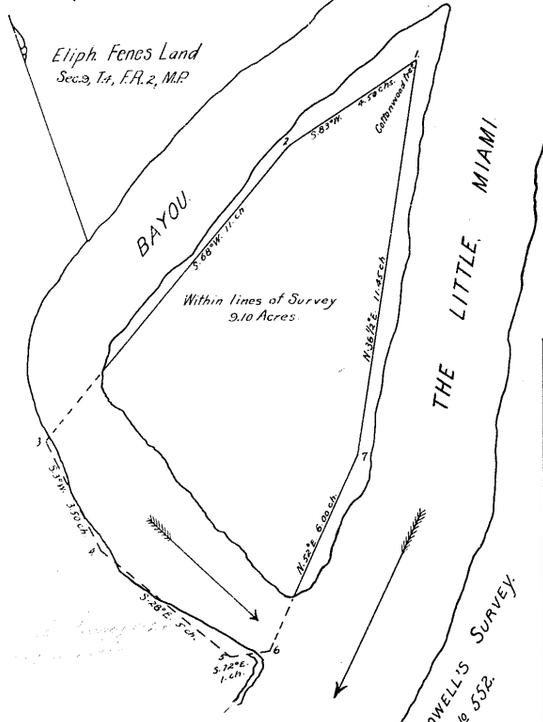
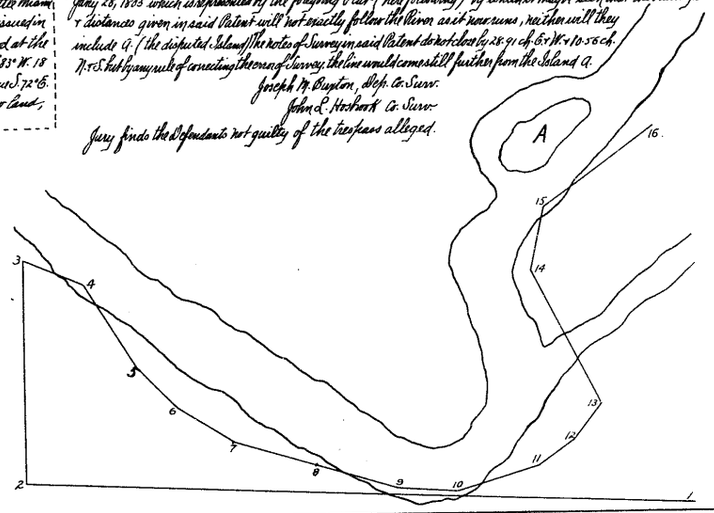
Vol. 152 fr. fr. 378–383 (Oct. Term 1850–913) Def. ex. dem. C. Layer v. P. Hendrick + Jacob Lehman vs. Richard Rose, C.S. Overcole — Ejectment. Eight acres on an Island in the Little Miami River between Little Miami + Scioto rivers, as by Survey No. 14970 bear. date Aug. 20, 1840 founded in part of a Milit. Warrant No. 5383, issued in favor of the heirs at law of John Hogan, decd. for 120 acres + described as follows: Beginning at a Cottonwood at the head of the Island, opposite West. Powell's Survey No. 552, thence with the meandros of the river binding thereon S. 83° W. 18 pol. thence S. 68° W. 44 links, thence S. 3° W. 14 pol. thence S. 28° E. 20 pol. to a Cottonwood, lower end of the Island, thence N. 72° E. 4 pol. (thence N. 52° E. 24 pol. to Lyons Sycamore, thence N. 36° E. 45 pol. to Beginning. Also 10 acres of arable land, 10 a. of meadow land, 10 a. of pasture land, 10 a. of Wood land + 10 a. of other land. Survey + Plats By J. F. Horthorn Co. Surv. by order of court.



