

DOCKET NO. 172

NUMBER	TERM	YEAR
<u>387</u>	<u>September</u>	<u>1960</u>

Elma Jean Myers

VERSUS

Robert C. Myers

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

JOHN A. CHERRY, 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

ELMA JEAN MYERS

Plaintiff ,

and

ROBERT C. MYERS

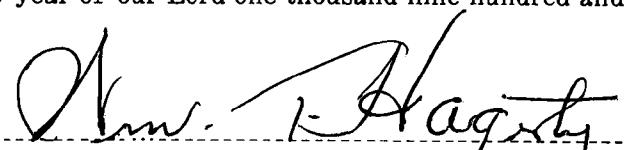
Defendant ,

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.

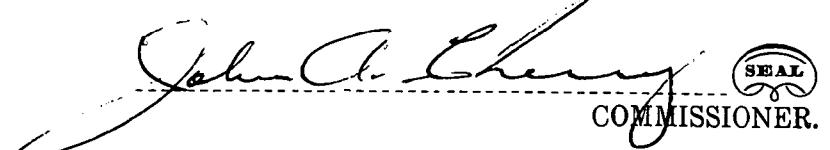
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 9th day of December, in the year of our Lord one thousand nine hundred and sixty.


John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

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


John A. Cherry
SEAL
COMMISSIONER.

No. 387 September term. 1960.

ELMA JEAN MYERS

VERSUS

ROBERT C. MYERS

COMMISSION

David E. Blakley Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELMA JEAN MYERS : No. 387 SEPTEMBER TERM, 1960
-vs- :
ROBERT C. MYERS : IN DIVORCE

MASTER'S REPORT

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

The undersigned Commissioner appointed by your Honorable Court to take testimony and report the same with form of decree in the above case, respectfully represents:

I. COMMISSION.

(Hereunto attached).

II. DOCKET ENTRIES AND SCHEDULE

(Docket Entries hereunto attached).

SCHEDULE.

1. October 27, 1960, Complaint in Divorce filed, one copy certified to Sheriff.

2. Complaint in Divorce was served personally on the Defendant by Alex Campbell, Constable, at 10:30 o'clock P.M. October 28, 1960.

3. On December 9, 1960, by motion on the Watch Book, John A. Cherry, Esq., was appointed Master to take Testimony and report the same with form of decree.

4. Hearing appointed in said case for Wednesday, January 4th, 1961, at 10:00 o'clock A.M., E.S.T., at the offices of Gleason, Cherry & Cherry, DuBois, Pennsylvania. Notice of said hearing was served personally on said Defendant by Alex Campbell, Constable, on December 13th, 1960 at 10:30 A.M., E.S.T., at his place of employment, to wit, the DuBois Deposit National Bank, DuBois, Pennsylvania.

5. On Wednesday, January 4th, 1961, at 10:00 o'clock A.M., at the offices of Gleason, Cherry & Cherry, time

and place for hearing having arrived, there appeared before your Master, ELMA JEAN MYERS, Plaintiff; and David E. Blakley, Attorney for said Plaintiff.

III. COMPLAINT AND FILED PAPERS.

(Hereunto attached).

IV. CAUSE OF DIVORCE - Indignities to the Person.

V. FINDINGS OF FACT:

1. Marriage - The Plaintiff and Defendant were married on the 24th day of November, 1948, in Reynoldsville, Pennsylvania.

2. Residence - The Plaintiff and Defendant were both natural born citizens of the United States and the Commonwealth of Pennsylvania. Plaintiff's present residence being 22 $\frac{1}{2}$ First Avenue, Reynoldsville, Pennsylvania. The present residence of the Defendant being R. D. #1, DuBois, Clearfield County, Pennsylvania.

3. Citizenship - Both the Plaintiff and the Defendant are natural born citizens of the United States.

4. Age and occupation - The Plaintiff is 31 years of age and a factory worker. The Defendant is of the age of 32 years and is a bookkeeper.

5. Children - There were two children born to this marriage, namely, Robert, aged 10; and Kathleen, aged 8. Both of whom reside with the Plaintiff at 22 $\frac{1}{2}$ First Avenue, Reynoldsville, Pennsylvania.

6. Military Service - The Defendant is not in the military service, and he was not in the military service during their married life. He had served in the U. S. Navy prior to their marriage.

7. Findings on the Merits and Discussion - It would appear from the evidence that the Defendant has been guilty of such indignities to the person of the Plaintiff as to entitle her to a divorce. Their difficulties existed over a period of years, and for the last two years of their co-habitation, Defendant's actions were such that the Plaintiff could not live with him. He would not only strike her with his fists, but would beat her with a belt; all of which actions continued for a period of time. He would continually swear at and curse the Plaintiff; and would never express any satisfaction with what she did do. At one time he even lay a knife at the side of his head when they retired, putting great fear in the Plaintiff. He would forever criticize her and belittle her actions, declaring that she never did anything right. His actions were such that she suffered great mental anguish and physical pain, causing bad effect on the Plaintiff's nerves. As a result of these actions, it was impossible for the Plaintiff to live with the Defendant as husband and wife.

