

17710
3001 ROAD RECORD
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PAGE 470-477
1868
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Hamilton Road - from Groveport Road to Bixby Road

ROW = 33'

ROAD RECORD NO. 8

ROAD RECORD NO. 8

PAGE NO. 478

GEORGE SMITH ROAD IN MADISON TP.

NOTICE OF PETITION.

There will be a petition presented to the Commissioners of Franklin County Ohio, at their regular meeting held on Monday June 6th 1868, to locate and establish a road Commencing at the South east corner of the South West quarter of Section No. 16 in the Township of Madison, in the County aforesaid, running thence South on the half Sec. line of Section 21 & 28 to the Columbus and Groveport Turnpike, in the Town of Groveport, or as near said line as good ground for a road can be had, and your petitioners, as in duty bound will ever ect ect. Petitioners

PETITION.

To the Commissioners of Franklin County State of Ohio: Greeting;

The undersigned petitioners represent to you, that the public good and private, interest require that a county road should be located and established. Commencing at the South East Corner of the South West quarter of Section No. 16 in the Township of Madison in the County aforesaid, running thence south on the half sections line of Section No. 21 and Section No. 28 to the Columbus and Groveport Turnpike in the Town of Groveport or as near said line as good ground for a road can be had and your petitioners as in duty bound will ever ect ect. G. L. Smith William Byrne D. C. Weaver C. E. Seymour Lewis M. Newberry Jacob Rohr) Trustee S. S. W. K. Cox F. M. Senter Oliver Codner) Trustee S.S. Charles Campbell James Hunter J. Arnold L. S. Guerrin Wm. Seymour P. Smith W. Wildermuth K. Sallee) Trustee S.S. John Yourd D. Whitsel Wm. T. Decker

BOND.

Know all men by these presents: That we George L. Smith and J. M. Guffey are held and firmly bound unto The State of Ohio for the use of Franklin County, in the just and full sum of One hundred dollars, the payment of which well and truly to be made, we bind ourselves, our heirs, ect ect, jointly and severally, firmly by these presents. Witness our hands and seals this 1st day of June A. D. 1868.

The condition of this obligation is such; That whereas the above bound George L. Smith has this day petitioned the County Commissioners of Franklin County for a County road, Commencing at the S. E. corner of the S. W. quarter of Section No. 16 in the Township of Madison in the County aforesaid, running thence South on the half section line of section 21&28 to the Columbus and Groveport Turnpike in the Town of Groveport or as near said line as good ground for a road can be had. Now if the said George L. Smith shall succeed in his petition then this obligation to be void and of no effect; otherwise to remain in full force in law.

- 25¢ stamp -
- Cancelled -

G. L. Smith (Seal)
J. M. Guffey (Seal)

Continued from preceeding page.

SURVEYOR & VIEWERS APPOINTMENT

Be it known that on this first day of June A. D. 1868 the Commissioners of Franklin County Ohio, appointed W. H. Bishop, Augustus Sallee and Joseph Rodenfels Viewers and W. P. Brown, Surveyor, to view and survey said road in accordance with the petition, and that said viewers and Surveyor are hereby ordered to meet at the house of Charles Campbell's in Groveport in said County on Monday June 15th 1868 at 10 O'clock A. M. and make their report in writing in accordance with the law in such case made and provided.

Be it known that on the fifteenth day of June one thousand eight hundred and sixty eight, the day appointed by the Commissioners of Franklin County for a view and survey of said County road, the following named persons presented and filed with said viewers their written claims for damages and compensation in accordance with the Statute in such case made and provided, viz; John Cox, Wm. H. Rarey, S. Leigh, Wm. Chandler and A. Hanely Trustees of the Methodist Episcopal Church in Groveport

	\$1000.00
Joseph Cherry	500.00
Abram Sharp	150.00
H. C. Swisher	500.00
Fredrick Rarey	1250.00
David Washburn	1250.00
Frederick Swisher	500.00
Charles Rarey by F. Rarey	2100.00
Patrick Corbett	100.00
Eliza Gourd	100.00
David Whitsel	100.00
John Yourd	100.00
Lettice Stine	100.00

VIEWERS REPORT.

