

DOCKET NO. 173

NUMBER TERM YEAR

309 November 1960

Gerald O/ Gearhart

VERSUS

Marie Grice Gearhart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

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No. 309 November Term, 1960
IN DIVORCE

MASTER'S REPORT

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

The undersigned Master appointed by the Court to take testimony and report findings with a recommended form of decree respectfully submits his Master's Report made up of the following items:

- I. COMMISSION - Dated February 25, 1961
- II. (a) Docket Entries
(b) Schedules
- III. COMPLAINT AND FILED PAPERS
- IV. CAUSE OF DIVORCE - Indignities
- V. FINDINGS OF FACT
- VI. CONCLUSIONS OF LAW
- VII. RECOMMENDATION
- VIII. SUGGESTED FORM OF DECREE
- IX. TESTIMONY


Master

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

J. PAUL FRANTZ, JR., ESQ., Greeting:

Know you, that in confidence of your prudence and fidelity we have appointed you, and by these presents do give unto you full power and authority, in pursuance of an order made in our County Court of Common Pleas, for the County of Clearfield, in a certain cause there depending, wherein

GERALD O. GEARHART Plaintiff ,

and

MARIE GRICE GEARHART Defendant ,

to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the parties.

..... as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report the same with form of decree. and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 25th day of February, in the year of our Lord one thousand nine hundred and sixty-one

Wm. T. Hagerty
Prothonotary

To the Honorable, the Judge, &c.:

The execution of this commission appears in a certain schedule hereunto annexed.

J. Paul Frantz, Jr.
COMMISSIONER.

No. 309 November Term. 1960.

GERALD O. GEARHART

VERSUS

MARIE GRICE GEARHART

COMMISSION

Dan P. Arnold Attorney.

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

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

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No. 309 November Term, 1960

INDIVORCE.

D O C K E T E N T R I E S


DECEMBER 27, 1960, COMPLAINT IN DIVORCE, filed. One copy certified to the Sheriff.

January 4, 1961, Sheriff's Return, filed:

Now, December 28, 1960, at 9:00 o'clock P.M. served the within Complaint In Divorce on Marie Grice Gearhart at 112 N. Fourth St., Clearfield, Pennsylvania by handing to her personally a true and attested copy of the original Complaint In Divorce and made known to her the contents thereof. So answers, Charles G. Ammerman, Shff.

NOW, February 25, 1961, by Motion on the Watch-book, JauPaul Frantz, Jr., Esq., is appointed Master to take the testimony and report the same with form of decree. John J. Pentz, President Judge.

Certified from the record this 2nd day of March, A. D., 1961.


Prothonotary

II. (b) Schedules

1. Date of hearing was set for Tuesday, March 28, 1961 at 2:00 P.M. in the offices of the Master at 26 South Second Street, Clearfield, Pennsylvania.

2. Notice of said hearing was accepted by Gerald O. Gearhart, plaintiff, and Dan P. Arnold, Esq., of Chaplin & Arnold, attorneys for plaintiff, on March 8, 1961.

3. Notice of said hearing was served on Marie Grice Gearhart, defendant, by J. B. Walker, Constable on March 8, 1961, at DuMont-Airplane & Marine Instruments, Inc.

4. The Master's Hearing was held at the time and place scheduled with the following persons present: Gerald O. Gearhart, plaintiff; Dan P. Arnold, Esq., attorney for plaintiff; and Harry Riddle, witness for plaintiff.

III. COMPLAINT AND FILED PAPERS

Immediately following this page are the various papers which have been filed in this case as follows:

1. Complaint in Divorce
2. Sheriff's Return of Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD O. GEARHART

vs.

MARIE GRICE GEARHART

:

:

:

No. *309* November Term 1960

IN DIVORCE

COMPLAINT

1. That the plaintiff, Gerald O. Gearhart, is 28 years of age and resides at Schofield Street, in the Borough of Curwensville, Clearfield County, Pennsylvania, and is a resident and citizen of the Commonwealth of Pennsylvania and the United States of America.

2. That the defendant, Marie Grice Gearhart, is 24 years of age and resides at 112 N. Fourth Street, in the Borough of Clearfield, Clearfield County, Pennsylvania.

