

The Clingan Ditch Improvement

Petition

Soudon, Mo., April 2 A.D. 1909, <sup>and tiling</sup> Petition for locating, constructing, straightening <sup>of a ditch</sup>  
To the Honorable Board of Commissioners, Madison County, Mo.

The undersigned owners of lots and land which will be drained or benefited by the improvement herein prayed for, hereby make application to your honorable body, and now file with the Auditor of said County, this, their petition, and now and hereby pray for the locating, constructing, straightening and tiling of a ditch on the route hereinafter set forth.

The necessity for and the benefits of the improvement as prayed for is that it will drain and reclaim the lands along the line thereof and adjacent thereto, and will promote the public health, convenience and welfare of the neighborhood through which it passes.

The following is the beginning, route and termini of said proposed improvement, to-wit: Commencing at a small wild cherry tree near the line fence between the lands of Pauline Sanders and the land owned by Bertha Coover and Esta Harvey, and where an 8 inch tile ditch empties into a 15 inch tile ditch; thence in a north-easterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Esta Harvey; thence in a northerly direction through the land of James Geer, following the said course of the said 8 inch tile ditch to the line of the land of William Clingan, deceased, now owned by Emma Clingan, widow of the said William S. Clingan, and Frederick and Leland Clingan, minor children of the said William S. Clingan, deceased, and terminating at the line between the said James D. Geer and Clingan lands.

The names of all persons and corporations, either public or private, who in the opinion of the petitioners are in any way affected or benefited thereby are as follows: Pauline Sanders, Bertha Coover, Esta Harvey, James D. Geer, Thomas J. Brennan, Ed. Heffley, Howard F. Tingley, Judson Waldeck, Mrs. Dillon and Emma Clingan.

Filed  
Apr. 2, 1909.  
J. J. Meffer  
Auditor.

Emma Clingan  
Emma Clingan guardian  
of Frederick Clingan + Leland Clingan } Petitioners

Petition

Petitioner's Bond

Petitioner's Bond.

Know all Men by these Presents, That Emma Clingan as principal, and R. G. Hornbeck and C. R. Hornbeck as sureties, are held and firmly bound unto the State of Ohio in the penal sum of Two Hundred (\$200.00) Dollars, good and lawful money, for which we bind ourselves, and our heirs, executors and administrators.

Signed by us and dated this 2<sup>nd</sup> day of April A. D. 1909.

The condition of the above obligation is such, nevertheless, that, whereas, on the 2<sup>nd</sup> day of April 1909, the above bounden Emma Clingan, guardian for Frederick & DeLland Clingan made application to the Commissioners of Madison County, and on said day filed with the Auditor of said County her petition for locating, constructing, straightening and tiling of a ditch in pursuance of the statute in such case made and provided, on the following route and termini, to-wit: Commencing at a small wild cherry tree near the line fence between the lands of Pauline Sanders and the land owned by Bertha Coover and Esta Harney, and where an 8 inch tile ditch empties into a 15 inch tile ditch; thence in a north-easterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Esta Harney; thence in a northerly direction through the land of James Geer, following the said course of the said 8 inch tile ditch to the line of the land of William Clingan, deceased, now owned by Emma Clingan, widow of the said William S. Clingan, and Frederick and DeLland Clingan, minor children of the said William S. Clingan, deceased.

Now if the above bounden Emma Clingan shall pay all costs, if the prayer of said petition be not granted, or if for any other cause the same shall be dismissed, then this obligation shall be void.

The above bond and the sureties thereon are approved by me this 2<sup>nd</sup> day of April 1909.

Emma Clingan  
R. G. Hornbeck  
C. R. Hornbeck.

J. J. Shaffer  
County Auditor.

Filed  
April 2, 1909  
J. J. Shaffer,  
Auditor.

Notice to  
Commissioners

Notice to Commissioners

of Petition Filed and Time for Hearing.

Office of Auditor of Madison County, O., April 1909

To the Honorable Board of Commissioners of said County:

Gentlemen: You are hereby notified that a petition and bond for a Ditch improvement has been filed in this office on the 2<sup>nd</sup> day of April 1909, a copy of which petition is attached below, and as required by law I have fixed the 27<sup>th</sup> day of April, A. D. 1909, at 10 o'clock, A. M., at the beginning of said proposed ditch described in said petition, for your hearing of said matter.

J. J. Shaffer Auditor

Copy of Ditch Petition.

London, Ohio, April 22, 1909, Petition for locating, constructing, <sup>and tiling</sup> straightening <sup>of a ditch.</sup>

To the Honorable Board of Commissioners Madison County, Ohio.

The undersigned owners of lots and land which will be drained or benefited by the improvement herein prayed for, hereby make application to your honorable body and now file with the Auditor of said County, this their petition, and now and hereby pray for the locating, constructing, straightening and tiling of a ditch on the route hereinafter set forth.

The necessity for and the benefits of the improvements so prayed for is that it will drain and reclaim the lands along the line thereof and adjacent thereto, and will promote the public health, convenience and welfare of the neighborhood through which it passes.

The following is the beginning, route and termini of said proposed improvement, to wit: Commencing at a small wild cherry tree near the line fence between the lands of Pauline Sanders and the land owned by Bertha Coover and Ests. Harvey and where an 8 inch tile ditch empties into a 15 inch tile ditch; thence in a north-easterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Ests. Harvey; thence in a northerly direction through the land of James Gess following said course of the said 8 inch tile ditch to the line of the land of William Clingan, deceased now owned by Emma Clingan, widow of the said Wm. S. Clingan and Frederick and Belland, minor children of the said Wm. S. Clingan, deceased and terminating at the line between the said James S. Gess and Clingan lands.

