

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>341</u>	<u>November</u>	<u>1960</u>

Shirley M. Alexander

VERSUS

Frank B. Alexander, Jr.

Clearfield County, ss:

The Commonwealth of Pennsylvania, to ROBERT V. MAINE, 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

Shirley M. Alexander Plaintiff,
and

Frank B. Alexander, Jr. 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 1st day of August, in the year of our Lord one thousand nine hundred and sixty one

Wm T. Hager
Prothonotary

To the Honorable, the Judge, &c.:

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

Robert V. Maine 
COMMISSIONER.

No. 341 November Term. 19 60

Shirley M. Alexander

VERSUS

Frank B. Alexander, Jr.

COMMISSION

Gleason, Cherry & Cherry, Attorney.

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

SHIRLEY M. ALEXANDER : No. 341 November Term, 1960
VS. :
FRANK B. ALEXANDER, Jr. : IN DIVORCE:
: :
: :

DOCKET ENTRIES

JANUARY 5, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Attorney:

January 9, 1961, Constable's Return filed: NOW, January 6, 1961, at 10:00 o'clock A.M. EST, served Frank B. Alexander, Jr., at his residence, to wit, 115 East Park Avenue, DuBois, Pennsylvania, with a true and attested copy of the within Complaint In Divorce, No. 341 November Term, 1960, by handing the same to and leaving with him, personally, and making known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

AND NOW, August 1, 1961, By motion on the watch-book, Robert V. Maine, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 1st day of August, 1961

Wm T. Hegerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER, :
Plaintiff :
VS. : No. 341 NOVEMBER TERM, 1960
FRANK B. ALEXANDER, JR., :
Defendant : IN DIVORCE

COMPLAINT

AND NOW, comes SHIRLEY M. ALEXANDER, Plaintiff above named and brings this Complaint in Divorce against her husband, FRANK B. ALEXANDER, JR., on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is SHIRLEY M. ALEXANDER and the name of the Defendant is FRANK B. ALEXANDER, JR.
2. That the said Plaintiff and Defendant were married on January 31, 1954 at DuBois, Pennsylvania.
3. That both parties are adults and competent.
4. That at the time of the said marriage, the Plaintiff and Defendant were natural born citizens of the United States; said Plaintiff has resided in the Commonwealth of Pennsylvania all of her life.
5. That the present residence of the Plaintiff is R. D. #2, DuBois, Clearfield County, Pennsylvania; and the present residence of the Defendant is 115 East Park Avenue, DuBois, Clearfield County, Pennsylvania.
6. That there were no children born to this marriage.
7. No prior divorce action has been instituted by either party.
8. That the said Defendant, in violation of his marriage vows, and of the laws of the Commonwealth of Pennsylvania, has

offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

9. That the Plaintiff further avers that in violation of Defendant's marriage vows and of the laws of this Commonwealth, that the Defendant has, by cruel and barbarous treatment, endangered the Plaintiff's life.

10. This action is not brought out of collusion.

WHEREFORE, the Plaintiff prays that she be freed and separated from the bonds of matrimony heretofore contracted between the said Plaintiff and Defendant and that she be granted a decree in divorce a vinculo matrimonii dissolving the bonds of the said marriage.

GLEASON, CHERRY & CHERRY
By


Edward V. Cherry
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared, before me, a Notary Public, in and for the County and State aforesaid, SHIRLEY M. ALEXANDER, who 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 her knowledge, information and belief, and that the same is not made out of levity or by collusion between herself and the said Defendant for the mere purpose of being freed and separated from each other, but in sincerity and truth for the cause mentioned in the Complaint.

Shirley M. Alexander,
Sworn to and subscribed before me this 4th day of January, 1961.

Josephine M. Alexander
Notary Public
My commission expires Jan. 7, 1963

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 341 NOVEMBER TERM, 1960
IN DIVORCE

SHIRLEY M. ALEXANDER, Plaintiff

VS.