3. That the plaintiff and defendant were married on August 11, 1956 by the pastor of the Curwensville Methodist Church at Curwensville, Pennsylvania.

4. That one child was born to this marriage, Dennis John Gearhart, who was born on March 22, 1957.

5. That no previous action of divorce has been commenced by either party hereto.

6. That this divorce action is not collusive and is the result of no agreement between the parties.

7. That the defendant, Marie Grice Gearhart, is guilty of such indignities to the person of the plaintiff as to render his condition in life intolerable and his life burdensome.

WHEREFORE, Plaintiff respectfully prays the Court for a Decree divorcing him from the bonds of matrimony with the said Marie Grice Gearhart, and he will ever pray.

CHAPLIN & ARNOLD

By Dan P. Arnold
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

GERALD O. GEARHART, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing Complaint
are true and correct to the best of his knowledge, information and
belief.

Gerald O Gearhart

Sworn to and subscribed
before me this 27th day
of December, 1960.

Don. Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. *309* November Term 1960
IN DIVORCE

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

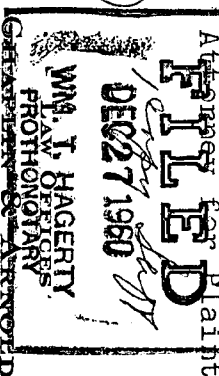
COMPLAINT

TO THE WITHIN DEFENDANT:

You are hereby notified
to plead to the enclosed
complaint within twenty (20)
days from service hereof.

CHAPLIN & ARNOLD

By *Wm. T. Hagerity*
Attorney for Plaintiff



CLEARFIELD, PA.

135-00

Affidavit of Service

Gerald Gearhart

vs.

Marie Grice Gearhart

No. 309 ~~XXX~~ November Term, 1960

Complaint In Divorce

Returnable within _____ days
from date of service hereof.

NOW December 28, 1960 at 9:00 o'clock P.M.

served the within Complaint In Divorce

on Marie Grice Gearhart

at 112 N. Fourth Street, Clearfield, Pennsylvania

by handing to her personally

a true and attested copy of the original Complaint In Divorce and made

known to her the contents thereof.

Costs. Sheriff Ammerman \$7.00
(Paid by ~~Atty Arnold~~)

Sworn to before me this 30th

So answers,

day of December A. D. 19 60

Charles G. Ammerman
CHARLES G. AMMERMAN

Prothonotary

Sheriff

FILED
JAN-4 1961
WM. T. HAGERTY
PROTHONOTARY

IV. CAUSE OF DIVORCE

The cause of divorce alleged in the Complaint is indignities to the person.

IV. FINDINGS OF FACT

1. Marriage: The parties were married August 11, 1956 in Curwensville, Pennsylvania, in the Methodist Church by Rev. Ira R. Duvall.

2. Residence: Immediately following their marriage, the parties resided in Hyde, Lawrence Township, for a period of nine months. Following this they resided in Curwensville, Pennsylvania, for about six months and they resided in Clearfield, Pennsylvania, until the Fall of 1958 when they returned to Curwensville, Pennsylvania. The plaintiff has resided in Curwensville since that time while the defendant has resided in Clearfield, Pennsylvania, since September 2, 1960.

3. Citizenship: Plaintiff was born in Lumber City, Pennsylvania, is a citizen of the United States and has lived in Clearfield County all his life. Defendant was born in Olanta, Lawrence Township, is a citizen of the United States and has resided in Clearfield County all her life.

4. Age and Occupation: Plaintiff is 28 years of age and is a laborer. Defendant is 24 years of age and is a secretary.

5. Children: One child was born to this marriage, namely, Dennis John Gearhart, born March 22, 1957. The said child is presently residing with the defendant in Clearfield, Pennsylvania. Plaintiff has a Court Order against him to No. 18 September Sessions, 1960 to pay \$35.00 per week for the support of his wife and child.

6. Military Service: Defendant is not presently in the Armed Forces of the United States.

7. Findings on the Merits:

It is found that the parties were married August 11, 1956 and that said relationship still exists.