The names of all persons and corporations, either public or private, who in the opinion of the petitioners are in any way affected or benefited thereby are as follows: Pauline Sanders, Bertha Coover, Ests. Harvey, James S. Gess, Thomas F. Brennan, Ed. Hefley, Howard F. Dingley, Judson Waldeck, William Dillon and Emma Clingan.

Emma Clingan

Emma Clingan guardian of  
Frederick Clingan & Belland Clingan

} Petitioners

The Clingan Ditch Improvement.

I hereby certify the foregoing to be a true copy of a Ditch Petition filed in my office on the 2<sup>nd</sup> day of April 1909.

J. J. Shaffer County Auditor.  
Per B.

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Commissioner's Office, Madison County  
London, Ohio, April 5, 1909.

In the matter of  
Ditch Imp. Petitioned  
for by Emma Clingan

} Notice of filing of petition and time for view

The county auditor having delivered to this board a certified copy of a petition filed with him on the 2<sup>nd</sup> day of April, 1909, signed by Emma S. Clingan and praying for the location, construction and tiling of a county ditch between the termini and along the route stated below, commencing at a small wild cherry tree near the line fence between the lands of Pauline Saunders and the land owned by Bertha Coover and Esta Harney and where an 8 inch tile ditch empties into a fifteen inch tile ditch; thence in a north easterly direction following the line of the 8 inch tile ditch through the lands of the said Bertha Coover and Esta Harney; thence in a northerly direction through the lands of James Geer following the said course of the said 8 inch tile ditch to the line of the land of William Clingan, deceased, now owned by Emma Clingan, widow of the said William S. Clingan, and Frederick and Seland Clingan, minor children of the said William S. Clingan, and terminating at the line between the said James S. Geer and Clingan lands.

And it appearing that said petitioner has given bond as required by law, which bond has been approved by the county auditor, and said auditor having fixed the 27<sup>th</sup> day of April, 1909, 10 o'clock A.M. at the beginning of said proposed improvement.

It is ordered that this board meet on said day at the place of beginning as described in the petition to hear any and all proof offered by any of the parties affected by said improvement, and other persons competent to testify and to determine as to the necessity of said improvement.

On the question of the adoption of the foregoing entry relating to said ditch improvement, the roll being called, J. W. Boness, Jas. E. Roberts, U. P. Chroumethyl voted "Aye".

## The Clingan Ditch Improvement

Notice to Set or  
Land Owners.Auditor's Office, Madison County, Ill.  
April 2<sup>d</sup> A. D. 1909.

In the matter of Ditch Improvement }  
 Petitioned for by Emma Clingan et al }  
 Justice to Set or Land Owners.  
 To the Set or Land Owners and to the Corporations, either Public or Private, affected by  
 said Improvement:

You and each of you, are hereby notified that on the 2<sup>d</sup> day of April 1909, Emma Clingan and others, filed a petition with the Auditor of Madison County, the prayer of which is for the locating, constructing, straightening and tiling of a Ditch on the following starting point, route and terminus, to-wit: Commencing at a small wild cherry tree near the line fence between the land of Pauline Sanders and the land owned by Bertha Coover and Esta Harney, and where an 8 inch tile ditch empties into a 15 inch tile ditch; thence in a north easterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Esta Harney; thence in a northerly direction through the land of James Geer following the said course of the said 8 inch tile ditch to the line of the land of William Clingan deceased, now owned by Emma Clingan widow of the said William S Clingan and Frederick and Leland Clingan minor children of the said William S Clingan deceased and terminating at the line between the said James S Geer and Clingan lands.

You are also notified that the following time and place have been fixed when and where the Commissioners of said County will meet for the hearing of said petition, to-wit: Tuesday, April 27<sup>th</sup> 1909, at 10 o'clock A.M. at the beginning of said proposed ditch improvement for the purpose of hearing any and all proof offered by any of the parties affected by said ditch improvement, whether the said ditch will be conducive to the public health, convenience and welfare; and whether the route described is the best route; and any and all objections to said proposed ditch improvement.

Any application for compensation or damages, or for any change of route, must be in writing and filed with the Commissioners on or before the day set for hearing.

No further notice of any proceedings in this matter will be given.

J. J. Shaffer Auditor of Madison County.

A. D.

The Clingan Ditch Improvement.

Auditor's Office, April 10, County, Ill.

A. D. 1909.

The State of Illis }  
Madison County, ss. } Proof of Personal Notice.

On this 10<sup>th</sup> day of April 1909, personally seen James Minshall who being duly sworn according to law, deposes and says that on the days hereinafter named, he served the annexed notice on the persons hereinafter named by delivering to each person opposite whose name appears "D" a true copy of the annexed notice; and on those opposite whose name appears "R" by leaving the same at their usual place of residence.

Name of Person Served	How Served D. or R.	When Served			
Pauline Saunders	D.	Apr. 9 - 1909			
Bertha Coover	"	" 10 - "			
Está Harney	"	" " "			
James D. Grew	"	" 9 "			
Mrs. J. Brennan	"	" 10 "			
Ed. Hefley	"	" 9 "			
Howard Tingley	"	" " "			
Judson Waldeck	"	" " "			
Wm. Dillon	"	" " "			
Emma Clingan	"	" 10 "			

and further this deponent saith not.

Sworn to by James Minshall before me, and by him subscribed in my presence this 10<sup>th</sup> day of April 1909.

J. J. Blaffer  
County Auditor.

Auditor's Office, Madison County, Ill.

April 28, A. D. 1909.

