . Road Appeal. This day came the parties hereto in person and by their attorneys, and thereupon came a jury, to-wit:- J.I. Lewis, A.A. Leach John Cunnard Jr., H.B. Wilkinson, W.H. Shry, John W. Laughlin, William Kompart, James Dunn, W.L. Cronin, T.B. Smith, B.S. McBride and P.W. Dickey, who were duly impanelled and sworn according to law. And no motion to view the premises having been made, this cause came on for trial, and the jury, having heard the testimony, the arguments of counsel and the charge of the Court, returned into court, their verdict in the words and figures following, to-wit:- "We the jury, being duly impanelled and sworn in this case, and having heard the evidence offered and the charge of the Court, do find upon the several matters appealed from by said James C. Tallman and Lilah Robinson Appellants for the land appropriated for said road, in One hundred eighty (\$180.00) Dollars. The damages due to said James C. Tallman and Lilah Robinson Appellants for the property affected by the improvement is Three hundred eighty-eight and 30/100 (\$388.30) Dollars. John I. Lewis, Foreman, T. B. Smith, B. S. McBride, W. H. Shry, John S. Cunnard, A. A. Leach, J. W. Laughlin, P. W. Dickey, W. L. Cronin, H. B. Wilkinson, James H. Dunn, and William Kompart." And it appearing that the sums thus assessed in favor of the said James C. Tallman and Lilah Robinson, are greater than the award made before the Commissioners, it is considered by the Court that the State of Ohio recover against C. C. Duboise, Hiram Armstrong and Fred Brailey the sum of One Hundred ninety-five and 85/100 (\$195.85) Dollars, being the amount of costs created by the appeal. John S. Cochran, Probate Judge. CERTIFICATE? State Of Ohio, Belmont County, ss. I, John S. Cochran, Judge of the Probate Court within and for said County do hereby certify that the foregoing is a true and correct transcript of further proceedings had in said Court in the foregoing cause. In testimony whereof I hereunto set my hand and seal of said Court this 9th day of September, 1907. (Seal) John S. Cochran, Probate Judge. In the matter of the finding of the Probate Court in the matter of the appeal in the foregoing matter. Deferred. After due and careful consideration of the transcript of the proceedings and finding in the Probate Court, the Board directs that final action be

deferred until such a time as the full Board may have an opportunity to view said road.

ATTEST:

A. W. Beatty, Auditor.

Robert McMillen Commissioners
J. W. Martin

St. Clairsville, O., Oct. 28, 1907.

The Commissioners met in special session and final action in the above entitled matter having been deferred at the session held September 16", 1907 and it appearing to the Board that they did at their session held June 5", 1907 on the petition of C. C. Duboise et al establish said road as reported by the Viewers, and it further appearing that James C. Tallman and Lilah Robinson did appeal from the decision of the Commissioners in the matter of compensation and damages and the same having been heard in the Probate Court and the transcript of the proceedings in said Court having been certified to the County Auditor and the same having been laid before this Board as required by law, and it appearing that the compensation and damages are in excess of that assessed by the Viewers and approved and ordered paid before said appeal was taken and it further appearing that the compensation and damages awarded by the jury in said Court to the several claimants, Tallman and Robinson, compensation \$180.00, damages \$388.30 and allowed by Viewers to other claimants as follows; Hamilton Myers, compensation \$15.00, damages \$66.50; Hiram Armstrong, compensation \$5.00, damages \$13.87; Rebecca Duboise compensation \$20.00; O. M. Groves, compensation \$45.00, damages \$40.00; E. A. Groves, compensation \$60.00, damages \$81.00, are reasonable and just and that said road will be 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 the County Auditor draw his warrant in favor of said claimants for the compensation and damages so awarded to them respectively, that the report make a good and sufficient record of said road, together with the survey and plat of said road be recorded and that said road be established a public highway 30 feet wide; that the County Auditor issue his order to the Trustees of Goshen and Union Townships to open said road according to law, and further that all costs in said appeal be paid out of the County Treasury except \$60.00 which shall be paid by the petitioners in said matter.

ATTEST:

A. W. Beatty, Auditor.

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

ROAD PETITION.