It is found that the plaintiff has resided in Clearfield County, Pennsylvania, all his life.

It is found that the defendant has resided in Clearfield County, Pennsylvania, all her life.

It is found that on approximately eight occasions, defendant left the plaintiff for periods of from ten days to three weeks, and that she only returned at the urging and request of the plaintiff.

It is found that defendant objected to the plaintiff ever visiting with his friends.

It is found that during the course of the marriage, defendant went out with men other than her husband.

It is found that on several occasions plaintiff returned home to find the defendant absent and that on at least one occasion, she was gone all night.

It is found that defendant accepted gifts from men other than her husband and that she made it a point to show these to the plaintiff.

It is found that defendant continually nagged at the plaintiff and argued with him particularly after she had been in the company of her mother.

It is found that defendant left the marital abode on September 2, 1960 after arguing with the plaintiff and that she left during the night while plaintiff was asleep.

It is found that the defendant has engaged in a course of conduct which rendered plaintiff's condition intolerable and his life burdensome.

It is found that the plaintiff is the innocent and injured spouse.

No evidence of any collusion to obtain this divorce is found.

8. Discussion: The plaintiff in the present action has asked for a divorce on the ground of indignities to the person. In the case of Carter v. Carter, 166 Pa. Super.499, the Court laid down the rule that indignities, to support a decree in divorce, must consist of a course of conduct which renders the condition of the innocent party intolerable and his or her life burdensome; and that this must be shown by evidence from which an inference of hate and estrangement may be deduced.

In examining the testimony in the present case, we find that the defendant was apparently under the influence of her mother, that she visited frequently with her mother and that following these visits she regularly criticized the plaintiff and engaged in arguments with him. In addition, it appears that on some eight occasions, the defendant left the common home for periods of from ten days to three weeks and that she only returned after the plaintiff persuaded her to do so. Also, it appears that the defendant objected to plaintiffs going out at all while she was going out and on some of these occasions was in the company of a man not her husband. Further, on several occasions, the plaintiff returned home unexpectedly and found the defendant absent overnight, which absences the defendant would not explain. Finally, after defendant had left the plaintiff, she made it a

point to show him gifts which she had received from other men and to brag about them.

Considering the testimony as whole, it is evident that the defendant has engaged in a course of conduct, extending over a period of time, which has rendered the plaintiff's condition intolerable and his life burdensome.

VI. CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter and the parties.

2. The proceedings are in accord with the requirements of law and the Rules of Court relating thereto.

3. The plaintiff has established cause for divorce on the ground of indignities to the person.

VII. RECOMMENDATION

The Master recommends a decree granting Gerald O. Gearhart, plaintiff, an absolute divorce from the bonds of matrimony from Marie Grice Gearhart, defendant, and respectfully submits a form of decree herewith.


Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

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GERALD O. GEARHART	}	Of	November	Term, 19 60
		No.	309	
VERSUS				
MARIE GRICE GEARHART				

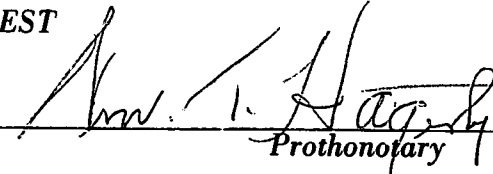
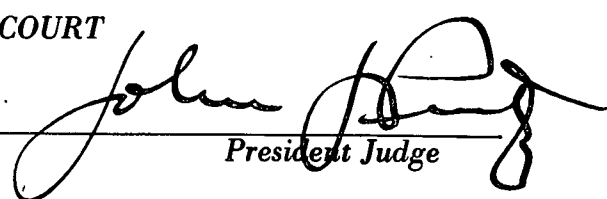
DIVORCE

And Now, the 7th day of April 19 61, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that Gerald O. Gearhart be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~herself~~ ^{himself} and Marie Grice Gearhart.

Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of said marriage, shall cease and determine, and each of them shall be at liberty to marry again as though they had never been heretofore married, except that _____

The Prothonotary is directed to pay the Court costs, including Master's fees, as noted herein, out of the deposits received and then remit the balance to the libellant. No Decree to issue until the costs be fully paid. We do further award to the said Gerald O. Gearhart ^{his} ~~her~~ costs expended in this action.

