

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>599</u>	<u>May</u>	<u>1961</u>

Commonwealth Ex Rel

Raymond Rose

VERSUS

Jean Rose Miller

COMMONWEALTH EX EX REL.,

RAYMOND ROSE

versus

JEAN ROSE MILLER

In the Court of Common Pleas

of Clearfield County, Pa.

No. 599 May Term, 19 61

Pl. Fa., No. 19

And now, December 13th, A. D. 19 67, petition read and considered and a rule is granted on JEAN ROSE MILLER to show cause why she should not be declared in contempt of the order of this Court of September 12, 1961 and why said children should not be surrendered to her former husband as provided in said order.

Returnable Tuesday, December 19, 1967 at 11:00 A.M.

By the Court,

HON. JOHN A. CHERRY, P. J.

Certified from the record this 13th

day of December, 19 67

*Archie Hiel*  
Prothonotary

No. 599 May \_\_\_\_\_ Term, 19 61

COMMONWEALTH EX REL.

RAYMOND ROSE

vs

JEAN ROSE MILLER

Rule On

JEAN ROSE MILLER to Show

Cause

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Attorney for Claimant

Bell, Silberblatt & Swoope

Attorney for Plaintiff

Attorney for Defendant

Sheriff's Return

Now, December 14, 1967 at 2:25 o'clock P.M. (EST) served the within Petition and Rule on Jean Rose Miller at her place of residence, RFD Woodland, (Egypt), Clearfield County, Pa., by handing to Jean Rose Miller personally, a true and attested copy of the Petition and the Rule and made known to her the contents thereof.

Sheriff's costs \$10.50

So answers,

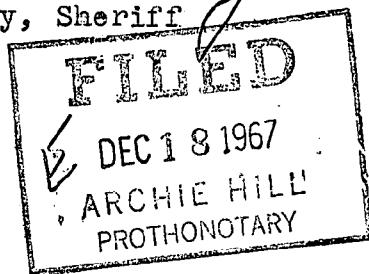
Pd. by Bell, Silberblatt &  
Swoope Att'y.  
Sworn to before me this  
18th day of December, 1967.

*William Charney*  
William Charney, Sheriff

*Archie Hill*

PROTHONOTARY

My Commission Expires  
1st Monday Jan. 1970



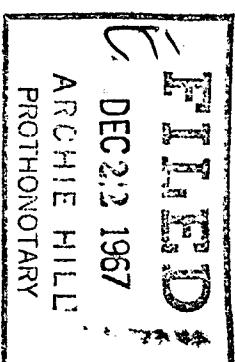
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 599 May Term 1961

COMMONWEALTH EX REL  
RAYMOND ROSE

VS

JEAN ROSE MILLER

ORDER



JOHN A. CHERRY  
PRESIDENT JUDGE  
CLEARFIELD, PENNSYLVANIA

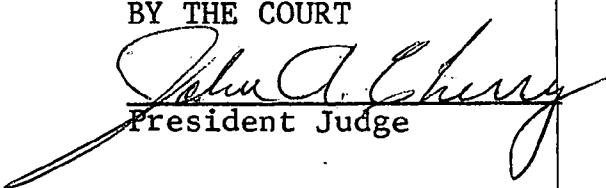
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH EX REL :  
RAYMOND ROSE :  
VS : No. 599 May Term 1961  
: :  
JEAN ROSE MILLER :  
:

O R D E R

NOW, December 22, 1967, upon consideration of the prayer of the petition of Raymond Rose, father of Keith Rose, Michael Rose and Garry Rose, and after fullest consideration of the testimony and the laws applicable thereto; it is the ORDER OF THE COURT first, that no contempt is hereby declared, in the interest of the welfare and the best interests of the three boys involved; it being the feeling and opinion of the Court that no purpose would be served to declare a true contempt. However, it is FURTHER ORDERED that custody of said children shall be forthwith returned to the father, Raymond Rose; the Court finding that there is no compelling reason for removing custody under the Order of this Court dated September 12, 1961. It is the FURTHER ORDER OF THE COURT that the provisions for visitation provided for in the Order of Court dated September 12, 1961, shall be fully carried out and, therefore, that the father of said boys shall make such arrangements as shall permit the visitation heretofore provided in the preceding Order.