FRANK B. ALEXANDER, JR.,
Defendant

COMPLAINT

TO THE WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY
By William T. Hagerty
Attorneys for Plaintiff

FILED

JAN 5 1961

WM. T. HAGERTY

PROSTORSKY

GLEASON, CHERRY & CHERRY

7-10 DAMUS BUILDING

DU BOIS, PENNSYLVANIA

109 N. BRADY STREET

4/2/61

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER, :
Plaintiff : No. 341 November Term, 1960
-vs- :
FRANK B. ALEXANDER, JR., : IN DIVORCE
Defendant. :
:

(CONSTABLE'S RETURN)

Now, January 6th, 1960, at 10:00 o'clock A.M., E.S.T., served FRANK B. ALEXANDER, JR., at his residence, to wit, 115 East Park Avenue, DuBois, Pennsylvania, with a true and attested copy of the within Complaint in Divorce No. 341 November Term, 1960, by handing the same to and leaving with him, personally, and making known to him the contents thereof.

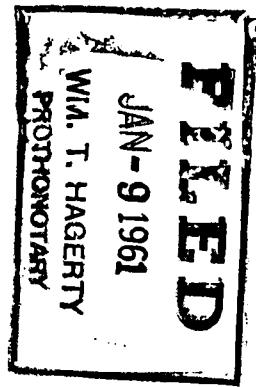
So answers,

Alex Campbell
constable.

Sworn to and subscribed before me this 6th day of January, 1961.

Josephine Cherry

JOSEPHINE M. CHERRY,
Notary Public, My Com-
mission expires Jan. 7, 1963



3/11/1961

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER, :
Plaintiff :
v. : No. 341 November Term, 1960
FRANK B. ALEXANDER, JR., : In Divorce
Defendant :
:

MASTER'S NOTICE

To: FRANK B. ALEXANDER, JR.

You are hereby notified that I have been appointed Master in the divorce action of SHIRLEY M. ALEXANDER, Plaintiff, against FRANK B. ALEXANDER, JR., Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 341 November Term, 1960, and that I will hold a hearing for the purpose of taking testimony in said case at my office, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, at 11:00 a.m., DST, on Tuesday, September 5, 1961, when and where you may attend with witnesses if you so desire.

Robert V. Maine
Master

Service Accepted this
18th day August, 1961
Gleason Cherry & Cherry
by Edward V. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER,
Plaintiff :
v. : No. 341 November Term, 1960
FRANK B. ALEXANDER, JR.,
Defendant : In Divorce

MASTER'S NOTICE

To: FRANK B. ALEXANDER, JR.

You are hereby notified that I have been appointed Master in the divorce action of SHIRLEY M. ALEXANDER, Plaintiff, against FRANK B. ALEXANDER, JR., Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 341 November Term, 1960, and that I will hold a hearing for the purpose of taking testimony in said case at my office, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, at 11:00 a.m., DST, on Tuesday, September 5, 1961, when and where you may attend with witnesses if you so desire.

Robert V. Maine
Master

CONSTABLE'S RETURN

NOW, August 18, 1961, at 11:30 o'clock A.M., DST, served Frank B. Alexander, Jr. at his residence at 115 East Park Avenue in DuBois, Pennsylvania with a true and correct copy of the foregoing Master's Notice by handing the same to him personally and making known to him the contents thereof.

So answers,

Olive Campbell
Constable

Subscribed and sworn to before

me this 18 day of August, 1961.

James S. McLean, Notary Public

JEAN M. McLEAN, Notary Public
CLEARFIELD, PENNSYLVANIA
My Commission Expires April 22, 1964

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER,
Plaintiff
v.
FRANK B. ALEXANDER, JR.,
Defendant

: No. 341 November Term, 1960
: In Divorce

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

The undersigned Master, appointed by the Court to take testimony and report the same with form of Decree, represents as follows:

SCHEDULE

1. Complaint in Divorce: Complaint filed January 5, 1961. One copy certified to attorney.
2. Service: Service of the Complaint was made upon the defendant on January 6, 1961 at his residence, 115 East Park Avenue, DuBois, Pennsylvania, by Alex Campbell, Constable, who handed the same to him, left the same with him and made known to him the contents thereof.
3. Appointment of Master: Robert V. Maine, Attorney, was appointed Master on August 1, 1961.
4. Date and Place fixed for Hearing: The Master's hearing was scheduled for September 5, 1961 at 11:00 a.m., DST, in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania.
5. Notice of Master's Hearing: Service of the Master's Notice was made upon the defendant on August 18, 1961 at his residence, 115 East Park Avenue, DuBois, Pennsylvania, by Alex Campbell, Constable, who handed the same to him, left the same with him and made known to him the contents thereof.
6. Master's Hearing: The Master's hearing was held at the time and place aforesaid. Edward V. Cherry appeared as attorney for the plaintiff, who appeared in person with a witness, her mother, Mrs. Lillian Kessler. The defendant did not appear in person or by counsel. Testimony was taken in question and answer form.

