

Road

DOCKET No. 6

Number	Term	Year
2	Feb ss	1931

Petition of Cunard Coal Co. for
assessment of damages Morris Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

CUNARD COAL COMPANY :

v. : No. 2, February Sessions, 1931.

COUNTY OF CLEARFIELD :

To the Honorable A. R. Chase,

President Judge of said Court:

We have been authorized to join the names of
Morrisdale Land Company and the Estate of William Dorris
and Rachael Wilkinson as parties plaintiff in the above
proceedings.

We move the Court for leave to add these names
and join them as parties plaintiff in the above entitled
case.

Bouton & Bouton

Attorneys for Plaintiff

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

CUNARD COAL COMPANY :

v. : No. , Sessions, 1931.
COUNTY OF CLEARFIELD :

O R D E R

To the Honorable A. R. Chase,
President Judge of said Court:

Now, August 31st, 1931, upon motion of Boulton
& Boulton, Attorneys for Morrisdale Land Company, Estate
of William Dorris and Rachael Wilkinson, leave is granted
to join the above named Morrisdale Land Company, Estate of
William Dorris and Rachael Wilkinson as parties plaintiff
in the above entitled case.

By the Court,



P. J.

Read

IN THE COURT OF QUARTER
SESSIONS, CLEARFIELD CO., PA.
No. 2, February Sessions, 1931

CUNARD COAL COMPANY

v.

COUNTY OF CLEARFIELD

PETITION TO JOIN PARTIES
PLAINTIFF and ORDER.

REC'D
GEO. M. R. 63
C. R. L. 63
CLEARFIELD CO.

BOULTON & BOULTON
ATTORNEYS AT LAW
COUNTY NATIONAL BANK BUILDING
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

CUNARD COAL COMPANY :
v. : No. , Sessions, 1931.
COUNTY OF CLEARFIELD :

PETITION FOR VIEWERS.

To the Honorable A. R. Chase,
President Judge of said Court:

The petition of Cunard Coal Company respectfully
represents:

1. That it is a corporation organized and existing
under the laws of the Commonwealth of Pennsylvania, having its
principal office in the City of Philadelphia, and conducting its
chief operation in the Township of Morris, County of Clearfield,
Pennsylvania.

2. That the principal business of the Company is the
mining and marketing of coal from its properties in Morris Town-
ship, as aforesaid.

3. That it is the lessee of two tracts of land in
said Township of Morris under leases as follows:

(a) A lease dated August 1, 1912, between
Annie Dorris Chisolm, Julia Dorris, Mary Dorris
Miller and John D. Dorris, Executors of the will
of William Dorris, William Wallace Chisolm,
Executor of Julia M. Dorris, lessors and
Cunard Coal Company.

(b) A lease dated December 5, 1912, between
Sheldon Potter, Trustee, lessor, and Cunard Coal
Company.

(c) A lease dated January 3, 1924, between
Royal Coal Company, lessor, and Cunard Coal
Company.

Leases (a) and (b) cover the coal underlying one tract, being for an undivided four-tenths (4/10) and six-tenths (6/10) interest respectively.

4. That the leases above mentioned provide for the removal of all the coal in a certain seam underlying the tracts and the payment therefor as follows: eight (8¢) cents per gross ton in the first instance and fifteen (15¢) cents per gross ton in the second instance.

5. That the Cunard Coal Company has entered under these leases and is conducting an extensive mining operation on the same.

6. That on the 26th day of December, 1929, the Governor of Pennsylvania approved a plan and survey for an improved highway between the village of Bigler and the village of Allport, being part of Route 668.

7. That a portion of this right of way traverses the leasehold interest of the Cunard Coal Company under the leases aforesaid as follows: Beginning at Station 17+90 on the survey of the Highway Department as shown by maps on file in the office of the Commissioner of Clearfield County and continuing a distance of about 4470 feet to Station 62+60 on said survey.

8. That on the 18th day of March, 1930, the representatives of Cunard Coal Company received a letter signed by Stuart W. Jackson, Division Engineer of the Pennsylvania State Highway Department, notifying them to cease their operations underneath the route of the highway as approved, and notifying them that no coal other than that already removed was to be taken from under said right of way.

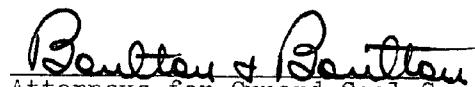
9. That a conservative estimate made by the engineers of Cunard Coal Company is to the effect that under the first tract it will be necessary to leave 5610 tons of pillar coal, and under the second tract, it will be necessary to leave in place 12,300 tons of solid coal.

10. That by reason of the location of said highway the Cunard Coal Company suffers a direct loss of the value of the coal which it must leave underneath the right of way, and in addition to the direct loss, as aforesaid, the Company is denied a reasonable profit on said coal, fails to obtain its full rights and bargain under the lease as set forth, and suffers a loss due to development of its underground workings in order to place itself in position to mine and remove said coal.

11. That the damage to the Cunard Coal Company by reason of said location of the highway is in excess of four thousand (\$4,000) dollars.

12. That on the 22nd day of April, 1930, the firm of Boulton & Boulton, attorneys for the Cunard Coal Company, wrote the commissioners of Clearfield County indicating the nature of their loss and requesting a conference upon the matter of these damages and they have had no reply to this request from said commissioners, and no offer has been made to the Company or their attorneys for an amount by way of damage due to the location of the road as aforesaid.

WHEREFORE, your petitioners pray that your Honorable Court appoint viewers to appraise and estimate the damage done by the acts of the Commonwealth, its officers, agents and contractors, in appropriating portions of the leasehold interest of your petitioner and other acts done in consequence thereof and that said viewers be appointed and report according to the acts of Assembly relating thereto.



Attorneys for Cunard Coal Company.

STATE OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

Before me, the subscriber, personally appeared LeBaron Smith, who being duly sworn according to law doth depose and say that he is the Resident General Manager of the Cunard Coal Company and that the facts set forth in the foregoing petition are true and correct.

LeBaron Smith

Sworn and subscribed before me
this 18th day of December, A. D.
1930.

William Lee J.P.

MY CREDIT EXPIRES
FIRST MARCH 1931

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. 2. Feb. Sessions. 1931

CUNARD COAL COMPANY

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County of Clearfield

PETITION FOR VIEWERS.

BOULTON & BOULTON
ATTORNEYS AT LAW
COUNTY NATIONAL BANK BUILDING
CLEARFIELD, PA.