To the Hon. Commissioners of Franklin Co. O. Gentlemen,

The undersigned viewers of a County road petitioned for by Dr. Geo. L. Smith and others submit the following report; That in pursuance of the order issued to them, they with W. P. Brown the Surveyor of said road, met at the time, and place specified in said order to wit: Charles Campbells on the 15th day of June A. D. 1868 at 10 O'clock A. M. and being first duly sworn proceeded to the discharge of the duties of their appointment. That they selected and took to their assistance Thomas Champ and John Corbett Chain carriers, and William Burns marker who were also sworn to discharge the several duties of their appointment, That they fixed as the initial point of said road a stone at the South East corner of the South West quarter of Sec. 16 Tp. 11 Range 21 Congress Land. Thence S. 1 35' W. 163-60 poles passing a stone and $\frac{1}{2}$ section line, thence S. 1 45' W. passing a stake at 328 poles the section corner, thence S. 1 25' W. passing a stake at 418-28 poles to the N. West Corner of Hickory Street, Thence S. 2 W. 445- 80 poles to a stake in the north line of the Groveport Turnpike the point of termination, being as near the route proposed by the petitioners as in the opinion of the undersigned a good road can be made along the line. surveyed at a trifling expenditure of money and labor. They are further of opinion that the public convenience will be fully subserved if said road is established thirty three (33) feet in width. Given under our hands this day of A. D. 1868.

W. H. Bishop	2 days @ 1.50	3.00	W. H. Bishop)
A. T. Sallee	" " 1.50	3.00	Augustus Sallee)Viewers
Joseph Rodenfels	" " 1.50	3.00	Joseph Rodenfels)
Thomas Champ	1 " " .75	.75	
John Corbett	" " .75	.75	
W. P. Brown	4 " " 2.00	8.00	
Wm. Burns	1 " " .75	.75	

VIEWERS REPORT ON COMPENSATION

To the Hon. the Board of Commissioners of Franklin Co. O. Gentlemen,

The viewers of the County road petitioned for by G. L. Smith and others further report that the following named persons presented their written applications for compensation and damages by reason of the location of said road over their premises to wit: Daniel Washburn, Eliza Yourd, Joseph Cherry, David Whitsel, Fredk. Swisher, H. C. Swisher, Frederick Rarey, Abram Sharp, Patrick Corbett, Charles Rarey, John Yourd, Lettice Stine, M. E. Church. That having carefully examined the route of said road over the lands of said claimants, they do award and determine that compensation be made to said Claimants for the property sought to be appropriated as follows;

To	F. Swisher	eighty four	(84)	dollars
To	C. Swisher	eighty four	(84)	dollars

They do also assess and determine that the following sums be paid to claimants for the injury or damage which their several tracts will sustain by reason of the location of said road through the same to wit:

To	Joseph Cherry	Twenty	(\$20)	dollars
"	Elizabeth Yourd	Twenty	(\$20)	dollars and
"	F. Rarey	Eighty	(\$80)	dollars

in which amounts their several premises will be rendered less valuable by such location the other claimants are not in the opinion of the undersigned entitled to the payment of incidental damages as their property is not injured nor rendered less valuable by the laying out of said road through the same Given our hands this day of A. D. 1868

Joseph Rodenfels)
W. H. Bishop)Viewers
Augustus Sallee)

SURVEYORS REPORT.

