

DOCKET No. 56

Number	Term	Year
4	Feb	1925

Petition of Howard H. Rowland for
viewers to assess damages in
Decatur Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

In the matter of the appointment :
of viewers to assess damages to :
Howard H. Rowland re building of : NO. 4 FEBRUARY SESSIONS 1925
State Road from Osceola Mills to :
Houtzdale, Pa. :

TO THE HONORABLE A.R.CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of ANNA C. ROWLAND respectfully represents:

- 1: That she is the owner of the land and mineral right operated by Howard H. Rowland, situated along the State Highway leading from Osceola Mills to Houtzdale, in the Township of Decatur, County of Clearfield and State of Pennsylvania, as is set forth in the petition heretofore filed to this number and term by the said Howard H. Rowland.
- 2: That she is fully cognizant of the claim of the said Howard H. Rowland for damages to his tramroad caused by the re-location of the State Highway aforesaid and joins in the prayer thereof.
- 3: That she directs that any and all damages as may be assessed in favor of the said Howard H. Rowland be paid to him and that his receipt therefor shall be a full and final release in the same manner as though the same had been executed by me.

WHEREFORE your petitioner prays that she may be joined as a party
petitioner in the above proceedings in themanner stated above. And she will
ever pray, etc.

STATE OF Florida }
COUNTY OF Centre } SS

ack Annie C. Rondan

ANNA C. ROWLAND, the above named petitioner, being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me

May
this 4 day of February A.D. 1925
Mrs. and Mrs. Harry
John Burke

Conn Dept 3/9/27

In the Court of Quarter Sessions of

Clearfield County

No. 4 February Sessions 1925

In the matter of the appointment of viewers to assess damages to Howard H. Rowland re building of State Road from Osceola Mills to Houtzdale, Pa.

PETITION OF ANNA C. ROWLAND FOR LEAVE TO JOIN AS PARTY PETITIONER

And now, May 11, 1925, the within petition read and considered the said Anna C. Rowland is granted leave to join as party petitioner on the terms as set forth in the within petition

By the Court

F.I.L.E.D.

MAY 11 1925

GFR. W. RALSTON

ATTHONOTARWARD FLEMING

ATTORNEY AT LAW
MOSKOWITZ NATIONAL BANK BUILDING
PHILIPSBURG, PENNA.

6/2/25

IN THE COURT OF QUARTER SESSIONS IN AND FOR THE COUNTY OF CLEARFIELD

In the matter of the appointment)
of viewers to assess damages to)
Howard H. Rowland re building of) NO. FEBRUARY SESSIONS 1925
State Road from Osceola Mills to)
Houtzdale, Pa.)

TO THE HONORABLE A.R.CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of HOWARD H. ROWLAND respectfully represents:

- 1: That he is the owner of a coal mining operation situated along the State Highway leading from Osceola Mills to Houtzdale, in the Township of Decatur, County of Clearfield and State of Pennsylvania.
- 2: That in connection with the operation of the said coal mines or operation your petitioner had caused to be built a tram road crossing the said State Highway used for the purpose of transporting coal from the mines proper to the tipple along the railroad over which the said coal passes to market.
- 3: That by reason of the change of the location of said highway the grade of said tramroad has been increased to such an extend as to make it necessary for this petitioner to regrade a large portion, if not all of the said tramroad, thereby causing him expense and damage.
- 4: That your petitioner has endeavored to come to an amicable agreement or understanding with the County Commissioners of Clearfield County as to the payment to him, the said petitioner, of necessary and proper damages caused thereby, but is not able to do so.

WHEREFORE your petitioner prays your Honorable Court to appoint
viewers to view and assess the damages aforesaid as is provided by law. And
he will ever pray, etc.

HHR H. W. Postland

STATE OF PENNSYLVANIA }
COUNTY OF CENTRE } SS

HOWARD H. ROWLAND, the above named petitioner, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct, according to the best of his knowledge, information and belief.

Sworn and subscribed before me } Howard H. Rowland
this 7th day of January A.D. 1925 }
Howard H. Rowland }
NOTARY PUBLIC
Commission expires March 9th 1927

ORDER

And now, January 10th 1925, the foregoing petition read and considered, John Scollin, Esq. Harry Reese, and James Spangle are hereby appointed viewers to view and assess the damages claimed in the foregoing petition

By the Court

A. R. Chase
P.J.

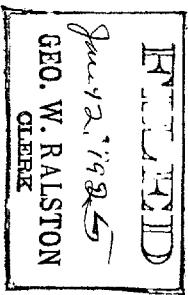
In the Court of Quarter Sessions of

Clearfield County

No. 4 February Sessions 1925

In the matter of the appointment
of viewers to assess damages
to Howard H. Rowland re building
of State Road from Osceola Mills
to Houtzdale, Pa.

