

NO

EDM-19

11 Dec Sessions, 1936

ORDER

view _____ a
ad for private _____ use in the
township of Lawrence for Nathaniel
Hummel
Clearfield County _____

May Sessions, 1937,

read and confirmed Ni. Si. Road to be
opened ¹⁶ feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

R. Waller Smith
P.J.

Sept. 7, 1937. Confirmed
correct

R. Waller Smith
P.J.

Filed Walter Melick 19__

Fees \$1.25 paid by _____

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Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 14th day of December in the year of our Lord one thousand nine hundred thirty six.

Judge of the same Court: Upon the petition of ~~sundry~~
Nathaniel R. Hummel and Ella M. Hummel,
~~habitués~~ of the Township of Lawrence

in said County, setting forth that they are the owners of 50 acres of land in Lawrence Township.

That James A. McPherson is the owner of a large tract of timber land all of which lies between the land of your petitioners and the public Highway leading from the village of Hyde along Montgomery Creek. That your Petnr's suffer for want of a road to transport coal and present petition for a private road thru the land of James A. McPherson extending about 700 feet from the premises of your petitioners to Public Highway, would serve as an outlet, and that your petnrs are unable to agree with said James A. McPherson upon an amicable highway, and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins, Esq H. W. Bonsall and E. D. Billotte

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may, be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

W. R. Gallagher, Clerk.

RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Lawrence and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 26th day of January A. D. 1937, and the hearing to be held in the ~~Archibald~~ ^{Grand Jury} Room, at the Court House, in Clearfield, Pa., on the 29th day of January, 1937, at 10 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Nathaniel Hummel, James A. McPherson, Walter Kennard of the Clearfield Water Co. J. J. Weber and W. Albert Ramey, Esq., Atty. for James A. McPherson.