To the Hon. Commissioners Franklin Co. O. Gentlemen,

Herewith find a plat and survey of a County road petitioned for by Dr. G. L. Smith and

1710

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ROAD RECORD

8

PAGE

470-477

1868

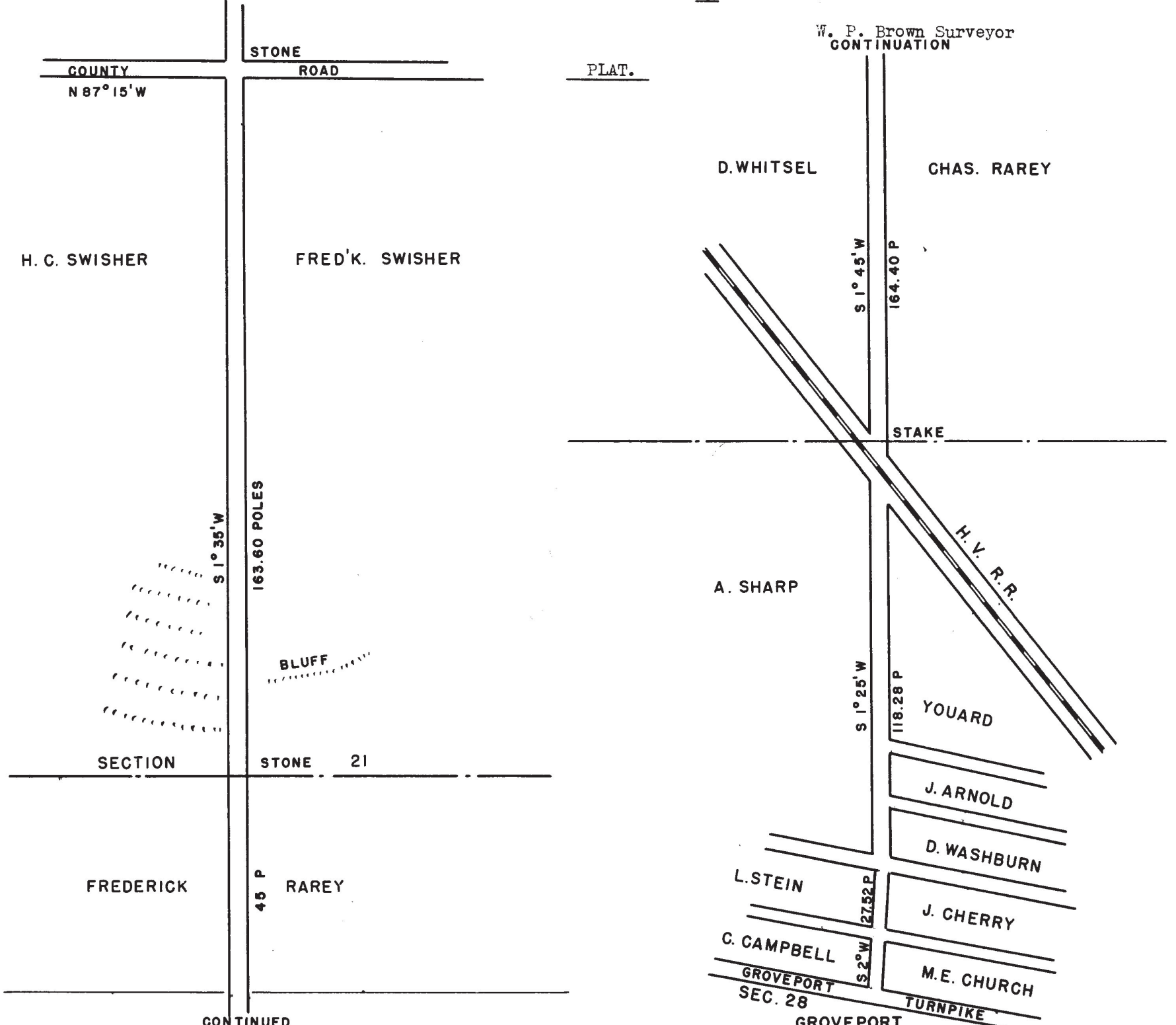
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others made under the direction of the viewers of said road. Beginning at a stone south east corner of South west quarter of Section No. 16 Township No. 11 Range 21 Congress land, thence S. 1 35' W. 163-60 poles to a stone in $\frac{1}{2}$ sec. line, thence S. 1 45' W. to a stake at sec. Corner distance 328 poles, thence S. 1 25' W. 118-28 poles to a stake, thence S. 2 W. 27-52 poles to a stake in the North line of the Columbus and Groveport Turnpike making total distance 445-80 poles

1770 300 ROAD RECORD 8 PAGE 470-477 1868 0030 010



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 And afterwards to wit: at the September Session A. D. 1868 of the County Commissioners of said County said reports were taken up and read the first time on the 7th day of September 1868 being the first day of said session.