BY THE COURT

  
John A. Cherry  
President Judge

—Lap over margin—

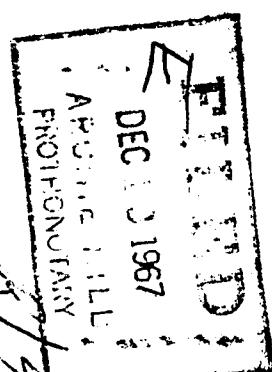
IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
No 599 *Argy* Term 1961

COMMONWEALTH EX REL.,  
RAYMOND ROSE

VS

Jean Rose Miller

Petition



BELL, SILBERBLATT & SWOOP  
ATTORNEYS AT LAW  
CLEARFIELD TRUST CO. BLDG.  
CLEARFIELD, PENNA.

COMMONWEALTH ~~XX~~ EX REL.,

RAYMOND ROSE

versus

JEAN ROSE MILLER

In the Court of Common Pleas  
of Clearfield County, Pa.

No. 599 May Term, 19 61

Pl. Fa., No. 19

And now, December 13th, A. D. 19 67, petition read and  
considered and a rule is granted on JEAN ROSE MILLER to show cause why she should  
not be declared in contempt of the order of this Court of September  
12, 1961 and why said children should not be surrendered to her former  
husband as provided in said order.

Returnable Tuesday, December 19, 1967 at 11:00 A.M.

By the Court,

HON. JOHN A. CHERRY, P. J.

Certified from the record this 13th  
day of December, 19 67

*Archie Hill*  
Prothonotary

No. 599 May Term, 1961

COMMONWEALTH EX REL.,

RAYMOND ROSE

vs

JEAN ROSE MILLER

Rule Of

JEAN ROSE MILLER to Show

Cause

Attorney for Claimant

Bell, Silberblatt & Swoope  
Attorney for Plaintiff

Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH EX REL, :  
RAYMOND ROSE :  
VS : No. 599 *May* ~~September~~ Term 1961  
JEAN ROSE MILLER :  
:

P E T I T I O N

The petition of Raymond D. Rose respectfully represents:

That your petitioner is the father of three boys, Keith, born September 6, 1949, Michael, born April 6, 1951 and Garry, born October 3, 1952.

That an action and divorce was filed by your petitioner in Clearfield County against his wife on the grounds of indignities and adultery. His wife was represented by counsel but a decree of divorce was filed in Clearfield County, 97 February Term, 1955.

That then a proceeding for non support was filed in the court of quarter sessions, number 12, April sessions 1954 in which order for support for the children was made.

That the petitioner's first wife has now remarried and is known as Jean Miller. Said marriage had taken place in 1960.

That your petitioner remarried Joan E. Pratz.

That his former wife originally had custody of the children but in March, 1961 your petitioner was advised that his wife was unable to take care of the children. He came to Clearfield County and found his wife was in the state clinic at Ridgeway, and she had taken the children to Crawford County.

That the three boys remained in the Crawford County Court until 1961. Two failed in their school work. Being advised that the former wife and her husband were not living together and other facts which indicated that home was not best for the children, your petitioner filed a petition in the court of common pleas in Clearfield County in 599 May term, 1961. The Clearfield County Court turned over to your petitioner the three children temporarily. On September 12, 1961 after full hearing, the children were turned over to your petitioner.

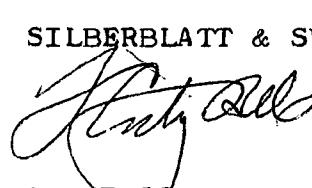
That since that time your petitioner has had custody of said children except for visits to the mother.

That your petitioner was working in Niagara Falls at the time of the order of September 12, 1961. He came to Elk County, Pennsylvania to work for the Speer Carbon Company and has recently purchased an eight room house in the boro of Ridgeway. By agreement, he agreed with his wife that she could keep the children while he was moving and got a home in Elk County. He called his wife on December 7 and said that he wanted to come and get the children. She called back and said he couldn't have them at all.

