

PRIVATE ROADS

Act of May 5, 1911, P.L. 167, No. 119

Cl. 36

AN ACT

To provide additional facilities and enlarge the rights of parties having private roads, or hereafter applying for the same, under the provisions of the act of fourth of April, one thousand nine hundred and one (Pamphlet Laws, sixty-five), and the act of seventeenth May, one thousand nine hundred and one (Pamphlet Laws, two hundred and fifty-nine), so that, in certain cases relating to mining operations, tramways and other devices, except steam locomotives, for moving products may be placed on such private roads.

Whereas, A private road, laid out by virtue of proceedings in the court of quarter sessions under the provisions of the acts of fourth April, one thousand nine hundred and one, and seventeenth May, one thousand nine hundred and one, can only be used by teams of horses and wagons;

And whereas, In the operation of mineral and other lands reached by said private roads, it would be more beneficial to use more modern and economic methods, which cannot be done under existing laws; therefore,--

Section 1. Be it enacted, &c., That when a private road has been laid out, or shall hereafter be laid out, in accordance with, and under authority of and proceedings under, act of fourth April, one thousand nine hundred and one, and act of seventeenth May, one thousand nine hundred and one, to reach bituminous coal, iron ore, fire clay, kaolin clays, stones, marbles, and sands, that, in addition to use of teams on said road, the parties owning or occupying, by lease or otherwise, lands containing said materials, may construct and operate, within and upon said private road, a tramway or tramways, or other devices, to move and carry, over, on and upon, said roads, the said materials mined and taken out of said lands: Provided, however, That nothing herein contained shall authorize or permit the operation of such tramway by locomotive: And provided further, That none of the provisions of this act shall apply to any private roadway over or across or adjoining farming lands.

Section 2. The party, firm, or corporation entitled to use such private road, so laid out, may give thirty days' notice to the owner or owners, or occupiers, of the land, over or under which such private road has been laid out and is used, of its or their intention to construct such tramway or other device over such private road; and thereupon such owner, owners, or occupiers may petition the court of quarter sessions of the peace of the proper county to appoint three disinterested persons as viewers, to view the location of such tramway or other device for carrying the product of such mines, and to consider and determine the amount of damages, if any, that may be caused by the construction and operation of such tramway or other device over such private road, and report their findings under oath, to said court, within thirty days after the date of

such view, which date and time shall be fixed by the court when making such appointment.

Section 3. If the viewers shall report that any damages will be sustained by the owners or occupiers of such land, by reason of the construction or operation of such tramway or other devices for the carrying the product of such mines, the party or corporation giving the notice of its or their intention to construct such tramway or other device shall, either immediately pay the amount of such damages and the costs of the view and proceedings, or give bond to be approved by the court, conditioned by pay such damages and costs; and upon paying such damages and costs, or giving bond therefor, as above provided, shall be entitled to construct and operate such tramway or other device.

Section 4. Either party dissatisfied with the amount of damages as assessed by such jury may appeal from such assessment to the court of common pleas of the county, and have the question of damages tried and decided by such court and a jury, as in other civil suits.