For _____ Establishment _____ Road in _____ Peas Township _____

To the Board of Commissioners of Belmont County, Ohio:

The undersigned petitioners, resident freeholders of said County, residing in the vicinity of the proposed improvement hereinafter described, 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 establish such road, to-wit:- Beginning at the north end of Plum Street in Boydville in Section 33, Township 3, Range 2, Peas Township, and running thence north 33° west along the west line of and through a piece of land owned by Henry Hose, Jacob Hose, Mrs. Flora Snyder, Amelia Hose and Caroline Hose to the National pike-distance about 660 ft.

(See Commissioner's Journal Volume 10, page 45)

Dated this _____ A. D. 19_____

PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES
	Richard Hartland, Sr. Richard Hartland, Jr. George Kuchera C. C. Smith Kelly Frasnelli Ricardo Tarter	Lucy K. Elmi Louis Sustersic John Reuter Micheal Hocheevar Frank Berus Virginio Prantil and 9 others.	

Know all Men by these Presents:

That we, Richard Hartland, Sr. and E. C. Boyd
are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of
Two hundred (\$200.00) 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 12 day of August 19__

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

Beginning at the north end of Plum Street in Boydville in Section 33, Township 3, Range
2, Peas Township and running thence north 33° W. along the west line of and through a
piece of land owned by Henry Hose, Jacob Hose, Mrs. Flora Snyder, Amelia Hose and Car-
oline Hose to the National pike - distance about 660 feet.

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:

S. W. Boyd
H. G. Pratt

Richard Hartland, Sr. SEAL.
E. C. Boyd SEAL.
_____ SEAL.

St. Clairsville, O., Sept. 16, 1907 19__

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 David R. Humphrey, A. K. Orrison and J. O. Carleton
three disinterested freeholders of the County, viewers, and John A. Bond surveyor
of said proposed road, to meet _____ Toll House No. 1, National Road near Bridgeport, Ohio Oct. 10, 1907 10:00 AM
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.

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

Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your Sept. 16th session, A. D. 19 07 we the undersigned, Viewers appointed under said order, met with John A. Bond Surveyor, at Toll Gate #1 on Nat'l. Road Oct 10th 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.

Orr Foster and T. S. Davis were selected by us as chain carriers, and James Clark as a marker, who were also duly sworn.

We then proceeded to view said proposed county 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:

(For description see page 18)

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

- 1st, It is an only outlet for the citizens of the hamlet of Boydville about three hundred inhabitants.
- 2d, The children of said hamlet having no roadway to public school.
- 3d, We consider that the surrounding circumstances demand that said proposed be granted.

We have also determined that the public convenience requires that such proposed road shall be established 40 feet in width.

All of which is respectfully submitted,
Oct. 14 19 07

D. R. Humphrey	}	Viewers.
A. K. Orrison		
J. O. Carleton		

FEES.

David R. Humphrey Viewer, 3 days, \$ 6.00	Orr Foster Chainman, 1 days, \$ 2.00
A. K. Orrison " 3 days, \$ 6.00	T. S. Davis " 1 days, \$ 2.00
J. O. Carleton " 3 days, \$ 6.00	James Clark Marker, 1 days, \$ 2.00
	Surveyor, days, \$

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, Viewers of the proposed county road petitioned for by Richard Hartland 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	Henry Hosey Heirs-viz. Jacob Hosey, Flora S. Snyder, Amelia Hose and	Dollars;
To	Caroline Hosey, John H. Hosey, these heirs jointly,	Dollars;
To	Eight hundred and 00/100	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	Said heirs above mentioned the following	Dollars;
To	Said heirs, Thirty and 00/100	Dollars;
To		Dollars;
To		Dollars;
To		Dollars;
To		Dollars;
To		Dollars;
To		Dollars;

D. R. Humphrey

A. K. Orrison

J. O. Carleton

} Viewers and Jurors to award damages.

October 14, 19 07

St. Clairsville, O., Dec. 2, 1907 19

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:

A. W. Beatty

County Auditor.

A. G. Holloway

Robert McMillen

J. W. Martin

} Commissioners.

St. Clairsville, O., Dec. 3, 1907 19

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:

A. W. Beatty

County Auditor.

A. G. Holloway

Robert McMillen

J. W. Martin

} Commissioners.