And afterwards to wit; on the 8th day of September 1868 being the 2nd day of said session of the County Commissioners, said reports were taken up and read the Second time.

And afterwards to wit: on the 9th day of September 1868 being the third day of said session of the said County Commissioners said reports were taken up and read the third time and ordered to be established upon the petitioners praying one half the of the damages and compensation as awarded by the viewers, and the County of Franklin to pay the other half of the damages and compensation as awarded by by the said viewers.

Whereupon notice of the following appeals were given to the County Commissioners of the 24th day of September A. D. 1868 viz:

Notice is hereby given by the undersigned an owner in fee of land in Madison Township Franklin County Ohio through which the following described County road, petitioned for by G. L. Smith and others, has been located and established by the Commissioners of said County, in said Township to wit: Commencing at the south east corner of the south west quarter of section No. 16 in the Township of Madison in the County aforesaid, running thence South on the half section line of Sections 21&28 to the Columbus and Groveport Turnpike, or as near said line as good ground for a road can be found, that he appeals from the amount of damages and compensation assessed by the viewers of said road and allowed by said Commissioners to him September 24 1868

Frederick Swisher
 by Brazee & Nash his Attys.

Notice is hereby given by the undersigned an owner in fee for land in Madison Township Franklin County Ohio, through which the following described county road petitioned for by G. L. Smith and others has been located and established, by the Commissioners of said County in said Township to wit. Commencing at the South east corner of the south west quarter of section No. 16 in Township of Madison in the County aforesaid, running thence South on the half Section line of Section 21&28 to the Columbus and Groveport Turnpike, or as near said line as good ground for a road can be found that he appeals from the proceedings before said Commissioners and their orders by which said road was established and located

September 24 1868

Frederick Swisher
 by Brasee & Nash his Attys.

Continued from preceding page.

BOND.

Know all men by these presents, that we Frederick Swisher, A. Havely and William Chandler of Franklin County, Ohio, are held and firmly bound unto the State of Ohio, in the sum of Three hundred dollars to the payment of which we do hereby jointly and severally bind ourselves, our heirs executors and administrators, if default be made on the conditions following; Whereas, the said Frederick Swisher has appealed from the final decision of the Commissioners of Franklin County made at their September 1868 relative to the assessment of Compensation and damages made in behalf by reason of the establishment of a County road on petition of G. L. Smith and others, along the following described route; Beginning at a stone S. E. corner of S. W. section No. 16 Township No. 11 Range 21 Congress Land. Thence S. 1 35' W. 163.60 poles to a stone in the half section line, Thence S. 1 45' W to a stake at section corner distance 328 Poles, Thence S. 1 25' W 118-28 poles to a stake, Thence S. 2 W. 27-52 poles to a stake in the W line of the Columbus and Groveport Turnpike, Making total distance 445-80 Poles.

To the Probate Court of said County;

Now if the said Frederick Swisher shall pay all costs that may be adjudged in said Probate Court or any other Court to which the proceedings may be moved by petition in error, then this obligation to be void; otherwise to be and remain in full force and effect. Signed and sealed by us at Columbus Ohio this 24th day of September A. D. 1868.

-----	Frederick Swisher (Seal)
-25 cent -	A. Havely (Seal)
- Stamp -	Wm. Chandler (Seal)

BOND.

Know all men by these Presents that we Frederick Swisher A. Havely and Wm. Chandler of Franklin County Ohio are held and firmly bound unto the State of Ohio, in the Sum of Three hundred dollars to the payment of which we do hereby jointly and severally bind ourselves, heirs executors and administrators, if default be made in the condition following.