CAUSE OF DIVORCE

Indignities and cruel and barbarous treatment

FINDINGS OF FACT

1. Marriage: The plaintiff and defendant were married in DuBois, Pennsylvania on January 31, 1954.

2. Residence and Citizenship: The plaintiff and defendant are natural born citizens of the United States. They lived in DuBois for several months after their marriage then moved to Elyria, Ohio, where they lived for several years. They returned to DuBois in 1957 or 1958 and lived at the home of the plaintiff's mother for several months until moving to Park Avenue in DuBois where they resided until the time of their separation, a period of approximately six months. The plaintiff at that time returned to her mother's home at R. D. #2, DuBois, Pennsylvania, where she is living at the present time. The present residence of the defendant is 115 East Park Avenue, DuBois, Pennsylvania.

3. Ages and Occupations: The age of the plaintiff is 34 and she was employed by the B. F. Goodrich Company in DuBois but is laid off at the present time. The age of the defendant is 38 and he is believed to be unemployed at the present time.

4. Children: There were no children born to this marriage.

5. Armed Forces: Neither the plaintiff nor the defendant is a member of any branch of the armed forces of the United States, as appears from the testimony attached to and made a part of this report.

6. Findings on the Merits: The grounds for divorce alleged in the complaint were indignities and cruel and barbarous treatment. The evidence produced by the plaintiff and corroborated by her mother, Mrs. Lillian M. Kessler, supports the following findings:

The marriage of the parties proved to be an unhappy one almost from the beginning. The defendant showed little or no affection toward the plaintiff and persisted in swearing at her and exhibited a belligerent attitude toward third parties in public places and in the presence of the plaintiff. He frequently hit the plaintiff, at times using his fists and causing her to be bruised, and on many occasions threatened the plaintiff's life. The defendant used intoxicating liquor to excess, kept company with other women,

stayed away from home without explanation of his behavior and finally choked the plaintiff to such an extent that she believed he was trying to choke her to death. This event precipitated the separation.

During most of the time the parties were living together the plaintiff worked and furnished support for the family. The money earned by the defendant was used in gambling and drinking.

There is no evidence of collusion to obtain a divorce.

DISCUSSION

In the opinion of the Master the charge of indignities to the person of the plaintiff was established by the evidence. There is nothing in the testimony to show that the intolerable conduct of the defendant was provoked or justified by the plaintiff's actions. The conduct of the defendant toward the plaintiff was embarrassing, degrading, humiliating and inconsistent with the plaintiff's position and relationship as a wife, such conduct being of a character which would render the condition of any woman of ordinary sensibilities intolerable and her life burdensome. See Krupp v. Krupp, 95 Pa. Superior Court 474 and Wick v. Wick, 352 Pa., 25.

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.
2. The defendant is guilty of indignities to the person of the plaintiff, rendering her condition intolerable and life burdensome, contrary to subsection 1(f) of the Act of May 2, 1929 P. L. 1237, Section 1 (21 P. S. 10) as supplemented and amended.
3. The proceedings conform to the rules of Court and the requirements of the law.
4. The plaintiff is an injured and innocent spouse.

RECOMMENDATION

The Master recommends a Decree granting Shirley M. Alexander a divorce a vinculo matrimonii from Frank B. Alexander, Jr., a form of Decree being hereto attached.

Respectfully submitted,

Robert V. Maine
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXX

Shirley M. Alexander } Of November Term, 19 60
No. 341
VERSUS
Frank B. Alexander, Jr. }
DIVORCE

And Now, the 23rd day of Oct. 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; ~~except~~
~~xxxxxx~~

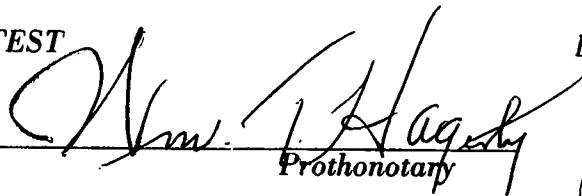
We, therefore, DECREE that SHIRLEY M. ALEXANDER be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ and FRANK B. ALEXANDER, JR.

