

Change in Curtis Road
Proceedings before
County Auditor

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Change in Curtis Road

Proceedings before
County Auction

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State of Ohio }
Black Hawk County }

In the matter of the Reaction) Before W. M.
of the Court's Court and) State,
the location of the Washburn) County Election
Road

And now - term, on the 8th day of March
A.D. 1869. This being the day set for hearing
said case - the parties appeared, and by
Consent, Case is continued to the 10th
day of March A.D. 1869, at One O'Clock
P.M. of said day

And on the 10th day of March
A.D. 1869. This Case coming on for hearing
parties in Court in person and by

Attorney
Attorney for Remondthorne, O. Miller

" " Petitioners Bowie & Allen

Case called.

Remondthorne appeared in evidence, admitted
all the papers on file in the case offered in
evidence - admitted -

A. D. Curtis: Shown.

And in view of Sections 23, 24, 25 & 26,
Township 88, Range 14, the West of McIntosh &
Chloris Road is correct, is agreeable with

the Mr E. Road to where the ~~Custer~~ Road intersects it is about 80 or 100 Rods

50 or 60 ~~farrows~~ line on the ~~Franklin~~ Road and travel that Road to intersect the Mr E. Road

Cross Examiner.

The Custer Road has not been worked nor fenced out from the corner of Sections 23 & 24. to where it intersects the Mr E Road There is a travelled Road from Section 23 & 24 North on Section line to the Mr E. Road it has never been worked or laid out,

The point on that is the point of the Proposed Road. it has been worked, has been bridged over. The Custer Road terminates at its intersection with the Mr E. Road,

The land on the Custer Road is mostly travel of ~~farrows~~ going to Hudson, for 10 families that I know go to that mill to get gunnery stone. There are a great many more go there that I don't know their names. I see them pass, don't know their names. If the Custer Road was taken up and proposed Road established as petitioners for they would have to travel about one half a mile further in carrying & going, or about 80 Rods further each way. I think the Custer Road is ^{travelled} more than the proposed

the Road running from Frenchtown to intersect the Waterloo & Eldon Road, The Frenchtown Road intersects the Waterloo & Eldon Road about one half or three quarters of a Mile North East of Hudson on Sec line between Sections 23 & 26. It runs from Frenchtown for 10 Miles, intersects Waterloo & Eldon Road at point described on Plat. from Corner of Sections 23 & 24 to where the Intersection intersects Mr E. Road is 70 or 80 Rods. Thence the Road was opened to East line of Sections 24 & 25 about 12 Years ago Road from that point to intersect Waterloo & Eldon Road ^{was built out} about 4 Years ago. Mrs Sergeant lives on Mr E. Road, has lived there ever since I have been here, I have been here 14 or 15 years. Mr Washburne owned in N^o. of Section 26 at the time the Road was located. He sold I think a year ago East-Minor to B. Sergeant Mrs Sergeant owned the "Station" piece at the intersection of Roads at that time. He was not one of the petitioners for the Curtis Road, from East line of Sections 24 & 25 to where it intersects the Mr E. Road is called the P. B. Curtis Road, it is nearly One & 1/4 Miles long There are about 5 or 6 Acres in the "Station" piece. It has not been enclosed, The Plat shows the contemplated change. I live on Section 25, on the Curtis Road

The Mr. G. Road does not cross Black Hawk
Creek, & Road about one half mile beyond
Hudson crosses Black Hawk Creek.

From where the Junction Road intersects the
Mr. G. Road to the Road from Mr. G. Road running
across Black Hawk Creek is about three miles
I know of no other Road in the vicinity of the
Junction Road that intersects the Mr. G. Road
The Majority of farmers living in Orange Township
have the Junction Road going to Hudson
to Mills. The Consolidated Road from
Section forty one Section 23 to where it intersects
the Mr. G. Road is nearly 70 rods long. When
Seymour runs on Section 26, on Carter's Road
the Carter Road from the Section forty one
Section 23 to where it intersects the Mr. G. Road
is on good ground, not a Shagbark on it, it strikes
a Creek nearly where it intersects the Mr. G.
Road. The ground on the Consolidated
Road from the Carter Road to where it
intersects the Mr. G. Road, crosses once Shagbark
it will have to be bridged - The Bridge will
have to be about 16 or 18 feet long. A Bridge has
been built there years ago, it is no Road
now, the ground is good if timbered.