That the wife is living with her mother in Woodland R. D. Her husband is overseas and has never established a home. It is best if the children get an education and a permanent home. Therefore, your petitioner requests an order be made directing for rule to be issued on Jean Miller, mother of said boys, and held in contempt of court in said order.

BELL, SILBERBLATT & SWOOPPE

By



F. Cortez Bell

STATE OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared RAYMOND D. ROSE, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Raymond D. Rose  
Raymond D. Rose

Sworn to and subscribed  
before me this 11th day  
of December, 1967.

Archie Heil

PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1970

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH EX REL, :  
RAYMOND ROSE :  
VS : No. 599 May Term 1961  
: :  
JEAN ROSE MILLER : :

O R D E R

NOW, December 13, 1967, rule to show cause why Jean Rose Miller should not be declared in contempt of the order of this court of September 12, 1961 and why said children should not be surrendered to her former husband as provided in said order. Rule to be returnable at 11:00 A.M., Tuesday, December 18, 1967.

*By The Court,  
John A. Cherry  
President Judge*

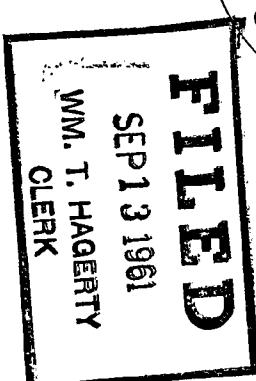
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 599 *May* Term 1961

COMMONWEALTH EX REL.,  
RAYMOND ROSE

VS

JEAN ROSE MILLER

ORDER



JOHN J. PENTZ  
PRESIDENT JUDGE  
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH EX REL,  
RAYMOND ROSE :  
VS :  
JEAN ROSE MILLER :  
: No. 599 May September Term 1961

ORDER

NOW, September 12, 1961, after further hearing in the above matter, and investigation of the home of the petitioner in Niagara County, New York State, it is ORDERED that the custody of the three children, Keith, Michael and Garry, be given to the petitioner, their father, to be maintained and kept in his home in the County of Niagara, New York State; and that the support order heretofore made be discontinued. It is further ORDERED that the mother, Mrs. Miller, shall have the custody of the children, if she desires, for one week during the Christmas vacation, and for two months in the summer, following the end of the school term in June; and such other visitation in the County of Niagara, as may be desirable, or may be arranged. The mother, Mrs. Miller, shall further have the right to custody of the children at Easter vacation, for such time as such vacation shall be allowed by the schools of the County of Niagara.

Transportation of the children from New York State to the home of the mother in the summer months, shall be at the expense of the father; and all other times shall be at the expense of the mother.

Exception noted.

BY THE COURT

President Edna

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.

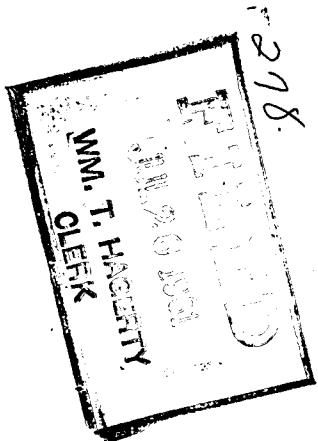
No. *594 May* Term 1961

COMMONWEALTH EX REL,  
RAYMOND ROSE

VS

JEAN ROSE MILLER

ORDER



JOHN J. PENTZ  
PRESIDENT JUDGE  
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH EX REL, :  
RAYMOND ROSE : No. *599 May*  
VS : *September Term 1961*  
: JEAN ROSE MILLER :

O R D E R

NOW, July 26, 1961, this order is being made temporarily, and not to become final, until further hearing, to be held not later than the 28th or 29th of August 1961.

After hearing this date, the three boys, namely: Keith, Michael and Garry, shall continue in the custody of their father, Raymond Rose, until order is made after the further and next hearing, in the County of Clearfield; at which time the petitioner, Raymond Rose, shall produce the three boys and introduce such other evidence as may be required by the Court, of which he will be given due notice. The defendant, Jean Rose Miller, shall also be present and be given due notice of such hearing, and shall produce such other and additional evidence as the Court may require at that time.