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~~

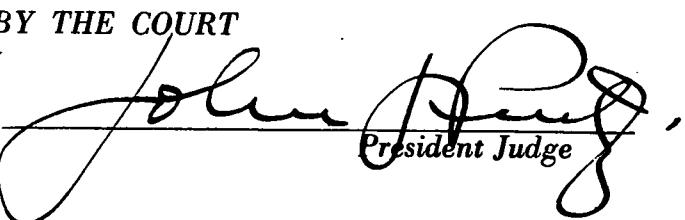
The Prothonotary is directed to pay the Court costs, including Master's fees, as noted
herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said Master a fee of \$85.00

his
~~her~~ costs expended in this action.

ATTEST


Prothonotary

BY THE COURT


John D. Peay
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

SHIRLEY M. ALEXANDER, Plaintiff :
VS. : No. ____ NOVEMBER TERM, 1960
FRANK B. ALEXANDER, JR., Defendant : IN DIVORCE

MASTER'S HEARING

SHIRLEY M. ALEXANDER, being produced and sworn testifies as follows:

BY MR. CHERRY:

Q. When and where were you married?

A. We were married in DuBois on January 31st, 1954.

Q. Where did you first reside after you were married, Mrs. Alexander?

A. In DuBois.

Q. Do you recall the street address?

A. It was off of Rumbarger Avenue.

Q. And that's DuBois, Pennsylvania?

A. Yes.

Q. How long did you live at this residence?

A. About 4 or 5 months.

Q. And then where did you move to?

A. I moved to Ohio, Elyria, Ohio.

Q. And what year was this when you moved to Elyria, Ohio?

A. That was in 1954.

Q. And how long did you live in Elyria, Ohio?

A. About 3 to 4 years.

Q. And then where did you and your husband move to?

A. We moved back to DuBois.

Q. At DuBois, Pennsylvania?

A. Yes.

Q. And what year would that be?

A. About 1957 or '58.

Q. And then where did you move to in DuBois, Pennsylvania?

A. I moved to my mother's residence.

Q. And what is that address?

A. That is R.D. 2, DuBois.

Q. DuBois, Clearfield County, Pennsylvania?

A. Yes.

Q. And how long did you and your husband live at this address?

A. About 4 or 5 months.

Q. And then where did you and your husband move to?

A. My husband moved first and I followed.

Q. And where did you move to?

A. Park Avenue.

Q. And then you and your husband lived at a residence on Park Avenue, DuBois, Pennsylvania?

A. Yes.

Q. And how long did you live at this residence?

A. About six months.

Q. And then where did you and your husband move to?

A. We didn't move anywhere together - I moved.

Q. Is this the time that you separated?

A. Yes.

Q. I see. And you say that you moved at this time?

A. Yes.

Q. Where did you move to?

A. I moved back to my mother's residence.

Q. Is this DuBois R.D. 2?

A. Yes.

Q. And approximately what month and year would this be?

A. I would say 1958 pretty close to '59.

Q. And have you lived at this last residence up unto the present date?

A. Yes, I have.

Q. Are you a citizen of the United States?

A. Yes.

Q. Is your husband a citizen of the United States?

A. Yes.

Q. What is your present age and occupation?

A. I'm 34 years old and I am laid off from B. F. Goodrich Company in DuBois, Pennsylvania.

Q. And you're laid off at the present time?

A. Yes.

Q. What is the age and occupation of your husband?

A. My husband's age is 38 and he has no occupation.

Q. Were there any children born to this marriage?

A. No.

Q. Are you a member of the Armed Forces of the United States at the present time?

A. No.

Q. Is your husband a member of the Armed Forces of the United States at the present time?

A. No.

Q. Mrs. Alexander, what would you say was the chief cause of your marital difficulty?

A. Well, my husband wouldn't keep a job for one thing, and he was cruel in his behavior toward me, and he drank too much and got so he was uncontrollable when he did drink too much.

Q. Mrs. Alexander, did your husband engage in drinking alcoholic beverages excessively?

A. Yes, he did.

Q. Did he ever come home intoxicated?

A. Yes, many times.

Q. Would this happen every week?

A. Every week and almost every night.

Q. You mean practically every night of your married life your husband would be intoxicated?

A. Yes.

Q. Did this cause much trouble in your household?

A. Yes, it did.

Q. How would he act when he was in this condition?

A. He would get very mean and he would put bruises upon me and strike me, and you just couldn't talk sense to him at all.