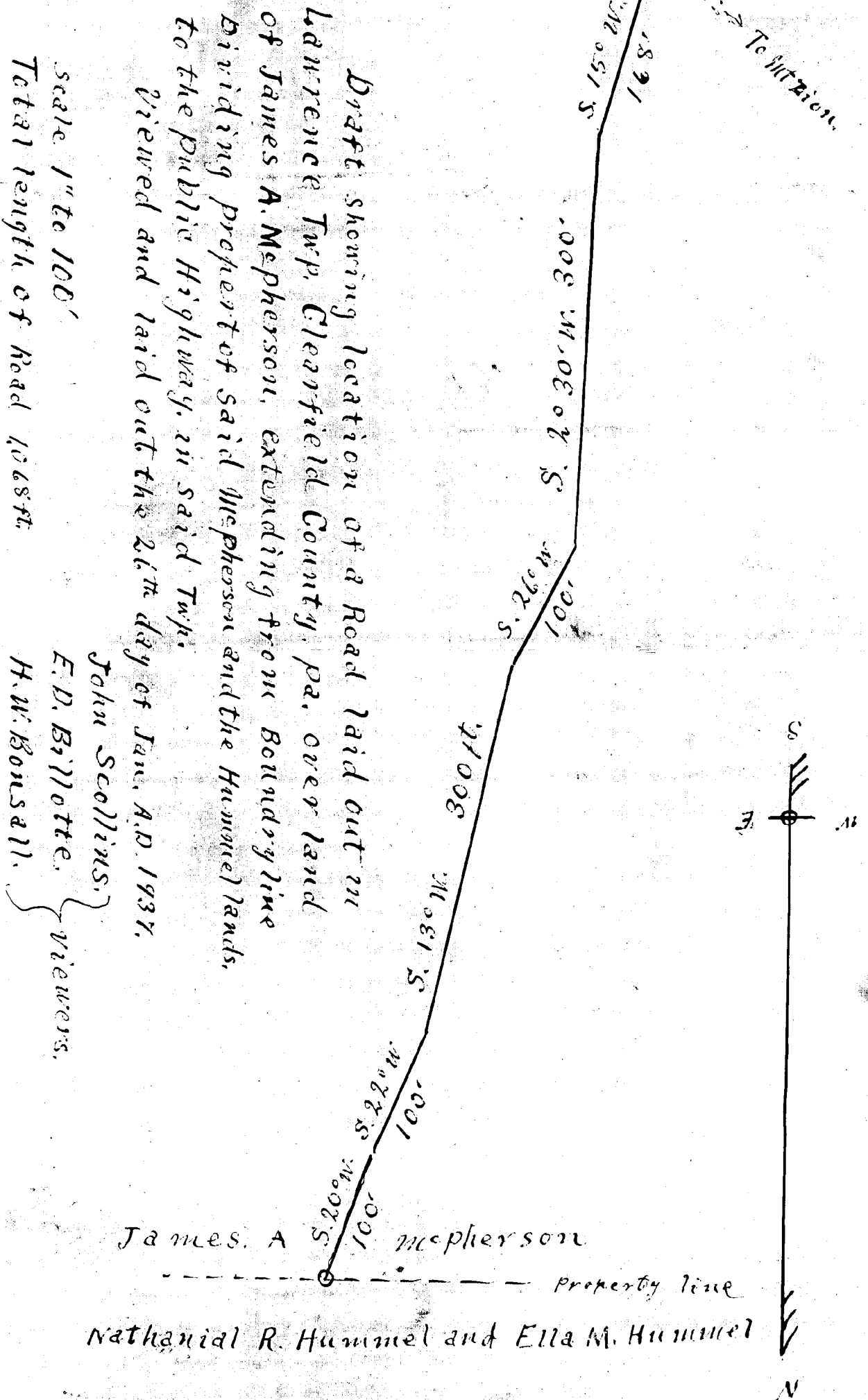
parties in interest. That the hearing was held in the ~~Archibald~~ ^{Grand Jury} Room, in the Court House, at Clearfield, Pa., on the 29th day of January A. D. 1937, when the following appearances were noted: Walter Welch, Esq., for Nathaniel R. Hummel, et ux. W. Albert Ramey, Esq., for James A. McPherson; H. A. Giles, Supervisor of Lawrence Twp.; F. Elmer Graham; Charles Mapes; Jacob Weber; W. M. Kramer; all of whom were sworn, examined and cross-examined by Counsel and your Board. Hearing thereupon adjourned until February 12th, 1937, at which time the parties and their counsel were present as also, Howard Stewart, who was sworn, examined and cross-examined.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a private road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for private use the following described road, to wit: Beginning at the common division (or, property) line between the lands of the petitioners, Nathaniel R. and Ella M. Hummel, and that of James A. McPherson, at the point of intersection with the present private way leading to the Mt. Zion-Hyde City highway in the Township of Lawrence aforesaid: thence South 20 degrees West, one hundred feet, over lands of McPherson, to a post; thence still thereby the following courses and distances: South 22 degrees West, one hundred feet; thence South 13 degrees West, three hundred feet; thence South 26 degrees West, one hundred feet; thence South 2 degrees, 30 minutes West, three hundred feet; thence South 15 degrees West, one hundred and sixty-eight feet, and ending in the "Montgomery Road", alias Mt. Zion-Hyde City highway, of the breadth of sixteen feet.

The majority of your Board of Viewers further find: That the petitioners are the owners of a tract of 50 acres of land, underlaid with bituminous coal with an estimated acreage of 20 acres in the Open Vein; 8 acres in the over-lying vein, and also in the Lower Veins. That the petitioners have been unable to agree with McPherson for a right-of-way over his land to transport Coal, but that permission has been given to haul petitioners' timber thereover. That in building the proposed Private Road, across McPherson's land, none of McPherson's timber will be cut or destroyed. That the elevation of the petitioners' coal is such that the proposed course of said private road is more convenient and less burdensome, for use and up-keep than other suggested routes over vacated and abandoned roads and the two streams: Orr and Kramer Runs, requiring bridges over each stream, and hauling coal and other burdens up-grade. We conclude therefore that the above described be laid out as a private road, in compliance with the prayer of the petitioners, as necessary, convenient and less burdensome than any other outlet.