This case is continued until notice is given of the next hearing.

BY THE COURT

*John J. Rose*  
President Judge

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.

No 5799 <sup>November</sup> Term 1961

COMMONWEALTH EX REL,  
RAYMOND ROSE

VS

JEAN ROSE MILLER

PETITION

JOHN J. PENTZ  
PRESIDENT JUDGE  
CLEARFIELD, PENNSYLVANIA

—Lap over margin—

My first photo  
July 1961 & my son

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
No. 12 April Sessions, 1954

**BELL, SILBERBLATT & SWOOPER**  
ATTORNEYS AT LAW  
CLEARFIELD TRUST CO. BLDG.  
**CLEARFIELD, PENNA.**

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH :

:

VS. :

:

No. 12 April Sessions, 1954

RAYMOND ROSE :

:

PETITION

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of Raymond Rose respectfully represents:

(1). That he is the father of three boys, namely, Keith, born September 6, 1949; Michael, born April 6, 1951; and Gary, born October 3, 1952.

(2). That he was granted a divorce from his wife by your Honorable Court in a proceeding brought to No. 97 February Term, 1955 in the Court of Common Pleas.

(3). That your Order was later changed on January 18, 1955 to \$90 per month, which sum your Petitioner has been paying, and he is at the present time approximately \$30 in arrears.

(4). In the Order of March 17, your Honorable Court provided for the children as follows: "The children to be in the custody of the mother with the right on the part of the Defendant of visitation.

(5). That your Petitioner has remarried, and he and his wife reside in Niagara Falls, New York, where he is employed, and is the father of a fourth child, Barry, now 10 months old.

(6). That since the Order of 1955, your Petitioner has had the children during the summer vacations of 1958-59 at his home in New York State, said children being turned over to him by his wife.

(7). In 1960, when he came to get the children, his wife refused to let him have them.

(8). In 1961, his former wife told him he could have the children for

two weeks and no longer.

(9). That your Petitioner is advised that his wife was remarried about a year ago, and that they are using the \$90 a month, paid by him, for their own support.

(10). That in March of 1961, your Petitioner was advised that someone had called his mother and said his former wife was unable to take care of the children, and he would have to come and get them.

(11). He did come down and found his wife was in the State Clinic at Ridgway, and that she had taken her children to Crawford County, where her mother lived.

(12). The three boys remained in Crawford County from March 1961 until the end of the school term this year, and the two oldest boys failed in their school work.

(13). That your Petitioner was also advised that his former wife would be unable to take the children any longer, and he was also advised that his wife was to go to Ridgway for periodic treatments.

(14). That your Petitioner is advised that his former wife and her present husband have been living together for five years, and that they get into frequent fights with each other, and the result of which his former wife shows marks.

(15). That in addition thereto, the stepfather has abused the three boys by punishing them with a belt.

(16). Your Petitioner just learned that on one occasion the oldest boy, Keith, went out of the upstairs window on the porch roof to get away from the fighting between his mother and his stepfather, and the other two boys went to the home of their great uncle, Lynn Luzier, about 300 feet, where they all three remained the balance of the night.

(17). The two oldest boys, Keith and Michael, have stated that they desire to stay with their father and stepmother in New York State, and Gary has

indicated he would like to stay the rest of the summer but come back to Clearfield County in the winter.

WHEREFORE, Your Petitioner requests your Honorable Court to set a date for hearing to determine the things necessary for the best care of the children.



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Raymond Rose

STATE OF PENNSYLVANIA:  
SS:  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared RAYMOND ROSE, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.



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Raymond Rose

Sworn to and subscribed  
before me this  
day of June, 1961

---

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH :  
VS. : No. 12 April Sessions, 1954  
RAYMOND ROSE :

ORDER OF COURT

NOW, this 3<sup>rd</sup> day of July, 1961, hearing on the above entitled  
case is set for July 26, 1961 at 10 a.m.

BY THE COURT:

John P. Kelly  
P.J.