Q. Did you ask him to refrain from this excessive drinking because it was destroying your married life?

A. Yes, I did.

Q. Did it do any good?

A. No, it didn't do any good, he would drink more than ever.

Q. You mentioned about bruises, has your husband ever hit you?

A. Yes, he's hit me many times, he's tried to choke me to death.

Q. What would he hit you with?

A. Well, usually anything that was near him that he could pick up and hit with, and lots of times his fist.

Q. You mean with a closed fist?

A. Yes.

Q. Did he do this quite often?

A. Quite often, yes.

Q. How often would you say in a month's time, would your husband beat you?

A. I would say once or twice a week.

Q. And did you give him any reason for him to act in this manner?

A. No, I did not.

Q. Did your husband have a bad temper?

A. Yes, very bad, with everyone not only me.

Q. Did this become worse when he was drinking?

A. Yes, much worse.

Q. Now these beatings that you have testified to, did you ever receive any of these beatings in the presence of others?

A. Yes, I did.

Q. And how many times would you say you received beatings from your husband in the presence of others?

A. I would say 10 or 15 times.

Q. And so it made no difference to him if there were other people around, this did not deter him when it come to licking you, is that correct?

A. No, it didn't stop him.

Q. Did any of these beatings leave you with any scars at all, Mrs. Alexander?

A. No.

Q. Were you ever bruised on account of these beatings?

A. Yes.

Q. Were these bruises noticed by other people, Mrs. Alexander?

A. Yes, they were.

Q. Would you be questioned about these bruises?

A. Yes, if the people hadn't seen him putting them on me at the time.

Q. What effect did this have on you?

A. Well, like for instance the time my husband tried to choke me to death he left bruises all over my neck and several people at work and other places noticed these bruises and asked me what had happened to me. Different other times I would say I bumped into something and put the bruises on myself, but these bruises around my neck I just couldn't lie about them they were there and you just can't bump into something on your neck like that. They would embarrass me and it was just a terrible thing to have to explain to people about a woman's husband would treat them that way. When I would see other girls and their husband's would be so nice to them they would never think of bruising them or touching them like that. My husband all he seemed to think about was bruising somebody and if he couldn't start a fight with me it was somebody else, or anybody that just happened to be around he would fight with them.

Q. Mrs. Alexander, because of these beatings that your husband has given you were you ever put in fear of your life?

A. Yes, I was. I remember one instance my husband was drinking and he dragged me out of a Club in DuBois, we were together at the time, and he told me that he was going to kill me in front of several people in that Club that he was suspended himself from that Club at that time I had him arrested and put on peace bond at that time because he had really threatened me at this certain time to a point where I was really afraid for my life because when he does drink like that he could kill somebody

very easily.

Q. Did your husband threaten to kill you more than once, Mrs. Alexander?

A. Oh yes.

Q. Then he has threatened you several times throughout the time you both lived together?

A. Oh yes, and even after I had lived with him.

Q. Is this one of the reasons that you left your husband?

A. Yes, it is. It certainly is.

Q. Did you have this fear of his taking your life right up to the day that you separated?

A. I certainly did. It was the day before I separated that my husband tried to choke me to death. It was the day before I think - the evening before.

Q. This has finally convinced you to leave your husband?

A. Yes, that's what convinced me.

Q. What kind of a provider was your husband?

A. He wasn't. He never worked at all. The longest he worked during our married life was about a year or a year and a half and then he decided he was tired working and quit his job.

Q. How long was it up until the time of your separation that your husband did not work?

A. I'd say two years, maybe three.

Q. And then who supported you, Mrs. Alexander?

A. I did most of the time.

Q. You mean you were working throughout the time you were married?

A. Most of the time, yes.

Q. How did your husband provide for you during the time that he did work, Mrs. Alexander?

A. He didn't provide for me. He liked to use his money for horse races, pinball machines and so on, and drinking.

Q. Mrs. Alexander, did your husband ever embarrass you in the presence of others?

A. Yes, many times and especially one time I recall he got himself suspended from the Veterans of Foreign Wars and he had belonged to that Club for years and years.

Q. What happened?

A. He went out in the middle of the floor because I wouldn't give him my paycheck to squander and he went out into the middle of the floor and he got a mean streak and threatened everybody in the Club and told them to come on out and fight and so on, jumping around, boxing or something in the middle of the floor, I don't know what you would call it. The Bartenders finally had to throw him out.