ATTEST		BY THE COURT	
	<u></u>		<u></u>
	Prothonotary		President Judge

In The Court of Common Pleas
Of Clearfield County, Penna.

No. _____ Term 19__

Libellant

VERSUS

Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

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No. 309 November Term, 1960
IN DIVORCE

Master's Hearing convened in the office of the Master, 26 South Second Street, Clearfield, Pennsylvania, on Tuesday, March 28, 1961 at 2:00 P.M. with the following persons present: Gerald O. Gearhart, Plaintiff, Dan P. Arnold, Esq., attorney for Plaintiff and Harry Riddle, witness for Plaintiff.

Gerald O. Gearhart, being duly sworn according to law, testified as follows:

BY DAN P. ARNOLD, ESQ.

Q. Gerald, where were you born?

A. Lumber City.

Q. At the time of your marriage where were you living?

A. Curwensville.

Q. Have you lived all your life in Clearfield County?

A. Yes.

Q. Where was your wife, Marie Grice, living when you married her?

A. Olanta, R. D.

Q. Was she born in Olanta?

A. I think so.

Q. Has she lived all her life in Pennsylvania?

A. Yes.

Q. What was the date of your marriage?

A. August 11, 1956.

Q. Where and by whom were you married?

A. In the Methodist Church in Curwensville by Rev. Duvall.

Q. Were any children born to this marriage?

A. One.

Q. What is its name and when was it born?

A. Dennis John Gearhart, March 22, 1957.

Q. After you and your wife were married where did you go to live?

A. We bought a trailer and lived in Hyde City for nine months. We then moved to Curwensville and lived there for six months. We lived in Clearfield a year and built our own place in Curwensville.

Q. When did the separation occur?

A. September 2, 1960.

Q. Were you, your wife and son at that time living in your own home in Curwensville?

A. Yes.

Q. After the separation where did your wife go?

A. She moved to Clearfield on Fourth Street. Since then she has moved to Water Street.

Q. Where are you living at the present time?

A. At my home in Curwensville.

Q. Where is your son?

A. With my wife.

Q. When did the trouble first start between you and your wife?

A. About a year after we got married.

Q. Once the trouble started what happened?

A. The first trouble I had was with my mother-in-law.

Q. How often would your mother-in-law come to your house?

A. About three times a week.

Q. Your mother-in-law at that time lived in Olanta?

A. Yes.

- Q. When your mother-in-law would visit your home did she talk to your wife in a way derogatory to you?
- A. It seemed every time she came to our house we always had an argument. She was at her mother's every Saturday and they would go to town, and as soon as she would come back home we had an argument.
- Q. After these visits from her mother was she dissatisfied with things around home?
- A. Yes.
- Q. During this period for about a year after your marriage until your separation did your wife ever leave you?
- A. Several times.
- Q. How many times do you mean by several?
- A. About eight times.
- Q. When she would leave where would she go?
- A. Back to her mother.
- Q. For what period of time would she stay?
- A. She was never gone less than ten days. Sometimes it was two weeks even three.
- Q. Were these planned visits or did she get mad and just leave?
- A. She would get mad and just leave.
- Q. Did she take the baby with her?
- A. All but once.
- Q. Was that the last time?
- A. Yes.
- Q. On these eight occasions when she left did you have to go and talk with her to get her to come back?
- A. Yes.
- Q. Did you have any trouble convincing her?
- A. Twice I had a lot of trouble.
- Q. What did she do?
- A. Once her mother and step dad were in on it and told me I wasn't any good and the last time it was but her and I.