P E T I T I O N



M. WARD FLEMING
ATTORNEY AT LAW
MOHAMMAD NATIONAL BANK BUILDING
PHILIPSBURG, PENNA.

275

TO:- The County Commissioners of Clearfield County, Pennsylvania:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess damages done to the property of Howard H. Rowland in the construction of the State Highway, commonly known as Route No. 234 in Decatur Township, in the County aforesaid, will meet at the mining property of Howard H. Rowland in said Township on Wednesday, the 11th day of February, A.D. 1925 at ten (10) o'clock A. 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 damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 13th day of February, A.D. 1925 at ten (10) o'clock A. M., at which time and place all parties interested may attend and be heard.

John Stearns
J. A. Reed
James M. Spangle
Viewers

Dated, January 24, 1925.

Now, January 26th 1925, service of the above notice is accepted for the County Commissioners of Clearfield County.

L. D. Morris
Clerk

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Robert Shuler

(Signature or name of addressee.)

Robert Shuler

(Signature of addressee's agent.)

Date of delivery, 1-30, 1925

Form 3811
GOVERNMENT PRINTING OFFICE
G-6-116

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

931

No. 1925

INSURED PARCEL

1925

Post Office Department

POSTMARK OF DELIVERING

DEFREE

AND DATE OF DELIVERY

Return to *John Schlosser*

Street and Number
or Post Office Box

Post Office at *Frankfort Ky*

State *Ky*

P 06-6116

Penalty for private use to avoid payment of postage, \$200

(NAME OF SENDER)

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number, which appears on the face of this Card.

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, 192

Form 3811

GOVERNMENT PRINTING OFFICE

6-6116

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 952 JAN 31 '57

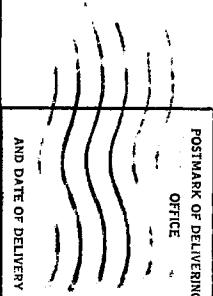
INSURED PARCEL

No. 325 P+

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OR DELIVERING

OFFICE



AND DATE OF DELIVERY

Return to *John Schindler*

(NAME OF SENDER)

Sir { Number, }

Box,

Post Office at *Long Island City*

▲-24

State

NY

o 5-6116

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

NO. 253

PHILA

FEB 4

6:30 AM

INSURED PARCEL

1905

NO. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



POSTAGE PAID

AND DATE OF DELIVERY

Return to *John S. Collier*

(NAME OF SENDER)

Number, }

Re Box,

Post Office at *Frankfort* Ky.

05-6116

State *Ky.*

RETURN RECEIPT.

*...d from the Postmaster the Registered or Insured Article, the original
Rec'd of which appears on the face of this Card.*

John C. Parker
(Signature or name of addressee, etc.)

.....
(Signature of addressee's agent.)

Date of delivery, -----, 192 -----

Form 3811

GOVERNMENT PRINTING OFFICE

05-0116

TO:- Joseph A. Ashcroft, Robert N. Showers and K. O. Kephart,
Supervisors of Decatur Township, Clearfield County, Pennsylvania:

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County,
Pennsylvania, to view and assess damages done to the property
of Howard H. Rowland in the construction of the State Highway,
commonly known as Route No. 234 in Decatur Township, in the
County aforesaid, will meet at the mining property of Howard
H. Rowland in said Township on Wednesday, the 11th day of
February, A.D. 1925 at ten (10) o'clock A. 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 damages an opportunity to be heard will
be held in the Arbitration Room in the Court House in Clearfield
on Friday, the 13th day of February, A.D. 1925 at ten (10)
o'clock A. M., at which time and place all parties interested
may attend and be heard.

John Socino
J. R. Rees
James H. Spangle
Viewers

Dated, January 24, 1925

Now, January 1925, service of the above notice is
accepted for the Road Supervisors of Decatur Township.

State of Pennsylvania :
: SS,
County of Clearfield :

On this 11th day of February, 1925,
before me the subscriber, a Justice of the Peace in and
for said County, personally appeared John Scollins, who
being duly sworn according to law doth depose and say:

