

STATE OF OHIO *
* S. S.
MERCER COUNTY *
*

AFFIDAVIT.

Affidavit and statement of claim for damages caused by the State of Ohio, from the Mercer County Reservoir, a part of the Public Works of Ohio, done to Wesley Mohler, the affiant.

Affiant says that he is the owner of the following described land: The west part of the west half of the northwest quarter of section twenty four (24), town six (6) range three (3).

Sixteen acres of corn	\$ 160.00
Pasture and hay, damaged, nine acres @ \$5.00 per acre	45.00
Five acres of waste ground	25.00

\$ 230.00

/Affiant says that said damage was caused by the State of Ohio holding the water in said Reservoir to a stage above the high water mark thereof, on or about the 16th day of July, 1912, thence overflowing said land, and thereby destroying said crops above stated. Said damage was caused by the negligent acts of the officers of the Public Works of Ohio, and were not in any way caused or contributed to by affiant.

.....
Sworn to and subscribed to before me a Notary Public, on this 9th day of December, 1912.

.....
Notary Public.

Our Old Bookcase, August 10, 2017 Reservoir Overflow Lawsuit, July 1912

Photo caption: July 16, 1912, the Reservoir overflowed and ruined crops and pasture land.

OUR OLD BOOK CASE

By Joyce L. Alig, President, Mercer County Historical Society

On the 9th day of December 1912, an Affidavit was brought to the State of Ohio, from a local Mercer Countian because the Mercer County Reservoir overflowed and damaged his crops and pasture, on or about the 16th day of July 1912.

A charge was made of \$160.00 for 16 acres of corn; \$45.00 for 9 acres of pasture and damaged hay, and 5 acres of waste ground, for \$25.00, for a total of \$230.00.

The claim was made that the “*said damage was caused by the State of Ohio holding the water in said Reservoir to a state above the high water mark thereof, on or about the 16th day of July, 1912, thence overflowing said land, and thereby destroying said crops above stated. Said damage was caused by the negligent acts of the officers of the Public Works of Ohio, and were not in any way caused or contributed to by the affiant.*”

In looking back at 1912, school teachers were not making two hundred dollars annually. The loss of \$230.00 may have been the loss of a season of income for the farmer.

Mercer County is farm country. This 1912 series of events was not unusual for farmers around the Reservoir. I have written before about the first lawsuit against the State of Ohio in 1843, when the State “*let the water into the lake grounds before the farmers had been able to get their crop of wheat off the land.*”

Over the years, I have read in the newspapers about local landowners taking the State of Ohio to task for permitting the Reservoir (Grand Lake) to overflow on to their private property and ruin their crops.

What if the tables were turned? What if the local farmers took their farm equipment and moved enough dirt to fill in the lake, in order to prevent future flooding of their land? I would bet that the State of Ohio would be on those farmers’ doorsteps early the next morning, accompanied by a boatload of attorneys.

There is an old adage, “You can’t fight City Hall.” That old adage just may not be correct in this case, that farmers have fought the State of Ohio and have won.

Mercer Countians have raised their children “to do what is right.” In the past, Mercer Countians use the phrase, “His Word is Good.” Another phrase used by Mercer Countians in the past, is “We made the agreement with a Handshake.” However, today times have changed. When we Mercer Countians hear someone say, “*You can trust me,*” we are not so sure about that.

Mercer County’s history is important to the Mercer County Historical Society. I love reading about the history of Grand Lake. If the Movie Kingdom would create a film about the History of Grand Lake, that film would win all of the awards a film could earn, from drama to suspense to comedy. If that lake could talk, everyone would be sitting around the lake laughing at the funny stories it could tell!

[Mercer County Historical Society President Joyce Alig, may be contacted at 3054 Burk-St. Henry Road, Saint Henry, OH 45883, or hystalig@bright.net or 419-678-2614]