In the matter of Ditch Improvement }  
Petitioned for by Emma Clingan et al } Notice to Lot or Land Owners,  
To the Lot or Land Owners and to the Corporations, either Public or Private, }  
affected by said Improvement:

You, and each of you, are hereby notified that on the 2<sup>nd</sup> day of April 1909, Emma Clingan and others, filed a petition with the Auditor of Madison County, the prayer of which is for the locating, constructing, straightening and tiling of a ditch on the following starting point, route and terminus, to-wit: Commencing at a small wild cherry tree near the line fence between the lands of Pauline Saunders and the land owned by Bertha Coover and Está Harney and where an 8 inch tile ditch empties into a 15 inch tile ditch, thence in a northeasterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Está Harney; thence in a northerly

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direction through the land of James Geer following the said course of the said single tile ditch to the line of the land of William Clingan deceased, now owned by Emma Clingan widow of the said William S. Clingan and Frederick and Leland Clingan minor children of the said William S. Clingan, deceased, and terminating at the line between the said James S. Geer and Clingan lands.

You are also notified that the following time and place have been fixed when and where the Commissioners of said County will meet for the hearing of said petition, to wit: Tuesday May, 18, 1909 at 10 o'clock A.M. at the Commission Office, London, Ohio for the purpose of hearing any and all proof offered by any of the parties affected by said ditch improvement, whether the said ditch will be conducive to the public health, convenience and welfare; and whether the route described is the best route; and any and all objections to said proposed ditch improvement.

Any application for compensation or damage, or for any change of route, must be in writing and filed with the Commissioners on or before the day set for hearing.

No further notice of any proceedings in this matter will be given.

J. J. Blaffer Auditor of Madison County  
per R.

Auditor's Office, Madison County, Ohio  
April 29, 1909.

The State of Ohio, }  
Madison County, ss. } Proof of Personal Notice.

On this 29<sup>th</sup> day of April 1909, personally came James Minshall who being duly sworn according to law, deposes and says that on the days hereinafter named, he served the annexed notice on the persons hereinafter named, by delivering to each person opposite whose name appears "D" a true copy of the annexed notice; and on those opposite whose name appears "R" by leaving the same at their usual place of residence.

Name of Person Served <sup>When Served</sup>

George Prugh R. April 29, 1909.

and further this deponent saith not.

Sworn to by James Minshall before me, and by him subscribed in my presence this 29<sup>th</sup> day of April 1909.

Eesa Blizzard  
Deputy County Auditor

Filed  
April 29, 1909.  
J. J. Blaffer  
Auditor.

The Clingan Ditch Improvement.

Commissioner's Office, Madison County  
London, Ohio, April, 5, 1909.

In the matter of  
Ditch Imp. Petitioned  
for by Emma Clingan

Notice of filing of petition and time for view.

The county auditor having delivered to this board a certified copy of a petition filed with him on the 2<sup>nd</sup> day of April, 1909, signed by Emma S. Clingan and praying for the location, construction and tiling of a county ditch between the termini and along the route stated below, commencing at a small wild cherry tree near the line fence between the lands of Pauline Saunders and the land owned by Bertha Coover and Esta Harvey and where an 8<sup>inch</sup> tile ditch empties into a fifteen inch tile ditch; thence in a north-easterly direction following the line of the 8<sup>inch</sup> tile ditch through the lands of the said Bertha Coover and Esta Harvey; thence in a northerly direction through the lands of James Geer, following the said course of the said 8<sup>inch</sup> tile ditch to the line of the land of William Clingan, deceased, now owned by Emma Clingan, widow of the said William S. Clingan, and Frederick and Deland Clingan, minor children of the said William S. Clingan, and terminating at the line between the said James S. Geer and Clingan lands.

And it appearing that said petitioner has given bond as required by law, which bond has been approved by the county auditor, and said auditor having fixed the 27<sup>th</sup> day of April, 1909, 10 o'clock A.M. at the beginning of said proposed improvement.

It is ordered that this board meet on said day at the place of beginning as described in the petition to hear any and all proof offered by any of the parties affected by said improvement, and other persons competent to testify and to determine as to the necessity of said improvement.

On question of the adoption of the foregoing entry relating to said ditch improvement, the roll being called, J. W. Bowers, Jas. E. Roberts, U. P. Chenoweth voted "Aye".

direction through the land of James Geer following the said course of the said single tile ditch to the line of the land of William Clingan deceased, now owned by Emma Clingan widow of the said William S. Clingan and Frederick and Leiland Clingan minor children of the said William S. Clingan deceased and terminating at the line between the said James S. Geer and Clingan lands.

You are also notified that the following time and place have been fixed when and where the Commissioners of said County will meet for the hearing of said petition, to wit: Tuesday, May 18, 1909 at 10 o'clock A.M. at the commissioners office, London, Ohio for the purpose of hearing any and all proof offered by any of the parties affected by said ditch improvement, whether the said ditch will be conducive to the public health, convenience and welfare; and whether the route described is the best route; and any and all objections to said proposed ditch improvement.

Any application for compensation or damage, or for any change of route, must be in writing and filed with the Commissioners on or before the day set for hearing.

No further notice of any proceedings in this matter will be given.

J. J. Shaffer Auditor of Madison County.  
per B.

Auditor's Office, Madison County, O.  
April 29<sup>th</sup> 1909.

The State of Ohio } Proof of Personal Notice.  
Madison County, ss. }

On this 29<sup>th</sup> day of April 1909, personally came James Marshall who being duly sworn according to law, deposes and says that on the days hereinafter named, he served the annexed notice on the persons hereinafter named by delivering to each person opposite whose name appears "D" a true copy of the annexed notice; and on those opposite whose name appears "R" by leaving the same at their usual place of residence.

Name of Person Served	When Served
George Brough	R. April, 29 <sup>th</sup> 1909.

and further this deponent saith not.

Sworn to by James Marshall before me, and by him subscribed in my presence this 29<sup>th</sup> day of April 1909.