Q. What did she say?

A. She didn't know if she wanted to come back or not. She wanted time to think about it.

Q. Did she come back that time?

A. Yes.

Q. You mentioned she had a step father. What is his name?

A. Norman Howell.

Q. Does he have some kind of a church on the other side of the river up near the Narrows?

A. Yes.

Q. Does he preach in that church?

A. Yes.

Q. Does that church have a name?

A. I believe they call it the Believers Tabernacle.

Q. Is that any particular denomination?

A. Just a church.

Q. He built that himself?

A. Yes.

Q. Did you and your wife go there?

A. We were almost compelled to.

Q. Did you miss going one Sunday?

A. Yes.

Q. What happened?

A. I was sitting over at Harry's house. He came in the house and raised hell with both of us and called me a hypocrite and was going to hell and wished the walls would fall on me. I told him to get out.

Q. Were you ever permitted to go out to see your friends at all?

A. Very rarely.

Q. What would happen if you said you were going out?

A. If I went she would go too.

Q. With you?

A. No, with her sisters.

Q. Do you know where she would go when you went out?

A. No, I never knew where she was.

Q. When was it she left you this final time?

A. September 2, 1960.

Q. What happened that day?

A. I was working late in the evening.

Q. What shift were you working at that time?

A. 5:00 A.M. to 1:00 P.M. and 1:00 to 4 or 5 in the evening.

Q. This day she left you what happened after you left work?

A. I stopped and had a couple beers in Buck's Cafe.

Q. How long were you in there?

A. 45 minutes.

Q. After you left where did you go?

A. Straight home.

Q. What time did you get home?

A. I worked till about 4:00, it was about 5:00.

Q. What happened when you got home?

A. She was standing outside waiting for me.

Q. What was she waiting for?

A. She wanted to know where I was and I told her I was working hard and stopped and had a couple of beers. We started to argue and it went on for about four hours.

Q. What happened?

A. We just argued. She said she wanted \$10.00 or she was going out. I told her I didn't think she was entitled to \$10.00 or go out.

Q. Then what did she do?

A. The argument kept going and going. Finally we went to bed. When I was asleep she got up and took the car and left. She left the boy with me.

Q. Do you know what time it was she left that night?

A. No.

Q. Were you asleep?

A. Yes.

Q. When did you discover she had left?

A. In the morning.

Q. Had she left a note?

A. Nothing.

Q. Did you know where she was?

A. I thought she went to her mother's but she went to her Aunt Videt's on Turnpike Avenue in Clearfield.

Q. Do you know how long she stayed in Clearfield?

A. No.

Q. This was Friday night she left?

A. Yes.

Q. When did she come back to the house?

A. On September 5.

Q. On a Monday?

A. Yes. She left on Friday and came back on Monday to get the furniture.

Q. Did you talk to her at all between Friday and Monday?

A. I called but couldn't get her any place.

Q. When she came back Monday what happened?

A. She came back on Monday with this Tobias and brother-in-law to get the furniture. I told her she couldn't get it without a Court Order. She had already seen a lawyer. They finally came to an agreement that she would have to have a Court Order. I left her have the furniture. She took everything in the house.

Q. Between Friday and Monday did you have the baby?

A. Yes.

Q. Did she take the baby too?

A. Yes.

Q. Where did she go then?

A. She had her own apartment on North Fourth Street.

Q. After she left and moved to Clearfield did you at any time talk to her about coming back?

A. Two or three different times. One particular time I went with her to see her lawyer and her mother--came down and

Q. they talked and that ended it.

Q. Who was her lawyer?

A. Silberblatt.

Q. Did you and she go to Silberblatt?

A. Yes.

Q. When you were in Silberblatt's office what position did Mr. Silberblatt take?

A. He thought we should be back together.

Q. Was she considering it then?

A. Very much so.

Q. Did she say she would come back?

A. She gave me the understanding, but first she wanted some time to think about it. She went with her mother and afterwards called me and said she wasn't.