St. Clairsville, O., December 4 19 07

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 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 establishment of said road through their several premises which report was also publicly read, the Board hereby directs that final action in the above entitled matter be deferred for further investigation to be taken up by this Board at its session on December 16th, 1907.

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

A. W. Beatty, Auditor.

St. Clairsville, O. December 16, 1907.

The Commissioners met in special session and final action in the above entitled matter having been deferred by this Board at its session held December 4th, A. D. 1907, until December 16th, 1907, and the Board being of the opinion that further investigation is necessary, final action is again deferred until the first Monday of February A. D. 1908.

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

A. W. Beatty, Auditor.

St. Clairsville, O. Feb. 3, 1908.

The Commissioners met this day in special session and final action in the above entitled matter having been deferred by this Board at its session held December 16th A. D. 1907, until the first Monday of February, 1908, and the Board being of the opinion that further investigation is necessary, final action is again deferred until the first Monday of March A. D. 1908.

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

A. W. Beatty, Auditor.

St. Clairsville, O. March 9, 1908.

The Commissioners met this day in regular session and final action in the above entitled matter having been deferred by this Board at its session held Feb. 3d, 1908, and the report of the Viewers in favor of the establishment of said road having been 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; and the Board being of the opinion that the compensation and damages awarded by said Viewers to the several, to-wit: Henry Hosey, compensation \$300.00, damages \$30.00, are reasonable and just; it appearing that the petitioners, by S. W. Boyd, have paid into the County Treasury, subject to the order of the County Commissioners one-half of the amount of compensation and damages awarded to the several claimants by the said Viewers; and the Board being of the opinion that said road will be of public utility, and no petition for review being filed, it is ordered 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 forty (40) feet in width. It is further ordered that the County Auditor issue his warrant on the County Treasurer in favor of said claimants for the amount of compensation and damages so awarded to them respectively, and that he issue the necessary order to the trustees of Peas Township to open said road according to law.

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

A. W. Beatty, Auditor.

St. Clairsville, O. Apr. 27, 1908.

The Commissioners met this day in special session and The Board of County Commissioners at their session held March 9th, 1908, having established said road according to the prayer of the petition, and the report of the Viewers and Surveyor appointed, and it appearing that Jacob Hose, et al did on the 25th day of March 1908, file with the County Auditor their bond as required by law, appealing from the decision of the County Commissioners in their award of compensation and damages in said matter, and it further appearing that the County Auditor did certify to the Probate Court a full transcript of the proceedings of this Board relative to said petition and establishment, and it further appearing that the said matter has been settled between the interested parties and the Probate Judge having certified a copy of his journal of proceedings relative to said matter as follows:

Certified copy of journal entry. Probate Court, Belmont County, Ohio. April 25th, 1908. Jacob Hose, et al Plaintiff vs. Richard Hartland, Sr. et al Defendants. No. 15145. Journal, Volume 36, page 249. Road Appeal. On motion of the plaintiffs and by leave of the Court this cause is this day dismissed at the costs of the plaintiffs taxed at \$_____ which are here adjudged against them. John S. Cochran, Probate Judge.

State of Ohio, Belmont County, ss. Probate Court.
I, John S. Cochran, Judge and ex-officio Clerk of the Probate Court, within and for said and in whose custody the files, journals and records of said Court are required by the law of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the journal of the proceeding of said Court; that the same has been compared by me with the original entry on said journal, and that it is a true and correct copy thereof. In testimony whereof, I hereunto subscribe my name officially and affix the seal of said Court at the Court House at

Surveyor's Report.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated Sept. 16 A. D. 1907 proceeded on the 10th day of October to survey and mark the proposed county road described in said order, under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

Beginning at the north end of Plum Street in Boydville in Section No. 33, Township No. 3, Range No. 2 running thence N. 28° 45' E. 684.50 feet on east side and 684.90 ft. on west side to the center of the National road said road is 40 feet wide and contains .6292 acres.

I Certify, That the above is a correct plat and return of the survey of the proposed county road named above.....

John A. Bond

Surveyor of said Proposed Road

Plat of County Road.
Richard Hatfield, et al.

Center of National Iron-Pin Iron-Pin Road

S 28° 48' E

40

West side road

62.92 Acres

East side of road

684.58

684.90

Iron-Pin

stone

Wheeling

Creek

Stake

Stake