Whereas, the said Frederick Swisher has appealed from the final decision of the Commissioners of Franklin County made at their September session 1868 relative to the establishment of a County road on petition of G. L. Smith and others along the following described route; Beginning at a stone south east corner of South west quarter of Section No. 16 Township No. 11 Range 21 Congress land- Thence South 1 35' West 183-60 Poles to a stone in half section line, Thence South 1 45' West to a stake at section corner distance 328 Poles- Thence South 1 25' West 118-28 Poles to a stake Thence South 2 West 27-50 Poles to a stake in the North line of the Columbus and Groveport Turnpike Making total distance 445-80 Poles; To the Probate Court of Said County;

now if the said Frederick Swisher shall pay all costs that may be adjudged august him in said Probate court or in any other court to which the proceedings may be moved by petition, in error, then this obligation to be void; otherwise to be and remain in full force and effect.

Signed and sealed by us at Columbus Ohio this 24th day of September A. D. 1868.

-----	F. Swisher (Seal)
- 25 cent -	A. Havely (Seal)
- Stamps -	Wm. Chandler (Seal)

Approved
S. E. Kile Co. Auditor
By A. C. King Depty.

The State of Ohio Franklin County S. S.
To James M. Montgomery, James N. Peters and A. W. Livingston, Greeting.

Know that the Probate Court of Franklin County having examined the proceedings of the Commissioners of said County in establishing the County road petitioned for by Geo. L. Smith and others as follows. Commencing at the south west corner of the of the South West quarter of Section No. 16 in the Township of Madison in the County aforesaid, Running thence south on the half section line of section No. 21 and No. 28 to the Columbus and Groveport Turnpike in the Town of Groveport or near said line as good ground for a road can be had and having found the same to be in substance erroneous has appointed James M. Montgomery, James N. Peters & A. W. Livingston viewers and W. P. Brown surveyor of said road and ordered that they meet at the house of Charles Campbell in Groveport in said County and State on the 30th day of October 1868, at 10 O'clock A. M. and after being duly sworn, they proceeding to the discharge of the duties of their several appointments according to law and make report in writing of their proceedings in the premises to said Court on or before the 5th day of November 1868

You will therefore in Conformity to said order meet at the place and time designated, or within five days thereafter, to view and survey and lay out said road, and also determine whether the public convenience requires that said road, or any part thereon, shall be sixty feet in width, and if not what width will suffice.

After having discharged all the duties enjoined on you by law and this order, you will make out and deliver to the Probate Court on or before the 5th day of November 1868 a full report in writing of your proceedings in the premises.

Columbus O. October 21, 1868

John M. Pugh
Probate Judge

Be it known that on the 30th day of October 1868 the day appointed by the Probate Court of Franklin County for a review and Survey of said County road. The following named persons presented and filed with said viewers their written claims for damages and Compensation in accordance with the Statute in such cases made and provided viz. John Cox, William Rarey, A. Willi, H. Long, Samuel Leigh, Wm. Chandler and A. Hevely Trustees of M. E. Church Groveport

Eliza Youard	300.00
Joseph Cherry	150.00
Abram Sharp	500.00
Lettice Stine	150.00
F. Rarey	125.00
C. W. Rarey	300.00
	350.00

17710 300 ROAD RECORD 8 PAGE 470-477 1868 0040 010

Continued from preceding page.

Fred Swisher	500.00
H. C. Swisher	500.00
David Whetsel	215.00
John Youard	150.00
Patrick Corbett	75.00

VIEWERS REPORT

To the Probate Court

Franklin County

In the matter of Geo. L. Smith vs Frederick Swisher, road appeal the undersigned viewers in accordance with your order of October 20th A. D. 1868 and at the House of Charles Campbell in Groveport on Friday the 30th day of October A. D. 1868 at 10 O'clock A. M. and being severally sworn proceeded to the discharge of the duties of their appointment.