Ella Blizard  
Deputy County Auditor

Filed  
April 29<sup>th</sup> 1909  
J. J. Shaffer, Auditor

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Commissioner's Office, Madison County  
London, Ohio, May 3<sup>rd</sup> 1909.

In the matter of  
Ditch Imp. Petitioned  
for by Emma S. Clingan

} Adjoined Hearing on Petition.

This day the commissioner's being in session, and a copy of a petition for a county ditch (straightening, filling, locating and constructing) having been delivered to us by the county auditor, and it appearing to us that the proper bond has been filed with the auditor and by him approved, conditioned for the payment of all costs if the prayer of the petition be not granted or be dismissed for any cause, we, therefore, on the 27<sup>th</sup> day of April, 1909, the day fixed by the auditor for hearings, did meet at the place of beginning of said ditch as described in the petition, and heard all proof offered by any of the parties affected by said improvement and others competent to testify, and we went over and along the line of said improvement and viewed the same and the premises along and adjacent thereto. We find that due and legal notice has been given to each person or corporation benefited or affected by said proposed improvement except George Pugh, whom we deem affected by said proposed improvement, and the auditor is hereby authorized to have notice served on him as required by law.

We also find that Howard F. Tringley, Bertha Coover and Esta Coover Harney have made application in writing for compensation and damages and that Bertha Coover and Esta Coover Harney have filed exceptions in writing as to the granting of said improvement as petitioned for, which applications are ordered to be filed.

An motion of Jno. E. Roberts, seconded by U.P. Chenoweth the board adjourned the further hearing on said petition to Tuesday, May 18<sup>th</sup> 1909, at 10 o'clock, A.M. at the commissioner's office, London, Ohio.

On roll call on the adoption of the foregoing entry relating to said petition and ditch, J. W. Bowers, Jno. E. Roberts, U.P. Chenoweth voted "aye".

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Commissioner's Office, Madison County  
London, Ohio, May 18<sup>th</sup> 1909

In the matter of  
Ditch Imp. Petitioned  
for by Emma Clingan

} Adjoined Hearing on Petition.

This being the day to which the above styled matter was adjourned, the board proceeded to the consideration of the same and all interested parties present were granted a hearing before the board, the board heard all proof offered by any of the parties affected by said improvement and other persons competent to

testify; and having examined the evidence relating thereto, it was moved by Jas. E. Roberts, seconded by U. P. Chenoweth that the further hearing in said matter be continued to May, 26<sup>th</sup> 1909, at 10 o'clock, A. M.

The above motion carried, J. W. Bowers, Jas. E. Roberts, U. P. Chenoweth voted "aye".

J. W. Bowers Pres. }  
Jas. E. Roberts } Commissioners  
U. P. Chenoweth } of  
Madison County.

Commissioners  
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Commissioners Office, Madison County  
London, Ohio, May 26<sup>th</sup> 1909.

In the matter of }  
Ditch Imp. Petitioned }  
for by Emma Clingan } Adjoined hearing on petition.

This being the day to which the above styled matter was adjourned, said matter was considered and on consideration thereof, it was moved by Jas. E. Roberts, seconded by U. P. Chenoweth that the further hearing in said matter be continued to Monday, May 31<sup>st</sup> 1909, at 10 o'clock A. M.

The above motion carried, J. W. Bowers, Jas. E. Roberts, U. P. Chenoweth voted "aye".  
Board adjourned.

J. W. Bowers Pres. }  
Jas. E. Roberts } Commissioners  
U. P. Chenoweth } of  
Madison County.

Commissioners  
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Commissioners Office, Madison Co.  
London, Ohio, May 31<sup>st</sup> 1909.

In the matter of }  
Ditch Imp. Petitioned }  
for by Emma Clingan } Commissioners finding on petition.

This day the commissioners being in session and a copy of a petition for the locating, constructing, straightening and filling of a county ditch having been delivered to us by the county auditor and it appearing to us that the proper bond has been filed with the auditor and by him approved, conditioned for the payment of all costs if the prayer of the petition be not granted or be dismissed for any cause, we, therefore on the 27<sup>th</sup> day of April 1909, the day fixed by the auditor for hearings, did meet at the place of beginning of said ditch as described in the petition, and heard all proof offered by any of the parties affected by said improvement and other persons competent to testify; and we went over and along the line of said improvement and by actual view of said ditch and the premises along and adjacent thereto

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and to be drained or benefited thereby; whereupon said matter was adjourned to May, 18<sup>th</sup> 1909; and again continued to May 26<sup>th</sup> 1909 and then continued to this 31<sup>st</sup> day of May, 1909, when the matter came on to be further considered; and on consideration thereof, we are of the opinion that said ditch improvement as prayed for is necessary to drain the lots, lands and public roads along the line thereof and adjacent thereto; and that said improvement will be conducive to the public health, convenience and welfare and we find for said improvement; and we further find that the route described is the best viz: Commencing at a small wild cherry tree near the line fence between the lands of Pauline Saunders and the land owned by Bertha Coover and Esta Harney and where an 8 inch tile ditch empties into a fifteen inch tile ditch; thence in a north-easterly direction following the line of the said 8 inch tile ditch through the lands of the said Bertha Coover and Esta Harney; thence in a northerly direction through the lands of James Geer, following the said course of the said 8 inch tile ditch to the line of the land of William Clingan, deceased, now owned by Emma Clingan, widow of the said William S. Clingan and Frederick and Leeland Clingan, minor children of the said William Clingan deceased, and terminating at the line between the said James S. Geer and Clingan lands.

It is therefore ordered that said improvement be granted and the same be known as "The Clingan Ditch Improvement No. 2."