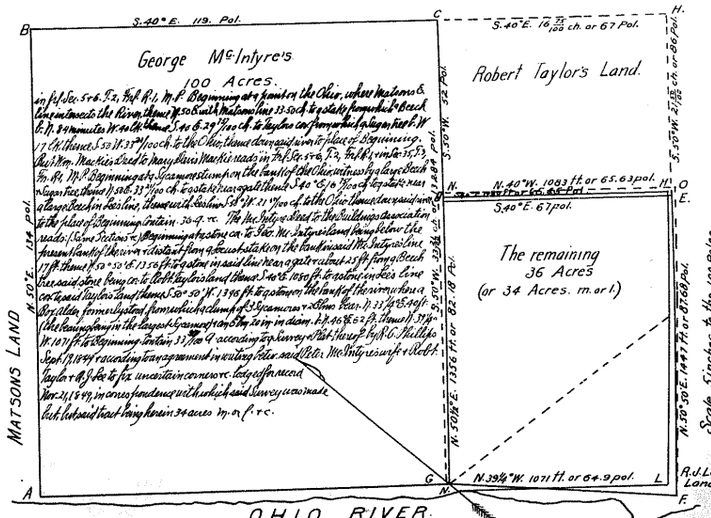

The tract represented by the Plat is near an Island in the Little Miami River, opposite R. Powell's Survey No. 552 + adjoin. Eliphalet Fenes Land in Sec. 9, T. 4, Frl. R. 2, M. P. + so corrected by the description in the order to which this is attached. The bearings + distances given in said description would extend across the Bayou on Sec. 9, as is represented by the dotted lines + would make 9.10 acres as shown by the Plat, but to follow the meandors of the River (or Bayou) there would be but 8 acres. The timber next the Miami River appears much larger than that next to the Bayou which last appears to be a young growth of Cottonwood. March 30, 1850. J. F. Horthorn Co. Surv. On June 20, J. F. Horthorn files an additional Survey by order of Superior Court, which additional Survey is of the Powell tract No. 552, made June 8 1850. See Plat following above Field's Notes to same. Beginning at No. 1, thence N. 58 W. 115.-100 ch. thence North 28.50 ch. S. 72° E. 7.75 ch. S. 27° E. 13.50 ch. S. 43° E. 6.50 ch. S. 60° E. 9.50 ch. S. 70° E. 11.50 ch. S. 88° E. 8.00 ch. S. 88° E. 6.50 ch. N. 76° E. 12.00 ch. N. 45° E. 7.50 ch. N. 25° E. 5.50 ch. N. 30° W. 21.50 ch. N. 25° E. 8.50 ch. N. 52° E. 10.00 ch. to Number 16. Q. is the Island in dispute. We find at No. 1, a Mulberry w. Hon. which stands to the corner tree and the occupancy of the adjoining lands corresponds therewith. At No. 5 which is the Beginning of the Patent) we find an Elm + B. N. (called for in Patent) by Boying Elm we find it to have been marked more than 50 years ago. We also find on said line 1 ½ⁿ maclura, which is also applied on all the lines until we pass the Island. See Plat. Surveyed to appointment. Attended on the ground June 7, 1850 and proceeded to survey the tract of land described in the Patent of the U.S. to R. Powell dated Jany 28, 1805 which is represented by the foregoing Plat (here following) by which it may be seen that the bearings + distances given in said Patent will not exactly follow the River as it now runs, neither will they include Q. (the disputed Island) The notes of Survey in said Patent do not close by 28.91 ch. E. + 10.56 ch. N. 58. But by any rule of correcting the error of Survey, the line would come still further from the Island Q.

Joseph M. Guyton, Dep. Co. Surv.
John L. Horthorn Co. Surv.

Jury finds the Defendants not guilty of the trespass alleged.




Vol. 153 fr. fr. 389–406 (May Term 1850 – No. 3721) Dec. 2, 1853 Daniel Sands had deeded a certain tract of land, containing 136 acres to Wm. Mackie (see Book 149, fr. 76) tract Q. B. G. D. E. F. on this Plat.) For Wm. Mackie's Deed of Feb. 3, 1845 to George McIntyre of 100 acres of same tract see Book 150 fr. 358. In intending to convey, thereafter, to Mary Ann Mackie the Balance of the 136 a. tract by Deed (Recorded Book 150 fr. 364) a mistake was made in that Deed, by which the N. W. corn. line of said 36 a. Ts. was described as running N. 50° E. 33 ⅓ ch. instead of the same course 20 ⅓ ch. by which mistake said 36. Q. tract was thereon 52 by 67 poles, or about 21 ¾ a. into the grounds of Robt. Taylor, so that the S. Wm. line, instead of running a. g. the bank of the river with its meanders N. 36° W. 67.3 pol. as it ought, to place of Beginning would be over nat. 21 ¾ a. in the S.E. Same mistake was continued in a Deed from said Mary Ann Mackie now Mary Ann McIntyre to Peter McIntyre, for said land to Trustees of the Cincinnati Buildings Association (Book 145 fr. 228)




Court decided that the Deed from Wm. Mackie to Mary Ann's Heirs + all subsequent Deeds be corrected so as to read as follows (same S. Sections +c) "Beginning at a Sycamore stump on the Bank of the Ohio River, unto by a large Beech + Sugar Tree, thence bound by a line running N. 58° E. 20 Inch. to a stake, thence S. 40° E. 16 Pole of a stake near a large beech in bees line, thence with said line S. 50° W. 21 Pole to the Ohio thence down said River to the place of Beginning. Contain. 34 acres m. or l. — and that the decree operate as such conveyance.