That after viewing the route as laid out measured and Staked in a former Survey dispensed with the assistance of two Chain Carriers and a Marker- and would report that they fixed as the initial point of said road a stone at the South East Corner of the South West quarter of Section 16 Tp. 11 R. 21 Congress Land, Thence S. 1 35' W. 163-60 Poles passing a Stone in 1/2 Section line, Continued S. 1 45' W. passing a Stake at quarter Section Corner Continued S. 1 25' W. passing a Stake at 418-28 Poles to the South West Corner of In Lot No. 70 in the Town of Groveport- Continued S. 2 W. to a Stake at 445-80 Poles in the North line of Main Street in said town, the point of termination and being as near the route proposed by the petitioners as in the opinion of the undersigned a good road can be made along the line Surveyed at a trifling expenditure of money and labor,

And they are of the opinion that said road be located and established as laid out, that the necessities of the public require it.

X They are further of opinion that the public convenience will be fully subserved if said road is established thirth three feet in width.

Given under our hands this 4th day of November A. D. 1868

Fees				James M. Montgomery)
Jas. M. Montgomery	2 days	@ \$1.50	\$3.00	Jas. N. Peters) Viewers
James N. Peters	" "	" \$1.50	3.00	A. W. Livingston)
A. W. Livingston	" "	" \$1.50	3.00	
W. P. Brown	4 "	" 2.00	8.00	

Viewers Report on Compensation and Damage on George L. Smith road Madison Township Franklin County Ohio.

The viewers of the County road petitioned for by Geo. L. Smith and others further report that the following named persons presented their written applications for compensation and damages, by reason of the location of said road over their premises Eliza Youard, John Youardm Patrick Corbett, David Whetsel Abram Sharp, H. C. Swisher C. W. Rarey, F. Rarey, Frederick Swisher and Methodist Episcopa Church also Lettice Stine for damage.

That having carefully examined the route of said road over the lands of said Claimants, they do award and determine that compensation be made to said claimants for the property sought to be appropriated as follows.

To Eliza Youard \$10 John Youard 10\$ Patrick Corbett 9\$ David Whetsel 90\$ Abram Sharp 30\$ H. C. Swisher \$91.80 C. W. Rarey 90\$ Fredk. Rarey 45\$ Fredk. Swisher \$91.80 M. E. Church 25\$ Total \$492.60

They do also assess and determine that the following sums be paid to Claimants for the injury or damages which their Several tracts will Sustain by reason of the location of said road over the same To Lettice Stine 3\$ In which amount her land will be rendered less valuable by said location, The other Claimants are not in the opinion of the undersigned entitled to the payment of incidental damages as their property is not injured nor rendered less valuable by the laying out of said road over the same.

Given under our hands this 4th day of November A. D. 1868

James W. Montgomery)
James N. Peters) Viewers
A. W. Livingston)

SURVEYORS REPORT.

To the Honorable Probate Court

Franklin County Ohio.

Herewith find a Plat and Field notes of the County road petitioned for by George L. Smith and others made under the direction of the viewers of said road, Beginning at a Stone in the south east corner of the south west quarter of Sec. 16 Tp. 11 R. 21 congress land- Thence S. 1 35' W. 163-60 Poles passing a Stone in 1/2 section line continued S. 1 45' W. passing a Stake at quarter section corner continued S. 1 25' W. Passing a Stake at 418-28 poles to the South west course of Lot No. 70 in the Town of Groveport continued S. 2 W. to a Stake at 445-80 poles in the North line of Main Street in said Town the point of termination. Making the whole distance one mile and one hundred and twenty five poles and 80/100 Poles.

And I hereby certify the said Plat and field notes to be correct as I verily believe.

Columbus O. November 4th A. D. 1868

W. P. Brown Surveyor.

17710 300 ROAD RECORD 8 PAGE 470-477 1868 0050 010

Continued from preceeding page.

PLAT.

1770
300
ROAD RECORD
8
PAGE 470-477
1868
0060
010

APPEAL & EXCEPTIONS.

Whereupon the following parties appealed from the decision of said viewers and ask that said award be set aside of which the following are true and correct exceptions taken and filed by said parties by their respective attorneys.

SWISHER vs SMITH et al
In the matter of the petition of Geo. L. Smith and others for the location and establishment of a new County road in Madison Township Franklin County Ohio.