Q. Do you know whether or not during the time you lived with your wife she was going out with other men?

A. I found out later that she was.

Q. Did you learn of any particular person she went out with?

A. Joe Tobias.

Q. Did you ever come home from any place and not find her there?

A. Yes, this one time she was out with him.

Q. Where had you been at that time?

A. Working.

Q. What time did you come home from work?

A. At 3:30.

Q. Was she not there?

A. No.

Q. Did you know where she was?

A. Not at that time.

Q. Did you later find out she was out with Tobias?

A. Yes.

Q. Did you go hunting one time and come back and find her not there?

A. Yes.

Q. Did you go to a hunting camp?

A. Yes.

Q. Did you tell her how long you would be gone?

A. Yes.

Q. How long?

A. I left on Monday and told her I would be back on Thursday, but I came back on Wednesday.

Q. What time did you get back?

A. I was back in Clearfield about 8:00 in the evening.

Q. Did she come home at all that night?

A. No.

Q. Did she ever tell you where she had been?

A. No.

Q. Have you been down to see your boy since she left?
A. Several times.
Q. Were you down at Christmas time?
A. Yes.
Q. What did she tell you when you were down there at Christmas?
A. She was showing me all the different clothes she got from different fellows.
Q. Did she tell you where they were from?
A. Yes. Some from Pittsburgh, one from town, Philadelphia and Erie.
Q. Did she show you what each of these fellows got?
A. Yes.
Q. What was there besides clothes?
A. Clock radios, jewelry.
Q. Was she more or less bragging about this in front of you?
A. More or less, yes.
Q. Did you tell her you were going to get a divorce?
A. Yes, I did.
Q. She still didn't want to come back?
A. Yes. She wanted time to think about it. She said she didn't have enough time from the time she got this notice to the time of the hearing.
Q. She left on September 2, 1960 and got this notice about the first week of March but had not made up her mind?
A. Yes.

BY THE MASTER

Q. How old are you?
A. 28.
Q. What is your occupation?
A. Laborer, at Robinson Clay.

Q. Where were you born?
A. Lumber City.
Q. Have you lived in Clearfield County all your life?
A. Yes.
Q. How old is your wife?
A. 24.
Q. What is her occupation?
A. Secretary.
Q. Do you know where she was born?
A. In Olanta.
Q. Has she lived in Clearfield County all her life?
A. Yes.
Q. Is your wife presently in the armed forces of the U. S.?
A. No.
Q. How recently have you seen her?
A. Last Saturday.
Q. When did you build your home and move to Curwensville?
A. Fall of 1958.
Q. Where were you living at the time of your marriage?
A. I was living with my mother and father in Curwensville.
Q. Where was your wife living?
A. In Olanta.
Q. With her parents?
A. Yes.
Q. Is Olanta in Lawrence Township?
A. Yes.
Q. Do you have any understanding or agreement with your wife as far as getting this divorce is concerned?
A. No.

Q. Other than your telling her you were going to apply for a divorce was there any other understanding or agreement between you?

A. No.

Q. Are you contributing anything to the support of your child?

A. Yes.

Q. Did your wife bring an action against you and get a Court Order?

A. Yes.

Q. What is the amount of this order?

A. \$140.00 per month for the support of my wife and child.

Q. Is this paid up to date?

A. No. I was laid off for awhile. I am a month behind.

BY DAN P. ARNOLD, ESQ.

Q. Did you know even today before coming to this Master's Hearing whether or not she would appear here?

A. No I didn't.

Harry Riddle being duly sworn according to law testified as follows:

BY DAN P. ARNOLD, ESQ.

Q. Harry, where do you live now?

A. Curwensville, R. D. with my dad and mother.

Q. In the fall of 1958 when Gerald started to build a home and moved to Curwensville did you live near to him?

A. Yes.

Q. Were you living there until his wife left in September of 1960?

A. Yes.

Q. So all the time he lived in Curwensville on his own property you lived next door?

A. Yes.

Q. Did you know him and his wife?

A. Very well.

Q. Were you back and forth between the two houses, you and Gerald?

A. Yes.

Q. Now, do you know whether or not during the period from the fall of 1958 to 1960 whether or not on any occasion she left him?

A. Yes.

Q. How many times to your own knowledge?

A. Two..

Q. Do you know how long she was gone?

A. First time approximately 2 weeks. The second time was the last time when she never came back.

Q. Did you ever hear any of the arguments they were having next door?

A. I did.

Q. Did you hear the occasion he talked about when his father-in-law preacher came down to the house?

A. I did.

Q. What happened?

A. He came in the house as far as I heard. He put a hex against him, said the walls were going to drop down, said he was no good and yelled at the top of his voice and I heard Gerald ordering him out of the house.