The Consolidated Road is part of a Road
which they are trying to get to Section 26, &
show the point where the Consolidated Road intersects

Road. I have no coin here much more.
 The Curtis Road is travelled a great deal.
 Both are travelled considerably, travel
 comes from the South & from Bucking-
 ham & that way. The character of Christians
 from South & South West from Cornes of
 Sections 23 & 24 is principally. Water-
 Man goes to Cedar Falls. They go on the Curtis
 Road. Those living South & going to Waterloo
 will travel over the proposed Road, they
 will have to travel to Rock further to go
 to Waterloo on the Curtis Road than
 on the proposed Road. Live on the Curtis
 Road East of the Corner of Sections 23 & 24.
 There is not much difference in the use
 I make of the two Roads. I saw my lawyer
 go to Mill, to the blacksmith's shop and to
 Cedar Falls on the Curtis Road. I go to
 Waterloo on the proposed Road. I don't
 know my Wheel on the proposed Road. I
 go then on the Journey line between Black
 Hawk & Orange. My Children and the
 children of people living on the Curtis
 Road go to the School House on the
 proposed Road. They would have to go about
 30 rods further to go on the Curtis Road.
 I think I signed a petition years ago for
 the location of a Road running over

Harmon Griffith lives East Somershire, I
don't know where

J. McElhakon lives East Somershire - I don't
know where

J. J. Chingermann lives about 3 miles
East and so Road South

J. P. Phillips. lives East of Road Somershire
I don't know where

J. A. Bittor. " the same
McPhillips. I don't know where he lives
C. W. Wilson, lives on N. & E. Road about 3 miles
towards Matashos

Matthews Miller lives about 4 miles East &
2 miles North

H. G. Livingston. lives on N. & E. Road about
4 miles towards Matashos

A. Good lives about 4 miles ^{East} & 1 mile South

A. A. Miller. lives East. I don't know where
think about 4 or 5 miles

A. B. Hickinger lives about 4 miles East &
one mile South

C. Harrison - lives about 4 miles East & one mile
South

P. Hoff. lives on N. & E. Road towards Matashos
about 4 miles

P. W. Carthy lives about 1 mile East and little
more than one mile North

J. Hickinger lives 4 or 5 miles East & South

proposed Road and on to Cedar Falls.

I think a Road is needed on the line of the proposed Road to go to School. Think it would be an accommodation to us. Think from the intersection of the Curtis & Mr. E. Roads to the Creek on the Curtis Road is 2 or 3 Rods. The Creek is not a living stream, it is dry at seasons, in high Water it is about 20 Rods wide and 3 or 4 feet deep. The Stream runs down through the Slough in high Water have seen it 8 or 10 rods wide & 2 or 3 feet deep.

There are some Embankments on proposed Road at each end of Slough, high Water runs over them, they are about 2 or 3 feet high, I have seen the Water on the top of the Embankments over a Man's boat tops for 2 or 3 rods. The Space between the Embankments is 6 or 8 feet. The Fence on the Curtis Road has never been removed and set back from the Section line, except on Section 25-160 rods has, the balance stands on the Section line except 15 or 20 rods. Mr Jones set that back last summer so that a Bridge could be built and the Road marked. The Fence on that part of the Curtis Road sought to be located stands on the Section line has never been moved from it. The Fence on the proposed Road stands back, I think, 2

8
well from the line. The proposed Road has
been used as a public highway ever since I
have been there, about 12 years.

Direct Examination resumed

People have travelled the proposed Road because it
was opened. There is no bridge on the Curtis
Road. The Outcamp Road from Mr E.
Road to Cedar falls would start from where
the section line between Sections 23 & 24
intersects the Mr E. Road, about one quarter
of the children living on the Curtis Road
go to that school. The Buckingham Travel
Came across the open prairie.

Cross Examination resumed

The Remondments line East of the Mr E. Road
except these

P. B. Curtis line on the Curtis Road East of Section
Corner. Nearly one mile East of intersection of
Curtis and proposed Road.

Paul Collet line about 3 miles 1/2 miles East

of intersection of Curtis

E. of Hall. line in Section about one mile

South West of intersection of Roads

DeMurray line about one mile South & three fourths
of a mile East between Matthews & this
Road

The other showing lines on the Day farm, about
3 miles from Matthews on Mr E. Road

John Wall lives about 3 miles East and $2\frac{1}{2}$ miles North.

W. S. Long lives near Wall

C. Waller lives about 3 miles East

A. S. Smith lives about 4 miles East and 2 miles North.

J. H. Luchty lives about 5 miles East and 2 or 3 miles North.

W. B. Beck, lives East 2 miles

J. M. Beck lives East 2 miles

J. M. Waller lives about 3 miles East and 100 rods South

Geo. Hengemann lives on W & S. River

about 3 miles toward Waterloo
W. S. Waller lives about 4 miles East & 1 mile North

John Brown lives in Sheldahl.

