

ROAD  
DOCKET No. 6

Number	Term	Year
11	Dec. SS	1936

Petition for Private road in  
Lawrence Township.

Versus

IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY, PENNSYLVANIA.

In re: Petition for Private : No. \_\_\_\_\_ December Session, 1936.  
Road, :  
in the Lawrence Township :  
:

TO THE HONORABLE W. WALLACE SMITH, PRESENT JUDGE OF SAID COURT:

The Petition of Nathaniel R. Hummel and Ella M. Hummel, his wife, of Lawrence Township, Clearfield County, Pennsylvania, represents:

1. That your petitioners are the owners of fifty (50) acres of land in Lawrence Township.
2. 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.
3. That your petitioners suffer inconvenience and loss for the want of a passable road to remove and transport the coal and other products from their premises and have no available access except thru the land of the said James A. McPherson.
4. That your petitioners present petition for a view of a private road thru the land of James A. McPherson extending about Seven Hundred (700) feet from the premises of your petitioners to Public Highway, would serve as an outlet, and that your petitioners are unable to agree with the said James A. McPherson upon an amicable rightaway.
5. Your petitioners therefore prays that the Court appoint viewers for the purpose of carrying out said private road and assessing damages thereon and they will ever pray.

Nathaniel R. Hummel  
Ella M. Hummel

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS

Nathaniel R. Hammel being duly sworn according to law  
doth depose and say that the facts set forth in the foregoing  
petition are true to the best of his knowledge and belief.

Sworn and subscribed before :  
me this 5 day of October :  
1936.

Nathaniel R. Hammel

W. McLaughlin  
Notary Public  
"My commission expires Oct.  
1, 1937." 1936.

11

Now Dec 17, 1936  
Petitioned and made  
considered in Common  
Pty. by John C. C.  
H. D. Proffitt  
and E. D. Phillips  
are appointed Commissioners  
to view and assess  
damages for a private  
road having been thrown  
down by the Calvert  
for

*H. D. Phillips*

Walter Welsh  
Attorney at Law  
Clearfield, Pa.

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# OPENING ORDER

CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, at Clearfield town, in and for said county on 14th day of December A. D. 19 36, before the Judges of said Court, John Scollins, Esq., H. W. Ponsall and E. D. Billotte

~~the persons appointed by an order of Quarter Sessions, last past, to view and lay out a road from Nathaniel R. Hummel and Ella L. Hummel of Lawrence Township 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 Petitioners 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 tom the premises of your petitioners to Public Highway, would serve as an outlet, and that your petitioners are unable to agree with said James A. McPherson upon an amicable highway.~~

~~Do Report that in pursuance of the said order, they have viewed and laid out, and do return for public use, the following road, to wit: Beginning at the common division (or property) line between the lands of the petitioners, Nathaniel R. and Ella L. 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 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 (\$50.00) dollars;~~

a plot or draft whereof is to the said Report annexed, which report being read the first time at  
May Sessions, 1937 ; and the second time on the 7th day of  
September 1937 , the Court approves of and confirms the said road for public use,  
and orders and directs that it be entered of record, and opened and cleared off the breadth of 16  
feet, except where digging or bridging is necessary, and there to be 16 feet, agreeable to the  
courses and distances aforesaid, of which the Supervisors of the highways of the townships through which  
the said road runs are to take notice.

*By order of the Court. W. Wallace Smith*

*W. G. Gallagher*  
P. Clerk of Quarter Sessions

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.

Viewers cannot interfere with damages assessed by the original reviewers, 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.

No. 11 Dec. Sessions, 19 36

## ORDER

To view \_\_\_\_\_ a road for private use in the township of Lawrence for Clayfield County; athanial R. Hammel

	AMOUNT
Days _____	
Miles _____	
Days _____	
Miles _____	
Days _____	
Miles _____	
Days _____	
Miles _____	
Days _____	
Miles _____	
Days _____	
Miles _____	

May Sessions, 1937, read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

Filed by Walter Welch, Atty.

Fees, \$125, paid by \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we, Nathaniel R. Hummel and Ella M. Hummel of Clearfield, Pennsylvania, Principals and sureties are held and firmly bound unto James A. McPherson, and to his heirs, executors, administrators or assigns, in the sum of One Hundred (\$100) Dollars, lawful money, for the payment of which sum, well and truly to be made, we do bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents; and we do hereby confess judgment for the above sum, without stay of execution and appeal, waiving the right of exemption and appraisement, and the right of inquisition on real estate, with five per cent. added as Attorney's commission for collection. Sealed with our seals and dated the 14th day of December A.D. 1936.

WHEREAS a petition has been presented to the Court of Quarter Sessions of Clearfield County, by the above named Nathaniel R. Hummel and Ella M. Hummel for a private road in Lawrence Township, Clearfield County, through, over and across certain land owned by the said James A. McPherson, for the purpose of transporting coal and other commodities from his mine to the public road.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that the said Nathaniel R. Hummel and Ella M. Hummel will pay all costs in said proceeding and all damages that may be assessed to the owner of said land, and upon compliance with such order of the Court and the payment of such costs and damages, then this bond to be null and void, otherwise to be and remain in full force and effect.

In presence of:

Nathaniel R. Hummel (SEAL)  
Ella M. Hummel (SEAL)

*Mary B. Bailey*

U.S. 11 Dec. 1933. 12:00.

In re Position of Plaintiff  
Donald and June W. Hamel  
in Private Road in Insurance  
Business.

Bond of Petitioners

Dec. 15, 1933.  
Bond affirmed.  
A. H. Miller, Jr.

Walter Welch  
Attorney at Law  
Clearfield, Pa.

Minority Report,

After having viewed the Proposed Road, above mentioned, and also, the former outlet, which was a Public Road; (Now vacated as Useless.) and leading to the mouth of said Mines.

The two being approximately the same length. And after hearing the allegations on both sides, I have resolved, that if mines, being operated where a Public Road, kept up by the taxpayers, to the mouth of said mines. Could not be operated at a profit, How could the same mines be operated profitably, Where the operator would have to build and Maintain a Road about Three-thousand five hundred feet in length, through Spouting and Swampy land.

Furthermoro taking in consideration, the Project agreed upon by Mr. Howard Stewart, and Mr. McPherson the owner of a portion of the land, the proposed road would have to go through.

If said project would be destroyed, by the granting of said Proposed; road. The damage to the owner where the proposed road would go through, might be greater than all the profits derived from the operation of said mines.

Therefore based upon the above mentioned statements, as I find them. I submit a Minority Report in the Negative.

Respectfully,

*E. M. Billotte*  
Viewer.

JOHN SCOLLINS  
ATTORNEY AT LAW  
HOUTZDALE, PENNSYLVANIA

February 19, 1937.

W. R. Gallagher, Esq.,  
Clearfield, Pa.

In re: No. 11, Dec. SS., 1936  
Private Road in Lawrence  
Twp.

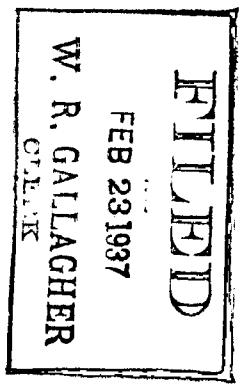
Dear Sir:

I left with you the Viewers' report on the  
above view, on Wednesday, the 17th. Enclosed is Mr.  
Billotte's minority report, received today, which I would  
request that you attach it to our Report, on file.

Yours very truly,

JOHN SCOLLINS,

Viewer.



11 Dec 22 1936