We also find that due and legal notice has been given to each person or corporation whom we deem affected by said proposed improvement. And we do hereby order the auditor to enter this, our finding, in writing on the commissioner's journal.

And we do further authorize the auditor to enter upon said journal an order directing the county surveyor to go upon the line as described above and survey and level the same and set a stake at every hundred feet numbering down stream, and to embody in said order direction to the said surveyor to make and return a schedule of all lots and lands and public and corporate roads and railroads that will be benefited, and an apportionment of the cost of locating and constructing said improvement, in money, according to the benefits which will result to each and to perform such other duties as are required by law in section 4454, 4455 and 4456 R.S. as now in force and effect, and to file his report with the county auditor on or before the time hereinafter

fixed for hearing the same.  
 It is further ordered that the 22<sup>nd</sup> day of June, 1909, at 10 o'clock  
 A.M. at the commissioners office is hereby fixed for the  
 hearing of applications for any appropriations of land  
 taken for said improvement, and damages said  
 parties affected by said improvement or any of them  
 may sustain thereby and for the approval of the report  
 of the surveyor, to which time and place the proceedings  
 herein now stand adjourned.

On the question of the adoption of the foregoing orders  
 and findings relating to said petition and ditch,  
 the roll being called, J. W. Bowers, Jas. E. Roberts, N. P.  
 Clemons all voted "aye."

copy for surveyor

Finding on the Petition

copy for surveyor

In the matter of the  
 Ditch and Petitioned for by  
 Laura Bridgman

Auditor's Office Madison County, O.  
 May, 31<sup>st</sup> A. D. 1909.

This day the Commissioners of Madison County,  
 being in regular session, members present, J. W. Bowers, Jas. E.  
 Roberts and N. P. Clemons, and a copy of a petition for the locating  
 constructing, straightening & tiling of a county ditch having been  
 delivered to us by the County Auditor, and it appearing to us that  
 the proper bond has been filed with the Auditor, and by him  
 approved, conditioned for the payment of all costs if the prayer of  
 the petition be not granted or be dismissed for any cause, we,  
 therefore, on the 27<sup>th</sup> day of April 1909, the day fixed by the Auditor  
 for hearings, did meet at the place of beginning of said ditch  
 as described in the petition, and heard all proof offered by  
 any of the parties affected by said improvement and other  
 persons competent to testify; and we went over and along  
 the line of said improvement, and by actual view of the said  
 ditch and the premises along and adjacent thereto and to  
 be drained or benefited thereby, determined the necessity  
 thereof. And we do hereby find that said improvement is  
 necessary, and will be conducive to the public health, con-  
 venience and welfare, and a benefit to the lots and lands  
 along the line thereof by furnishing drainage thereto.  
 And we further find that the route described is the best.  
 Commencing at a small wild cherry tree near the line fence  
 between the lands of Pauline Saunders and the land owned  
 by Bertha Coover and Estel Harvey, and where an 8 inch  
 tile ditch empties into a fifteen inch tile ditch; thence  
 in a north-easterly direction following the line of the  
 said 8 inch tile ditch through the lands of James Gees;  
 following the said course of the said 8 inch tile ditch to  
 the line of the land of William Clingan, deceased, now  
 owned by Emma Clingan, widow of the said William  
 Clingan and Frederick and Leiland Clingan, minor children  
 of the said William Clingan deceased, and terminating at

The Clingan Ditch Improvement.

at the line between the said James S. Gier and Clingan lands. It is therefore ordered that said improvement be granted and the same be known as "The Clingan Ditch Improvement No. 2".

We also find that due and legal notice has been given to each person or corporation benefited or affected by said proposed improvement.

And we do hereby order the Auditor to enter this, our finding, in writing, on the Commissioner's Journal. And we do further authorize the Auditor to enter upon said journal an order directing the County Surveyor to go upon the line as described in the petition, or as changed by us in accordance with Section 4489 R.B., as described above, and survey and level the same, and set a stake at every hundred feet, numbering down stream, and to embody in said order direction to the said Surveyor to make and return a schedule of all lots or lands, and public or corporate roads or railroad that will be benefited, and an apportionment of the estimated cost of locating and constructing said improvement, in money, according to the benefits which will result to each, and to perform such other duties as are required in sections 4454, 4455 and 4456 R.B., as now in force and effect, and to file his report with the County Auditor on or before the time hereinafter fixed for hearing the same.

It is further ordered that the 27<sup>th</sup> day of June 1909, at 10 o'clock A.M.; at the County Auditor's office, is hereby fixed for the hearing of applications for any appropriations of land taken for said improvement and damages said parties affected by said improvement, or any of them may sustain thereby, and for the approval of the report of the Surveyor.

J. J. Shaffer  
Auditor

J. W. Bowers  
President Board of Comm.

I certify the foregoing to be correctly copied from the record of the proceedings of the board.

J. J. Shaffer  
Auditor.

Auditor's Office, Madison County, Ohio  
June, 19<sup>th</sup> A. D. 1909.

In the matter of Ditch Imp.)  
Petitioned for by  
Emma Clingan et al

Report and schedules of Engineer.

To the Honorable, the Board of Commissioners of Madison County, Ohio;

The undersigned Engineer, in obedience to the direction of your Honorable Body, made on the 31<sup>st</sup> day of May, 1909, has proceeded in the above matter, and has made a level and survey of the line of said proposed ditch improvement, and set a stake at every hundred feet numbering down stream; and I have made a note of the intersection of lines and boundaries of lands, township and county lines, land marks, bench marks, and road and railroad crossings; and I herewith make report of the same,

with profile, and plat and an estimate of the number of the cubic yards of earth or other substance to be removed, and the cost per cubic yard for each working section on said report indicated and of each section of one hundred feet.