Q. What effect did this have on you?

A. My heart was in my throat. I thought at that time he was in one of his mean streaks, I thought he was going to kill somebody the way he was acting and I just sat there and shivered and shaked and a couple of ladies in the Club took me aside and took me back in the restroom so that I could get up enough nerve to walk out, I was ashamed to walk out of the Club in front of all of those people.

Q. Did you always keep a home for him and prepare the meals for him, Mrs. Alexander?

A. I did when we had a home of our own in Ohio and when we moved back here to DuBois I got a job almost right away and I was working every day. When I would come home I would do the washing, prepare the meals the best that I could, but most of the time we were living with other people and they prepared the meals

that they wanted prepared.

Q. Did your husband use any foul language in your presence and in the presence of other people, Mrs. Alexander?

A. In the Club he used foul language in front of any one - even small children.

Q. Would this tend to embarrass you, Mrs. Alexander?

A. Oh my yes.

Q. Was there any agreement between you and your husband to obtain this divorce?

A. No, there wasn't.

Q. During the time that you and your husband lived together did your husband go out with other women, Mrs. Alexander?

A. Yes, he did. He was going out with another woman at the time I left him.

Q. And is this another reason why you left when you did?

A. It certainly is, although it was all this other fault because that was just a minor fault. The main reason was because I was mostly afraid that he would kill me so that he always did threaten my life and I was afraid he might kill me to get this other girl. He seemed so crazy about her.

Q. Did you ever see him out with this other woman, Mrs. Alexander?

A. Yes, I did many times.

Q. Did you tell your husband about it?

A. Yes, I did.

Q. And did you ask him to stop running around with this woman?

A. I did and he said he wouldn't.

Q. Did other people see him out with this other woman?

A. Yes.

Q. And would they tell you about it?

A. Yes.

Q. What effect did this have on you?

A. It made me feel terrible and heart sick to think that I had made such a terrible mistake.

Shirley M. Alexander
MRS. LILLIAN KESSLER, being produced and sworn testifies as follows:

BY MR. CHERRY:

Q. What is your full name, Mrs. Kessler?

A. Mrs. Lillian M. Kessler.

Q. Where do you live?

A. R.D. 2, DuBois, Pennsylvania.

Q. Are you the mother of Shirley M. Alexander, the Plaintiff in this action?

A. Yes, I am.

Q. Mrs. Kessler did you ever visit the home of Mr. and Mrs. Alexander during the time they lived together?

A. Yes, I did many times in Ohio, especially when she was out there.

Q. What kind of a home did Mrs. Alexander keep for her husband?

A. Oh, she kept a beautiful home, except for one thing she usually didn't have much food.

Q. Is this because of her husband being the way he was?

A. Yes, it is. I had to help Shirley out a lot because Frank wouldn't work and Shirley - it took all Shirley's pay check to pay the rent and utilities. She didn't have much left for food.

Q. Mrs. Kessler, what would you say was the chief cause of their marital difficulties?

A. Well, I would say it was on account of Frank's drinking and his refusal to work, and his temper among other things, and his treatment of Shirley.

Q. Mrs. Kessler, you heard Mrs. Alexander testify she received many beatings from her husband during the time they lived together. Were you ever present when Mr. Alexander gave her any of these lickings?

A. Yes, I was on several occasions.

Q. Would you mind telling us maybe about one instance when you were present?

A. Well, in one case it was in my kitchen and Frank picked up a piece of salami I had just bought. He picked that up off the table and hit Shirley over the head with it and then he threw hot coffee in her face and he drew water from the tap and threw that in her face, and punched her on the arm, and several things like that.

Q. You say you have been present several times whenever Mr. Alexander gave these beatings to Mrs. Alexander?

A. Yes, I have been and at another time I remember I wasn't in the room with Shirley but I could hear her talking to Frank and asking him not to hit her.

Q. Did Mrs. Alexander ever talk to you about the beatings she received from her husband?

A. Yes, she did many times.

Q. Did she testify the many times as a result of these beatings received from her husband she had marks on her body, did you ever notice any of these marks?

A. Yes, I did. I noticed marks on her arms many times and one instance in particular I noticed the day Shirley called me up to come down where they lived on Park Avenue to bring her home, she had marks on her neck that looked like finger marks and she told me that Frank had tried to choke her to death.