Q. Did you often see his mother-in-law at the house?

A. When I came home on Wednesday at 2:00 I think she spent every Wednesday with his wife and every Saturday they would go away for the majority of the day.

Q. In other words of your own knowledge you know his mother-in-law was around quite often?

A. Yes.

Q. Did you ever hear her carrying on about his being out?

A. Often.

Q. What would happen on these occasions?

A. She didn't like him going to the Vets in Curwensville. He would stop for a beer once in awhile. She didn't think it was a decent place to go. She would fight constantly with him.

Q. Were these occasions when he stayed out all night?

A. No. May be a half hour once a week or two weeks on his way home from work.

Q. You heard her carry on this way?

A. I could hear every argument I was around to hear?

Q. Do you know whether or not while they were living together if she went out with other men?

A. Yes.

Q. Any one person?

A. Joe Tobias.

Q. How do you know?

A. He told me.

Q. Did he tell you what took place and where they went?

A. He told me she met him at a place called Sandy Bottom. He had intercourse with her and the boy was in the car.

Q. How old was the boy then?

A. I couldn't say.

Q. He told you that himself?

A. He did.

Q. You never told Gerald until after the separation?

A. Never.

BY DAN P. ARNOLD, ESQ.

... We are not introducing that as proof of adultery, but as another indignity.

Q. Do you know if Gerald ever tried to get her back when she left?

A. Several times on the phone.

Q. Did she ever come back when she moved the furniture out?

A. No.

BY THE MASTER

Q. Do you know of any understanding or agreement between Gerald Gearhart and his wife to obtain this divorce?

A. No.

Testimony Closed

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

:
:
:
:
:
:

No. 309 November Term, 1960
IN DIVORCE

MASTER'S NOTICE

TO: GERALD O. GEARHART
Schofield Street
Curwensville, Pennsylvania

You are hereby notified that I have been appointed Master in the divorce action of Gerald O. Gearhart against Marie Grice Gearhart in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 309 November Term, 1960, and that I will hold a meeting for the purpose of taking testimony at my office, 26 South Second Street, Clearfield, Pennsylvania, on Tuesday, March 28, 1961 at 2:00 P.M., when and where you may attend with witnesses, if you so desire.

J. Paul Frantz, Jr.
Master

NOW, March 8th, 1961, service of the above notice is accepted by copy.

CHAPLIN & ARNOLD

BY Paul F. Arnold
Attorney for Plaintiff

Gerald Gearhart
Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

:
:
: No. 309 November Term, 1960
:
: IN DIVORCE
:

MASTER'S NOTICE

TO: MARIE GRICE GEARHART
112 N. Fourth Street
Clearfield, Pennsylvania

You are hereby notified that I have been appointed Master in the divorce action of Gerald O. Gearhart against Marie Grice Gearhart in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 309 November Term, 1960, and that I will hold a meeting for the purpose of taking testimony at my office, 26 South Second Street, Clearfield, Pennsylvania, on Tuesday, March 28, 1961 at 2:00 P.M., when and where you may attend with witnesses, if you so desire.

J. Paul Krantz, Jr.
Master

NOW, March 8, 1961 at 9:15 o'clock A.M., served the within notice on Marie Grice Gearhart, Defendant, at _____

Dummit A. and M. Hyde, Pa by handing her attested
Copy and making known the contents thereof.

FEE \$4.00

J B Walker

Sworn to and subscribed before me
this 9th day of March, 1961.

Wm T. Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan., 1962

Amend

*Notice + time of
waived
Van P. Hunsil*

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 309 November Term, 1960
IN DIVORCE

GERALD O. GEARHART

VS.

MARIE GRICE GEARHART

MASTER'S REPORT
(Uncontested)

Costs:

J. Paul Frantz, Jr., \$35.00
Master's Fee
J.B. Walker,
Constable 4.00
(Paid by Master)

FILED
APR-26 1961
WM. T. HIGERTY
PROthonotary
J.R.
26 SOUTH SECOND STREET
CLEARFIELD, PA.