I have also made, and return herewith, a schedule of all the lots and lands, and public and corporate roads and railroads, together with the name of the owners of such railroad companies, and the names of the lessees operating the same, that will be benefited by said improvement; and an apportionment of the cost of location and construction, in money, to each lot and tract of land, road and railroad, according to the benefits which will result to each from the said improvement; and in apportioning the costs of such improvement the benefits to any lots or lands by dipping the same in whole or in part, have been by me considered with other benefits; and a specification of the crosses in which the improvement shall be made and completed; the number of flood gates, waterways, farm crossings and bridges, including kinds and dimensions thereof; and such other matters as the undersigned deems important. The said survey, level reports and schedules are herewith attached and made a part hereof.

The following is an itemized cost bill, made by me, in the proper discharge of my duty, under your order.

J. H. Asher	Engineer, 2 days, at \$5.00 per day,	\$10.00
Jose Paine	Rodman, 1 " " 2.00	\$ 2.00
Shad O'Neal	Chairman 1 " " 2.00	\$ 2.00
Floyd James	" 1 " " 2.00	\$ 2.00
E. E. Harney	Flagman 1 " " 2.00	\$ 2.00
W. R. Rainey	Draughtsman 3 " " 4.00	\$12.00
Other Expenses		
Burnham's Jordan		
Team wagon		3.00
W. B. Lewis		
41 - 18" stakes @ 1/2	.62	
41 - 12" " @ 1/4	.52	1.14
Total		\$34.14

County Commissioners } H. S. Mc Cafferty, Engineer  
By J. H. Asher, Dept.

Filed  
June 22, 1909  
J. J. Shaffer  
Auditor.



Report of Engineer

Statement of Working Sections of the Clingan Ditch No. 2

No. of Working Section	no. of stakes		no. of linear feet	no. of cubic yards	Discharge	Amount	
	From	To				D.	C.
1	32	16	1600				
	97	Rods	10" Tile @	120	116	40	
	97	"	Construction "	200	194	00	Average cut 6.00'
			Total		310	40	
2	16	0	1600				
	97	Rods	10" Tile @	120	116	40	
	97	"	Construction "	175	169	75	
			Total		286	15	Average cut 5.33'
List of Yds.							
6	10" x 6"	on d. of	cooper	100	6	00	
5	10" x 6"	on d. of	gen	100	5	00	
			Total		11	00	
Recapitulation							
194	Rods	10" Tile @		120	232	80	
97	"	Construction @		200	194	00	
97	"	"		175	169	75	
11	10" sp	for connection		100	11	00	
		Total			607	55	

The Chigau Ditch Improvement

Report of Engineer		Schedule B					
Owner's Name as found on Duplicate	Survey	Description	Acres owned	Acres benefited	Estimated Cost of Construction	Estimated Cost of Maintenance	Estimated Cost of Abatement
W. S. Chigau	8352		105	50	325 00	18 27	343 27
J. J. Geer	8352		81	81	157 55	8 85	166 40
A. J. Coover	8352		152 <sup>34</sup>	70	125 00	7 02	132 02
			201				9

June 22<sup>nd</sup> 1909.  
 The foregoing report is hereby approved  
 as amended this 22<sup>nd</sup> day of June, 1909.

Pres. Commissioners  
 of  
 Madison County

Report of Engineer Schedule "C"  
Auditor's Office, Madison County, Ohio  
 June A. D. 1909.

In the matter of Ditch  
 Imp. Petitioned for by  
 Emma Chigau et al } Specifications of the Manner of Construction

This improvement shall be constructed as a tile ditch its entire length from Station 0 to Station 32. 10" tile shall be used its entire length. The trench for the tile shall be cut down to the grade line as shown on the profile filed herewith and to the depths as indicated on said profile and in schedule "A" of this report. All tile must be evenly laid and closely jointed together and sufficient dirt placed around them to hold them in place. Tile must not be covered until after they have been inspected by the Engineer in charge of the work. After inspection the tile shall be covered to a depth deemed by the Engineer to be sufficient to protect them from injury by freezing or by being tramped by stock or by farming over them except in new cut where trench shall be filled full. All sp shall be put in place by the Contractor

The Clingan Ditch Improvement

for construction and all laterals shall be connected by said contractor without extra compensation except where any lateral has to be taken up and cleared or lowered for a distance of more than one rod, in such case he shall be allowed reasonable compensation to be fixed by the Engineer and charged to the lands on which the extra work is done.

The tile for extending laterals so as to reach the main ditch shall be furnished at the expense of the lands on which they are used.

All tile shall be first class drain tile and shall be delivered on the line of the ditch each size in its proper place.

All tile must be delivered to their proper place on line of ditch and any expense caused the contractor for construction by delay or improper delivery will be charged against the tile contract and be deducted therefrom at the time of settlement.

Any tile which shall be taken up in the construction of this improvement shall become the absolute property of the owners of the land on which they are found.

A clear right of way of 30 feet on each side of the ditch is reserved for delivering tile and the construction of the ditch.

London, Ohio, June 22, 1909.

To the Honorable Board of Commissioners of Madison County, Ohio: In view of the Clingan Ditch No. 2 being constructed on our farm, on the line, where we have already a quick tile ditch, which is ample and satisfactory for all our purposes and uses, we hereby ask compensation and damages for \$132.02 for the destruction of said quick tile ditch, and in addition that all laterals in said ground at present, be satisfactorily connected to main ditch, without any expense to us.

Bertie Coover  
Estel Coover Harney

Commissioners  
Journal Vol. 10  
Page 521.

Commissioner's Office, Madison County  
London, Ohio, June 22, 1909.

Commissioners met pursuant to adjournment of May 31, 1909.