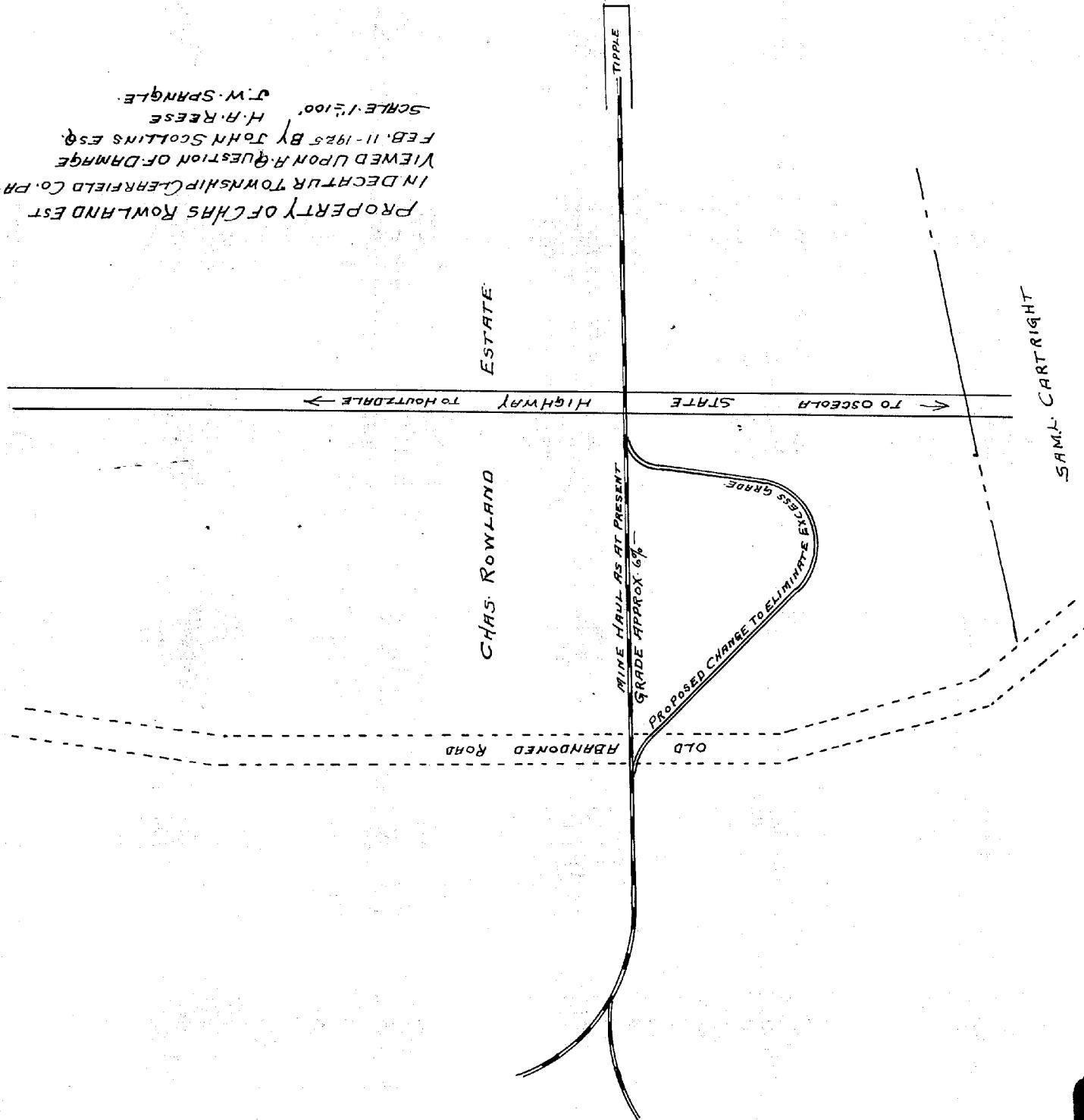
That, on the 29th day of January, 1925,
he served copies of the within notice upon Joseph A. Ashcroft,
Robert N. Showers and K. O. Kephart, Supervisors of Decatur
Township, by depositing the same in the post-office in
Hutzdale properly addressed, marked "Registered; Return
Receipt Requested", with the proper amount of postage prepaid
thereon; and attached hereto are the return receipt cards
showing deliveries and receipts thereof to the aforesaid
Joseph A. Ashcroft, Robert N. Showers and K. O. Kephart.

John Scollins

Sworn and subscribed to before me this 11th day of
February, A.D. 1925.

W.H. Smith J.P.

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY, 1930



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 12 day of January in the year of our Lord one thousand nine hundred twenty five

Howard H. Rowland

Judge of the same Court: Upon the petition of ~~subscribers~~ inhabitants of the Township of Decatur

in said County, setting forth that he is the owner of a coal mining operation situated along the State Highway leading from Osceola Mills to Houtzdale. That in connection with the operation of the said coal mines your petitioner had caused to be built a tram road crossing the said state highway used for the purpose of transporting coal from the mines proper to the tipple along the RR over which the said coal passes to market. That by reason of the change of the location of said highway the grade of said tramroad has been increased to such an extent as to make it necessary for this petitioner to regrade a large portion thereof causing him expense and damage, and have been unable to agree with the County Commissioners as to the damage caused thereby.