Pending before the Probate Court of Franklin County Ohio.

EXCEPTIONS TO VIEWERS REPORT.

Joseph Cherry excepts to the report of the viewers appointed by the Court in this case upon the following grounds.

- First- The proceedings and report of said viewers & surveyor are not substantially legal.
- Second- The said viewers rejected altogether the claim of said Joseph Cherry for compensation and damages although said road passes through and appropriated his lands & although he made his application in writing.

Joseph Cherry
by H. B. Albery his Atty

GEORGE L. SMITH
vs
FREDERICK SWISHER

Probate Court
Franklin County Ohio
On appeal.

The Trustees of the Methodist Episcopal Church at Groveport Ohio except to the award of the viewers in this case, made in their behalf for the reason that said award has not been made by a constitutional Jury of twelve men and because the amount of compensation and damages assessed to them is for

Continued from preceeding page.

less than should have been allowed, whereupon they ask that said award may be set aside, and a New assessment may be made by a Jury legally constituted. Trustees of the M. E. Church at Groveport O.

By Erosee & Nash their Attys.

In the matter of the petition of Geo. L. Smith and others for the establishment of a New County road in Madison Township Franklin County Ohio.

On appeal before the Probate Court Franklin County Ohio.

Frederick Swisher and H. C. Swisher excepts to the award of the viewers in this case made in their behalf for the reason that said award has not been made by a constitutional jury of twelve men and because the amount of Compensation assessed to them is for less than they should have been allowed, and because no damages was allowed to them by said viewers.

Wherefore they ask that said award may be set aside and a new assessment of compensation and damages may be made by a jury legally constituted

Frederick Swisher
By Erasee & Nash his Atty.
H. C. Swisher
By Erasee & Nash his Atty.

In Probate Court Franklin County Ohio.

George L. Smith
against
Frederick Swisher

Appeal

This cause comes into this court by appeal from the final decision of the Commissioners of Franklin County in relation to the establishment of a County Road and petition of said George L. Smith and others, and the court finding upon hearing and inspection that the proceedings had by and before the Commissioners previous to the appeal, were in substance erroneous, it is ordered that Jas. M. Montgomery, James N. Peters and A. W. Livingston; three disinterested freeholders of Franklin County; be and they hereby appointed viewers, and W. P. Brown Surveyor, and that they meet at the house of Charles Campbell in Groveport in said County and State on the 30th day of October 1868 at 10 O'clock forenoon and after being duly sworn proceeded to view and survey said road according to law and make report of their proceedings in the premises to this court on or before the 10th day of November 1868.

The State of Ohio Franklin County Ohio S. S.

I John M. Pugh Probate Judge in and for Franklin County Ohio do hereby Certify that the foregoing is a true and correct copy of the original order as the same appears of Record in in this Court to wit. Order book No. 10 Page 208

Witness my hand and seal of office this 20th day of October A. D. 1868.

(Seal)

John M. Pugh Probate Judge

Probate Court Franklin County Columbus Ohio December 8th 1868.

To the Sheriff of said County Greeting

You are hereby commanded to summon J. C. Lunn, E. Compton, G. Neiswender, Jesse Boughman, Abraham Krist, William Cooper, Theron Lee, George W. Havens, Henry M. Alberty, David Taylor, Elem Drake and Amber Mann to appear in the Probate Court within and for said County on the 14th day of December A. D. 1868 at 10 O'clock A. M. forenoon, then and there to serve as jurors in a cause pending in said Court wherein Frederick Swisher et al as Plaintiff against George L. Smith et al are Defendent being an appeal from the final decision of the Commissioners of said County in relation to assessment of Compensation and damages by reason of the location of a Certain Court Road.