In the matter of }  
Ditch Imp. Petitioned } Finding of Commissioners on  
for by Emma Clingan } Report of Engineer.

This being the day adjourned to by said board for the hearing of the report and apportionment of the engineer of the above styled matter, the board, after proper examination, do find that due notice has been given for the length of time

## The Chigau Ditch Improvement

required by law, to all lot and land owners and to the authorities of all municipal and private corporations affected by said improvement, notifying them of the pendency, substance and prayer of the petition for said improvement. Said board also find that Howard Trigley, Bertha Coover and Esta Coover Harney have made application in writing for compensation and damages, which applications are ordered to be filed.

After having examined the report of the engineer with the apportionment by him made, and the claims and exceptions filed, do find that said report and apportionment are not in all respects fair and just according to the benefits to be derived from the proposed improvement by the owner of each lot and tract of land and by municipal and private corporations and railroad companies.

It is therefore ordered that said apportionment be and the same are hereby changed in the following manner, to wit:

Deduct \$40.00 from W.S. Chigau making assessment \$303.27

Add \$40.00 to assessment of James D. Geer making assessment \$206.40

and that said estimates and assessments as changed be and the same are approved and confirmed.

It is ordered that all claims for compensation and damages and exceptions be overruled.

And it appearing that no appeal has been taken from the order confirming said assessments, it is now and therefore ordered that Tuesday July, 13, 1909, at 10 o'clock, A.M. of said day, be fixed as the time for commencing the sale of the work of constructing said improvement, and that the same be sold at public outcry. The place of said sale is fixed at the surveyor's office, London, Ohio.

It is ordered and directed that H. S. Mc Cafferty, county surveyor, attend at time and place of said sale and conduct the same.

It is further ordered that for the purpose of raising money necessary to pay for the expense of said improvement, that bonds of the county be issued for amounts to be hereinafter determined.  
Bonds to run five (5) years.

The county auditor is directed to make and furnish to the treasurer of the county a special duplicate with the assessments arranged thereon as required by law.

And now call on the adoption of the foregoing entry relating to said ditch, J. W. Bowers, Jas. E. Roberts, W. P. Clenoweth voted "aye".

J. W. Bowers Pres. }  
Jas. E. Roberts } Commissioners  
W. P. Clenoweth } of  
Madison County,

Order to sell the  
Labor of Construction

Auditor's Office, Madison County, O.

June 22, 1909.

In the matter of Ditch Imp.  
Petitioned for by Emma Clingan et al.

Order to sell the Labor of Construction

This day, this matter came before the Board of Commissioners in session, present J. W. Bowers, Jas. E. Roberts and U. B. Chenoweth and it appearing to the Board that no appeal has been taken.

It is now and therefore ordered that the 13<sup>th</sup> day of July 1909 at 10 o'clock A. M. of said day, be fixed as the time for commencing the sale of the work of constructing said improvement, and that the same be sold at public outcry. The place of said sale is fixed at the surveyor's office and said sale to commence with the working section constituting the mouth of said improvement, at the hour above named, and from that point to continue to the starting point; each section shall be offered at public outcry until all the sections are offered; said work shall be sold in sections of not less than one hundred nor more than twenty five hundred feet and it is also ordered that the Auditor of said County give notice of said sale by circulating hand bills.

And it is also ordered that the county Surveyor H. S. McCafferty attend at the time and place of said sale and conduct the same and receive all bids for the construction of said work; and that he make contracts with the lowest responsible bidder and take good and sufficient bonds for the labor of said improvement conditioned for the faithful performance of said contract so to be made, and for the completion of the work within the time fixed by the contract, and for all damage which may occur by reason of failure to complete the same within the time stipulated in said contract, in a sum not less than double the estimated value of the work and labor of constructing the portion bid off by said contracting party.

J. J. Blaffer  
County Auditor

J. W. Bowers  
President of Board of Comm.

Rep  
of the  
of Co

The Chigau Ditch Improvement

Ditch Sale!

Notice to Contractors

The undersigned County Surveyor will sell at public outcry to the lowest and best bidder on Tuesday, July 13, 1909, at 1 o'clock P.M., at the County Surveyor's office in the court house at London, the labor of constructing and furnishing all necessary materials for the Chigau Ditch No. 2 Improvement, located in Doverford township, Madison county, Ohio:

Main Ditch Tile.

Construction of Tile Ditch.

Section 1. From Station 32 to Station 16.	
97 rods 10-inch tile construction, at \$2.00	*194.00
Section 2. From Station 16 to Station 0.	
97 rods 10-inch tile construction, at \$1.75	*169.75
Total	*363.75

Furnishing Tile.

Section 1. 97 rods 10-inch tile, at \$1.20	*116.40
Section 2. 97 rods 10-inch tile, at \$1.20	116.40
11 10-inch x brick up, at \$1.00	11.00
Total	*243.80

Bidders are required to deposit \$25 each - no checks taken - before any bid will be considered. Contract and bond must be entered into within five days from date of sale. Person desiring to view the ditch should do so prior to time of sale. Specifications now on file in the Auditor's office at London Ohio.

The right to reject any or all bids is reserved.  
 By order County Commissioner of Madison County, Ohio.  
 J. J. Draffer, Auditor                      H. S. McCafferty, County Surveyor.

Report of Sale  
 of the Labor  
 of Construction

Auditor's Office, Madison County, O.  
 July 13<sup>th</sup> A. D. 1909.

In the matter of Ditch }  
 Imp. Petitioned for by }  
 Emma Chigau }

To the Honorable Commissioners of Madison County, Ohio:  
 Gentlemen: In obedience to your direction and also in pursuance of the notice, duly given by the Auditor of the sale of the work of constructing the above styled improvement, at the time and place therein specified, I offered the said several working sections for sale to the lowest responsible bidder at public outcry and sold the same to the persons hereinafter named, at the prices herein stated, and took their contracts and bonds respectively conditioned according to law, and return the same herewith for your approval.

next page.