A. King, lives in Sheldahl, he is one of the Mill men

J. D. Bennett, lives one mile East, he

circulates the Remembrance and obtains the names, I want to be done, some I carry at in Waterloo and some I have at a spelling school.

I know R. A. Jones, he lives about 80 rods North of this River, I know T. E. Jones, he lives on W & S. River one mile this side he owns land South of the present River

long, the dist for it would have to be shown there. I have heard the Story & on the proposed Road spoken of. I know it, I should think a Bridge over it with a Successway of eight feet would carry off the water. I think it would cost about ten or fifteen dollars, the embankments on one side is good, on the other side it would need an embankment of about five rods long and three feet high. a part of the old embankment is there and part is washed down level with the surface. The Embankment at the end of a Bridge on the Curtis Road ought to be three or four feet high to make it good. The Creek runs over the N. & E. Road now, the N. & E. Road is thrown up about three feet, in building the N. & E. Road it has been dug out at the end of the Curtis Road so that there will run to be a Successway there, the cost of that Successway would be about the same as the cost of the Successway on the proposed Road. I should think there is about fourteen acres in the three cornered piece of land. If it was attached to a farm it would be worth about thirty five dollars an acre, Mr Sargeant owns the land south, if the proposed change is

R. St. James called by Altitons, however,

I live on the *Medato* & *Elmore* River. This pile of Shuckson, about 70 rods south of their point of the *Cumtā* River dropped to be reached, nearly as far as the shortest end of the proposed River. I have lived there five years, have noticed the trail on the top of the *Medato* some. Considerable trail passes over the *Cumtā* River. It comes from the north & south. People from south & East of the *Cumtā* River go that way to reach *Medato* & *Cedar* fields. I have noticed the trail over the *Cumtā* River. I should think there was not a great deal of difference in the amount of trail over the two Rivers. People would travel 60 or 70 rods further among up the *Cumtā* River to go to Shuckson if the change were made, than they do now. If the *Cumtā* River were fenced out a bridge would have to be built on it to make a good Road. Travel on the *Cumtā* River goes over open prairie to get to the *Medato* and *Elmore* River south of indication. A bridge on the *Cumtā* River would cost about \$88 or \$100, it would need to be about 25 or 30 feet long and wide enough to get each end. There are ideas of the cost of the *Embarras* Road, the embankment at one end would have to be about 15 or 20 rods

Mr. Hatfield line opposite Mr. Sergeant's
his land comes to within 18 or 20 rods
of proposed Row

Dr. W. Babcock line East $\frac{1}{2}$ mile his land
comes to proposed Row

B. Sergeant line since 15 rods south of proposed
Row. He owns land about 65 rods
long on both sides of that part of the
Curtis Road brought to the ^{same} location
and $\frac{1}{2}$ of the proposed Row

Mr. Balotarin line about one mile south on
N & S. Road

A. B. Markham line on the N & S. Road
about 100 rods south

J. H. Markham line on the Curtis
Road one half mile south
the proposed change

W. Sergeant line on N & S. Road about
80 or 100 rods West of the proposed
change

A. W. Sinton line about $\frac{3}{4}$ mile South & 80
rods west

A. Markham line on N & S. Road about 100
rods north

J. J. Mason line about three fourths of a
mile south of proposed Road

Remnants not

Near my house

Cross examination

I don't want to tell the three concerned parties of Council. I don't know whether Morrison Sergeant signed the Petition for the Custis Road. I think he did.

Petitioners Rest

By Consent of Council the 13th day of March A.D. 1889. at Nine O'Clock A.M., of said day was set as the time for hearing argument on the Case. Argument to March 13th 1889 at Nine O'Clock A.M.

And now, to wit on this 13th day of March A.D. 1889. This Case coming on for hearing - the attorney for the Petitioners being present and the attorney for the Respondents not appearing; no argument was had in the Case.

Whereupon it is hereby Ordered by the County Auditor that the Report of the Commissioner herein be approved; and that that portion of the Custis Road be vacated and the new Road established as prayed for in said Petition; provide Costs are paid ^{up} on or before the first day of July A.D. 1889.

made I will bear his farm. If it is
separated from the balance of his farm
it is not worth much more than the
cost of fencing it.

Cross Examination

I am one of the witnesses for the proposed Road
I live on the Webster & Elmore Road, the
Jugement runs about six or five acres on
the South side of the Curtis Road in Sec-
tion Twenty six, and the balance is owned
by Mr Collet and others. Thru the
intersection of the proposed Road and Mr E
Rous to the intersection of the Curtis &
Mr E. Roads is about ~~eighty~~ ^{eighty} rods.