Q. Were you ever present when Frank threatened to kill her, Mrs. Kessler?

A. No, I never actually heard that, but Shirley told me about it many times.

Q. Did Mrs. Alexander give him any reason to act in this manner?

A. No, she did not. She worked and kept him in fact.

Q. Now Mrs. Alexander talked about his drinking, did you ever see Mr. Alexander intoxicated?

A. Yes, I did, practically every night when they lived with us up in the trailer at R.D. 2. He would come in intoxicated just in time for Shirley to go to work. Then he would sleep all day until it was time for him to go down to pick her up and bring her home.

Q. How would he act when he would be intoxicated, Mrs. Kessler?

A. Well, he would be very belligerent and very mean, and you could not talk to him.

Q. Now, Mrs. Alexander talked about his running around with another woman. Do you know anything about this, Mrs. Kessler?

A. Well, just what I heard. I never saw him with her, but I have heard it.

Q. Was it the general talk in the community about his running around?

A. Yes, it was. It certainly was.

Q. What effect did this have on Mrs. Alexander?

A. Well, she could hardly get over it. She didn't know what to think.

Q. Mrs. Alexander talked here today about the terrible language that Mr. Alexander would use. Were you ever present when he used this profane language?

A. Oh, yes, I've heard him swear and use profane language many times.

Q. Would he do this in the presence of other people beside you and Mrs. Alexander?

A. Oh, yes, he did this in the presence of my husband and my father, and any of my family that happened to be around.

Q. What kind of a provider was Mr. Alexander?

A. Mr. Alexander didn't provide at all for Shirley or her home. He practically refused to work. He worked very little while they were married. Shirley worked most of the time, to keep him, and whatever money he did make he used for drinking.

Q. Mrs. Kessler, when Mr. and Mrs. Alexander lived with you, would Mr. Alexander always be home at the regular meal time?

A. Well, as a rule he would come in in the morning and he was usually intoxicated at that time.

Q. What do you mean? Would he go out in the evening and not come back until the next morning?

A. That's what I mean. He'd go out in the evening, directly after dinner and wouldn't return until the next morning.

Q. Would he do this quite often?

A. Practically every night.

Q. Did Mrs. Alexander approve of this?

A. Oh, my no.

Q. Did she tell him about it?

A. Yes, she did. She asked him not to do it.

Q. What would happen?

A. He would become belligerent and tell her to mind her own business that he was going to do as he pleased. He said if she didn't like it he was going to move down with his mother and that's exactly what he did. Then Shirley went down there, she said she wanted to give him another chance, so she moved down

there too and things became worse instead of better.

Q. Mrs. Kessler, did you observe the health and condition of your daughter, Mrs. Shirley M. Alexander during the time she lived with her husband?

A. Yes, I did. Shirley was very nervous, in fact she had to take medicine for her nerves at that time.

Q. Have you observed her health and condition since the day she separated from her husband?

A. Yes, I have. She has improved a lot. She's very much better.

Q. Mrs. Kessler, was there any agreement, to your knowledge, between Mr. and Mrs. Alexander to obtain this divorce?

A. Oh, no, I never heard any agreement like that.

Mrs. Lillian M. Kessler

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY M. ALEXANDER

v.

No. 341 November Term, 1960

FRANK B. ALEXANDER, JR.

In Divorce

ACCEPTANCE OF SERVICE

And now, the 13th day of October, 1961, service of notice as to filing the
Master's report is hereby accepted and time waived.

Deason Cheny Cheny
by Edward V Cheny

Attorney for Plaintiff

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

No. 341 November Term, 1960

SHIRLEY M. ALEXANDER,
Plaintiff

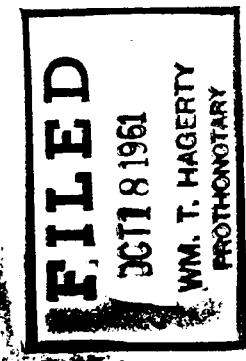
v.

FRANK B. ALEXANDER, JR.,
Defendant

Uncontested

Master's Report
Decree

Robert V. Maine, Master's fee	\$85.00
Service of Master's notice	3.50
	\$88.50



ROBERT V. MAINE
ATTORNEY-AT-LAW
DUBOIS, PA.

Service of Within Master's Report Accepted and
Filed herein this 10th day of October, 1961
Helen Cherry & Cherry
By Edward V Cherry