As to the damages sustained by James A. McPherson thereby, the

To Hydr. City.
 McPherson R.R. To Pittsboro.



TO: The County Commissioners of Clearfield County:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 11, December Sessions, 1936, to view and lay out a road in Lawrence Township, extending about 700 feet from the premises of Nathaniel R. Hummel and Ella M. Hummel to the Public Highway, in Clearfield County aforesaid, will meet at the premises of James A. McPherson adjoining the property of the said Nathaniel R. Hummel and Ella M. Hummel, in Lawrence Township, on Tuesday, the 26th day of January, A. D. 1937 at one (1:00) o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 29th day of January, A. D. 1937 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Collins
A. W. Boxsall
E. J. Billotte
Viewers

Dated, January 8, 1937.

CLEARFIELD COUNTY, SS:

Now, this 9th day of January, A. D. 1937, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas
Clerk

TO: E. E. Lewis, H. A. Giles and William E. Butler,
Supervisors of Lawrence Township, Clearfield County:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 11, December Sessions, 1936, to view and lay out a road in Lawrence Township, extending about 700 feet from the premises of Nathaniel R. Hummel and Ella M. Hummel to the Public Highway, in Clearfield County aforesaid, will meet at the premises of James A. McPherson adjoining the property of the said Nathaniel R. Hummel and Ella M. Hummel, in Lawrence Township, on Tuesday, the 26th day of January, A. D. 1937 at one (1:00) o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

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Orin Collins
H. W. Bonsall
E. S. Billotte
Viewers

Dated, January 8, 1937.

CLEARFIELD COUNTY, SS:

Now, this 11 day of January, A. D. 1937, service of the above Notice is accepted for the Supervisors of Lawrence Township.

E. E. Lewis
H. A. Giles
Wm. E. Butler
Supervisors

No. 11, Sessions, 1936

ORDER

To view a

road for private use in the

Township of Lawrence for Nathaniel R. Hummel
Clearfield County

May Sessions, 1937,

read and confirmed Ni. Si. Road to be
opened 16 feet wide, except where there
is a side hill cutting or embankment and
bridging, there to be 16 feet wide.

R. Scollins

*Sept. 7, 1937 Confirmed
corrected R. Scollins*

Filed March 20, 1937

Fees \$1.25 paid by

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NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

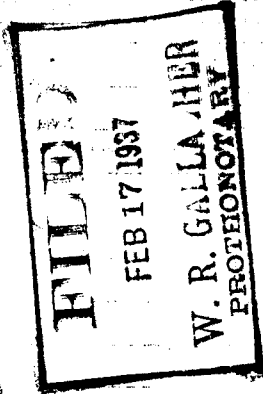
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AM'T.
E. D. Billotte	4	95	\$44.75
H. W. Bonsall	3	162	\$38.10
John Scollins	4	172	\$48.60
H. A. Giles, Posting Notices			\$3.00

*Now February 9-1937 Service of
notice of filing of report made by
all the viewers
at the time for the*



RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by _____

_____ at and before the ensembling and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 192 _____

Seal
Seal
Seal
Seal

Majority of your Board finds: That the testimony of the witnesses produced by the petitioners and James A. McPherson varies; the land is woods-land, the timber thereon being cut and removed now; it is swampy and crossing the proposed road is the Clearfield Water pipe-line, underground, which gave notice of its right-of-way but made no claim to damage. After the view and hearing, we conclude that the damages sustained by the owner, James A. McPherson, by the laying out of the aforesaid described road, is fifty (\$50) dollars;

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practical to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that ~~they procured such releases from~~

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: That he, James A. McPherson, has sustained damage to the amount of FIFTY (\$50) DOLLARS, and we do accordingly assess the same at that sum, to be paid by Nathaniel R. Hummel and Ella M. Hummel, the persons at whose request the said road was laid out;

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 16th day of February
A. D. 1937.

John Scellina Seal
A. W. Bonsall Seal
Seal
Seal