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.,
Harry Reese and James Spangle

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.

GEO W. Ralstone, 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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of February A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 13th day of February, 1925, at ten o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view: Robert Herr and James Evans, citizens of Decatur Township, and Howard H. Rowland,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 20th day of February ~~having been continued by agreement of parties in interest~~ A. D. 1925, when the following appearances were noted:

Howard H. Rowland, petitioner, and Geo. H. Ayers, witness on behalf of petitioner, Board of County Commissioners with A. M. Liveright, Esq., Solicitor. Petitioner and witness each being duly sworn, examined and cross-examined by counsel and your Board.

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 ~~new~~ 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 ~~the~~ use the following described road, to wit Beginning

At the hearing above mentioned, A. M. Liveright, Esq., questioned the liability of Clearfield County on the petition presented by Howard H. Rowland, he being a tenant and lessee and Anna C. Rowland the owner of the land and mineral right; whereupon leave granted to amend petition and join Anna C. Rowland, owner of the fee, as a party petitioner.

After the view and hearing, the undersigned, the majority of the said viewers, do agree that damages have been sustained by the petitioners. We further find that Howard H. Rowland is the owner of a coal mining operation situated along the State Highway (Route 234) leading from Osceola Mills to Houtzdale in Decatur Township, Clearfield County, Pennsylvania, on a tract of land owned by Anna C. Rowland; that in the operation of said coal mine the said Howard H. Rowland had caused to be built a tramroad crossing said Highway, used for the purpose of transporting coal from the mines proper to the tipple along the railroad over which the said coal is shipped to market; that by reason of the change of the location of said Highway the grade of said tramroad has been increased to the extent that it is necessary to regrade a large portion thereof to eliminate the excess grade as shown on the map or draft thereof hereto attached and made a part hereof; George H. Ayers testifying that it would be impracticable to haul and transport coal on the new grade (approximating 8%) with safety to the employees, equipment, and users of the highway.

The amount of damage as testified to by Howard H. Rowland is \$650.00; and the estimated recoverable coal tonnage is 90000 to 100000 tons of "D" vein and 26 acres of "E". By agreement of parties in interest, hearing continued until June 29th, 1925.

May 11th, 1925, on petition filed by Anna C. Rowland for leave to join as party petitioner, it was so ordered by the Court.

Now, June 29th, 1925, at the adjourned hearing the following appearances were noted: Howard H. Rowland for petitioners, with Sam Cartwright and Max Grafe, witnesses and wage claimants; Board of County Commissioners with A. M. Liveright, Esq., Solicitor. Howard H. Rowland recalled: petition of Anna C. Rowland on behalf of Court thereon offered in evidence; and petitioner further testified as to cost of repairing and re-building the road, to wit: \$1,100; (For labor \$300; material \$66; pumping \$100.00) (cont'd) Petitioners authorizing and directing that \$10.00 of the amount be paid to Sam Cartwright and Max Grafe in satisfaction of their joint claim for the balance due them for work done and labor performed thereon.

After viewing the premises and conditions in hearing the evidence, your Board is of the opinion that the petitioners should be compensated for the land taken in occupation and the damages caused to them.

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: To Howard H. Rowland and Anna C. Rowland \$450.00, out of which award that \$220.00 thereof be paid direct to Sam Cartwright and Max Grafe in satisfaction of their wage claims,

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

WITNESS our hands and seals this 29th day of June
A. D. 1925.

John Steiner Seal
James W. Spangle Seal
Kid Reese Seal
Seal

No. 1 Feb 1925 Sessions, 19 25

ORDER

To view and assess damages to
Howard H. Rowland
residence use in the
township of Decatur
Clearfield County

Sessions, 19 25,
read and confirmed Ni. Si. ~~Read to be~~
~~opened 22 feet wide, evergreen trees~~
~~inside hill cutting or embankment~~
~~bridges there to be 16 feet wide~~

19 25,
Fees \$1.25 paid by _____
M. Ward Fleming, Atty

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 the damages
assessed by the original viewers, except so far as
the location may be changed by the viewers.

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	AMT.
Feb 20 1925	1	1.0	1.00
Feb 21 1925	1	2.0	2.00
Feb 22 1925	3	1.0	3.00

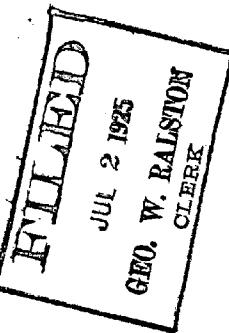
RELEASE OF DAMAGES

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 ensealing 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 25.



Seal
Seal
Seal
Seal
Seal