

MERCER COUNTY COURT.

C.E.Wright,

Plff

-vs- Exceptions to Commissioner's Report.

Thomas Nat Divine,

Deft,

The Deft, Thomas Nat Divine, excepts to the reports of the Commissioners herein,

1st-Because the Court was without jurisdiction to appoint said viewers for the purpose of making any change in passway onto the land of the Defendant

2nd-Because the said viewers had no right or authority in law to place any part of said passway upon the land of the Deft.

3rd-Because the Court had no power or authority to condemn the land of the Defendant for said passway, or any passway, on the application of the Plff.

4th-That the statements in the petition do not ~~authorize~~ authorize the Court to open a road upon the lands of the Plff, or to condemn the Deft's land for the purpose of passway or road.

5th-That the passway proposed by the Commissioners is impracticable, impassable, and that it is impossible to make a good road over said route.

6th-That the said Commissioners have placed the damage to Defendant much too small, and failed to allow for the cost of making a road or for the extra fencing that would be required.

E. H. Gaudin
Atty for Deft