The Clinigan Ditch Improvement.

To Whom Sold	amount for work it sold	amount for which it was estimated	When to be completed.
Construction Section 1 & 2			
W. C. Rafferty	360.00	363.75	November 13 <sup>th</sup> 1909.
Tile			
194 rods 10" Tile			
11 — 10x6" sp.			
Madison Tile Co.	240.00	243.80	November 1 <sup>st</sup> 1909.

Respectfully submitted  
 H. S. Mc Cafferty  
 Co. Surveyor.

Auditor's Office, Madison County, O.  
 July 13<sup>th</sup> A.D. 1909.

In the matter of Ditch }  
 Imp. Petitioned for by } Contract for Labor of Construction  
 Emma Clinigan }

Whereas, The above styled improvement has been duly ordered, and advertised for sale according to law, and the construction of working section No. 1 & 2 of 3200 feet was sold by the County Surveyor on the 13<sup>th</sup> day of July 1909, to the undersigned, for \$360<sup>00</sup>, pursuant to said order and notice. Now, in consideration of the premises, it is agreed by me, to and with whomsoever may be interested therein, that I will do and perform all the labor of constructing said improvement in accordance with the specifications for constructing the same, as shown in the record of the proceedings thereof, the same to be completed on or before the 13<sup>th</sup> day of November 1909; Provided, however, this contract shall be of no force and effect until approved by the Board of Commissioners of Madison County, Ohio.

H. S. Mc Cafferty  
 County Surveyor

W. C. Rafferty  
 Contractor.

Auditor's Office, Madison County, O.  
 July 13<sup>th</sup> 1909.

In the matter of Ditch }  
 Imp. Petitioned for by } Contractor's Bond  
 Emma Clinigan }

Know all men by these Presents, That W. C. Rafferty as principal, and ———— as sureties, are firmly held and bound unto the State of Ohio, in the penal sum of seven hundred & twenty Dollars, good and lawful money.

Signed and dated this 13<sup>th</sup> day of July 1909.

The condition of the above obligation is such, however, that whereas, the above bounden principal contractor has bid off the labor of constructing working section No. 1 & 2.

The Clingan Ditch Improvement.

has duly entered into the annexed account, subject to the condition that the same shall be approved by the Commissioners of said Madison County, and has agreed to freely do and perform all labor of constructing said improvement in accordance with the plans and specifications of said improvement, as shown on the record of said proceedings, on or before the 13<sup>th</sup> day of November 1909.

Now, if the said M. C. Rafferty shall well and truly perform all the obligations of his said contract and complete the same within the time fixed by said contract and pay all damages which may accrue, by reason of a failure to complete the same within the time agreed upon in said contract, and pay for all labor and material and for all debts incurred in the performance of this contract, then this obligation shall be void, otherwise to be in full force and effect in law.

M. C. Rafferty,  
John Gees  
J. W. Van Cleave

This Contract and Bond, and Securities on said Bond approved this 13<sup>th</sup> day of July 1909.

H. S. Mc Cafferty  
County Surveyor

J. W. Bowers  
President of Board of Comis.

Contract for Drain Tile.

Auditor's Office, Madison Co. O.  
July, 13<sup>th</sup> A. D. 1909.

In the matter of Ditch Imp. }  
Petitioned for by  
Emma Clingan

} Contract for Drain Tile.

Whereas, The above styled improvement has been duly ordered and advertised for sale according to law, and the construction of Working Section No. 1 & 2 of 3200 feet sold by the County Surveyor, on the 13<sup>th</sup> day of July 1909, to Madison Tile Co. Now, in consideration of the premises, it is agreed by me, to and with whomsoever may be interested therein, that I will furnish 194 rods of 10 inch Drain Tile from Station 0 to Station 32; and rods of — inch Drain Tile from Station — to Station — for Two hundred & Forty Dollars (\$240<sup>00</sup>) delivered on line of above styled improvement in lots as aforesaid, the same to be delivered on or before the 1<sup>st</sup> day of November 1909; provided this contract shall be of no force and effect until approved by the Board of Commissioners of Madison County, Ohio.

H. S. Mc Cafferty  
County Surveyor

Madison Tile Co.  
Contractor

Auditor's Office, Madison County, O.  
July 13<sup>th</sup> A. D. 1909.

In the matter of Ditch  
Drip Petitioned for by  
Emma Clingan

Know all men by these Presents, That "The Madison  
Tile Co." as principal and \_\_\_\_\_ and \_\_\_\_\_ as sureties  
are jointly held and bound unto the State of Ohio, in the  
penal sum of Four hundred and eighty Dollars, good and  
lawful money.

Signed and dated this 13<sup>th</sup> day of July, 1909.

The Condition of the above obligation is such, however, that  
whereas, the above bounden principal contractor has bid  
off the furnishing and delivering the Drain Tile for con-  
structing Working Section No. 1 & 2, has duly entered into the  
annexed Contract, subject to the condition that the same  
shall be approved by the Commissioners of said County.

Now, if the said Madison Tile Co. shall well and  
truly perform all the obligations of his said contract and  
complete the same within the time fixed by said contract  
and pay all damage which may occur by reason of a  
failure to complete the same within the time agreed  
upon in said contract, then this obligation shall be void,  
otherwise to be in full force and effect in law.

Madison Tile Co.

John Geer  
J. W. Van Cleave

This Contract and Bond, as sureties on said Bond  
approved this 13<sup>th</sup> day of July 1909.

H. S. McCafferty  
County Surveyor

J. W. Bowers  
President of Board of Com.