Hereof fail not; and this writ make due return Witness my Signature and the seal of said Probate Court this 8th day of December A. D. 1868

(Seal)

Dec 14 1868 served this venire personally on Boughman Alberty Krist and Drake and a written notice left at the usual place of residence of each of the other Jurors herein named

Fees 6¢

E. Garver Corner
Acting as Sheriff
By. E. R. Williams Depty

Columbus Dec. 14 1868

George L. Smith et al
vs
Frederick Swisher et al

Appeal from County
Commissioners

The parties appear in court by their respective attorneys and therefore the Jurors summoned to try this cause being called to wit; J. C. Lunn, E. Compton, Jesse Boughman, Abraham Krist, Theron Lee, Henry Alberty, David Taylor, and Elem Drake & G. Neiswender, William Cooper, Geo. W. Havens and Amber Mann failing to appear, the pannel was filled by the Sheriff with the following named persons to-wit; Philemon Hess, George Kirk Jarvis Landon, and Thomas Deems as talisman.

Who are accepted, impaneled and sworn to try said cause according to law before any evidence is adduced by the parties it is ordered that said Jurors proceed under the charge of the Sheriff to view the premises of the said Frederick Swisher and Henry C. Swisher, in respect to which Compensation and damages are Claimed; and they are ordered to return into court a 9 o'clock A. M. December 15 1868.

I certify that the foregoing order is correctly copied from Order Book No. 10 Page 254.

(Seal of Court)

John M. Pugh
Probate Judge

To the Hon. the Judge of the Probate Court within and for the County of Franklin and State of Ohio

1770 300 ROAD RECORD 8 PAGE 470-477 1868 0070 010

Continued from preceding Page.

Ohio

We the Jurors impaneled and sworn in the case of Geo. L. Smith vs Frederick Swisher et al having examined the County Road petitioned for by George L. Smith and others located in Madison Township Franklin County Ohio where the same is laid out over the premises of Frederick Swisher and Henry C. Swisher and having heard the testimony adduced by the parties, do award and determine that the said Frederick Swisher be paid the sum of \$98.09 and the said Henry C. Swisher be paid the sum of \$98.09 as compensation for land belonging to them which has been taken for said road and we do further award & determine that the said Frederick Swisher be paid the sum of 94¢ and the said Henry C. Swisher be paid the sum of \$48.10 as damages to their said property

Given under our hands this 15 day of December 1868. signed

David Taylor Foreman

Thomas Deems Ezekial Compton George Kirk, Jesse Baughman Elem Drake, Abram Krist, P. Hess. H. M. Albery, J. C. Lunn, Theron Lee, James Landon,

George L. Smith et al
vs
Frederick Swisher et al

Appeal from County
Commissioners

The Jurors came into the Court at the hour; appointed and after having heard the testimony and the arguments of Council for verdict Say; To the Hon. Judge of the Probate Court within and for the County of Franklin and State of Ohio. We the Jurors empaneled and Sworn in the case of Geo. L. Smith vs Frederick Swisher et al having examined the County Road petitioned for by Geo. L. Smith and others located in Madison Township Franklin County Ohio where the same is laid out over the premises of Frederick Swisher and Henry C. Swisher and having heard the testimony adduced by the parties do award and determine that the said Frederick Swisher be paid the sum of \$98.09 and the said Henry C. Swisher be paid the sum of \$98.09 as compensation for land belonging to them which has been taken for said road, and we do further award and determine that the said Frederick Swisher be paid the sum of 94¢ and the said Henry Swisher be paid the sum of \$48.10 as damage to their said property

Given under our hands this 15th day of December 1868 signed

David Taylor Foreman

Thomas Deems, Ezekiel Compton, George Jirk, Jesse Boughman, Elem Drake Abram Krist P. Hess H. M. Albery, J. C. Lunn, Theron Lee, James Landon.

And it appearing that the sum thus assessed is greater than the award made before the Commissioners it is considered by the Court that the State of Ohio recover against the said Petitioners the sum _____ dollars being the Amount of Compensation and damages assessed by said jury and including all costs created by said appeal except the sum of forty five dollars which is ordered to be paid by Frederick Swisher.

I certify that the foregoing is a true copy of the original order in the above case as the same appears on Order Book No. 10 Page 259

(Seal)

John M. Fugh
Probate Judge
By John T. Gale Depty.

17710

300

ROAD RECORD

8

PAGE 470-477

1868

0080

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