If the Curtis Road is located based on my
from the East or South to go to Stillman
will have to go from six or five or seventy
rods further. If the proposed Road is
located else Jugement will have to fence
from line of Section 23 & 24 to the
intersection of the section line with the Mr E.
Road, thence on the Mr E. Road to the
South line of Section. To estimate the
three corner price he will have to fence it
on two sides, with or without the Curtis
Road he will have to fence, should think
it would take the same amount to fence
if the Curtis is not located as if it were

Advances Wholen Some.

I lie on Section twenty six about twenty rods from intersection of the proposed Road near the Curtis Road. There will there more than eleven months. I have been in Rocky town some four or five years. I am in plain view of both Roads, since I think the proposed Road has been built the most, I know the Section spoken of on the Curtis Road and the length on the proposed Road. It will cost more to make the Curtis Road a good Road than to make the proposed Road good. It will cost considerable more. I am not ~~convinced~~ to estimate how much more.

B. Sergeant Some,

I know the fact, Wholen Sergeant Some the Road the fact now more at the time of selling the Section for the Curtis Road. There are fifteen rods in the three corner piece of land. If the Curtis Road is taken up and it is attached to the balance of my farm it is worth thirty five or forty dollars an acre. It is worth five hundred dollars more attached to the balance of my farm than if cut off by the Curtis Road at corner of it between the proposed Road and the Martins & Elders Road corner of man

made of mill grain two farms, & if it is
separated from the balance of two farms
it is not worth much more than the
cost of fencing it.

Grass prairies

I am one of the petitioners for the proposed Road
I live on the Webster & Helena Road, the
Sergeant owns about 2500 fine acres on
the south side of the Curtis Road in Sec-
tion twenty six, and the balance is owned
by Mr Colfax and others, thru the
intercession of the proposed Road and Mr E
Reed to the intercession of the Curtis &
Mr G. Reed is about 8000000.

If the Curtis Road is located travel coming
from the East or South to go to Sherman
will have to go from 2500000 or 2500000
acres further. If the proposed Road is
located 2500000 will have to fence
from line of Section 23 & 24 to the
intercession of the section line with the Mr G.
Road, thence on the Mr G. Road to the
South line of Section, to estimate the
three corner piece he will have to fence is
one two acres, with or without the Curtis
Road he will have to fence, Charles thinks
it would take the same amount to fence
if the Curtis is not located as if it were

between its intake door with the Curtis Road
and a Bridge on the N. E. Road, To build
a good bridge and approaches on the Curtis
Road would cost in my judgment about
one hundred & fifty or two hundred dollars
A Bridge can be built there for fifty or
seventy five dollars, I think a good Bridge
there would cost one hundred & twenty
five dollars. I know the Sleigh on
the proposed Road, a Bridge there would
need a three way of about eight feet and
about four feet high from the bed of the
Creek. I think that would carry off
the water all clear. The embankment
on one side would need to be raised
a foot above what it now is, and on
the other side from one to two feet and
narrowing back some eight or ten rods.
I think there is dirt there to build
the embankment to, The Grate across
the Road and runs down along the side of
it. I think the dirt for embankments to
could be got there without paying to the
Road. A good Bridge there would
cost about twenty five or thirty dollars
The embankments would cost a great
deal less than on the Curtis Road.
I think the three cornered piece of Road

H. B. Washburne draws,

I live on Section 24, some 68 rods north east of the north end of the proposed Road, I have known the Curtis Road & the proposed Road some fourteen years I should think the travel on the two Roads is about equal, If the Curtis Road is pressed out a Bridge would be necessary on it. If there a high Bridge a piece may be taken for material out of the Mutt. There is no water there in a dry time.

The Bridge should be five feet high from the bed of the Creek. The embankment at the point would need to be about three feet high and nine or ten rods long, on the end towards the Mutties & Glendon Road the embankment would need to be twice as long, on the other side commencing about three feet high the embankment would gradually diminish. If the chief ~~for~~ the embankment was not shown there steps or ditches would have to be dug to get it, as the indication with the M & G Road shows for the embankment would have to be shown in building the M & G Road a ditch has been dug at the end of the Curtis Road The water runs in it. The Mutt is a it backs up and runs over the M & G Road

D. David M. Foote, County Auditor
of the County State aforesaid do hereby Certify
that the foregoing is a full and correct
Record of the testimony and proceedings
had before me in the above entitled case

Witness my hand and Official
Seal hereunto affixed at my Office
in Martinsburg 15th day of
March A.D. 1869

David M. Foote
County Auditor