Under the circumstances it is your Master's opinion that Indignities to the Person, has been established and that a divorce a vinculo matrimonii must therefore be granted to the Plaintiff.

VI. CONCLUSIONS OF LAW.

1. Your Commissioner finds that the proceedings in this action are in accordance with the requirements of law and Rules of Court.

2. The Court has jurisdiction of the action and the parties.

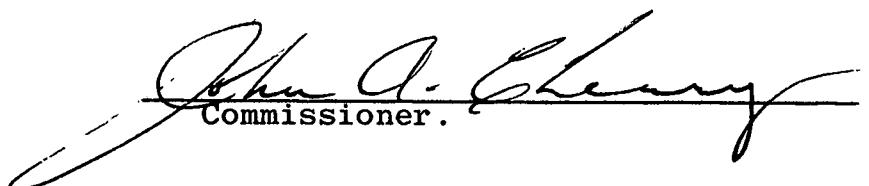
3. Good and sufficient grounds for divorce have been established by the evidence.

VII. RECOMMENDATION.

Your Master recommends that a divorce be granted

to the Plaintiff and against the Defendant on the ground of
Indignities to the Person.

Respectfully submitted,


John A. Cherry
Commissioner.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELMA JEAN MYERS :
-vs- : No. 387 SEPTEMBER TERM, 1960
ROBERT C. MYERS : IN DIVORCE

NOTICE OF MASTER'S HEARING

TO: ROBERT C. MYERS, of R. D. #1, DuBois, Pennsylvania:

You are hereby notified that the undersigned, JOHN A. CHERRY, Esq., has been appointed Master in the above entitled action, and that a hearing in said cause will be held in the offices of Gleason, Cherry & Cherry, Attorneys at Law, 109 North Brady Street, DuBois, Pennsylvania, on Wednesday, January 4th, 1961, at 10:00 o'clock A.M., E.S.T., when and where you may appear with your witnesses, if you so desire.

John A. Cherry
JOHN A. CHERRY, Esq.
Master

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

On this, the 13th day of December, 1960 before me, the undersigned officer, personally appeared ALEX CAMPBELL, Constable who, being duly sworn according to law, deposes and says that he served the above named defendant, ROBERT C. MYERS, with the above notice, by making the contents thereof known to him and giving him a copy of the same at his employment, to wit, DuBois Deposit National Bank, DuBois, Pennsylvania, at or about the hour of 10:30 A. M. on December 13 1960, that he knew the Defendant to be the person so served, de-

-2-

riving his information from the said defendant; that at the time of service thereof, the said defendant was not in the military service of the United States being a civilian and residing at R. D. #1, DuBois, Pennsylvania.

Ally Campbell

Sworn to and subscribed before me this 13th day of December, 1960.

Joseph W. Henry
Notary Public
My Com. expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELMA JEAN MYERS :
vs : No. 387, September Term, 1960
ROBERT C. MYERS :
: :
: : : : : : IN DIVORCE
: : : : : :
: : : : : :

CONSTABLE'S RETURN

NOW, October 28, 1960, at 10:30 o'clock, P.M., served Robert C. Myers, at his place of business, DuBois Deposit National Bank, DuBois, Pennsylvania, a true and attested copy of Complaint in Divorce at No. 387, September Term, 1960, by handing the same to him and leaving with him, personally and making known to him the contents thereof.

And so answers,

Clif Campbell
Constable

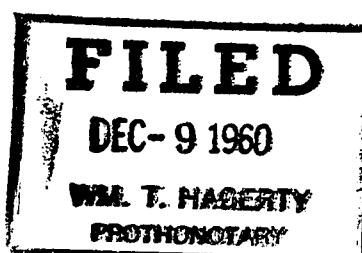
Costs \$3.00

Sworn to and subscribed before me
this 28th day of October, 1960.

*To be filed
Blakley*

Mrs. Della W. Egan

MRS. DELLA W. EGAN, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Sept. 30, 1962



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELMA JEAN MYERS:

VS. :

No. 387 September Term, 1960.

ROBERT C. MYERS:

IN DIVORCE

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

OCTOBER 27, 1960, COMPLAINT IN DIVORCE filed: One copy certified to the Attorney.

December 9, 1960, Constable's Return, filed:

NOW, October 28, 1960, at 10:30 o'clock P.M. served Robert C. Myers, at his place of business, DuBois Deposit National Bank, DuBois, Pennsylvania, a true and attested copy of Complaint In Divorce at No. 387, September Term, 1960, by handing the same to him and leaving with him, personally and making known to him the contents thereof. And so answers, Alex Campbell, Constable.

NOW, November 21, 1960, JOHN J. CHERRY, 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 9th day of December, A.D. 1960.

Wm T. Flaherty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ELMA JEAN MYERS :
vs : No. 387, Sept. Term, 1960
ROBERT C. MYERS : IN DIVORCE

*

COMPLAINT

The Plaintiff brings this action of divorce on the following causes of action:

1. The name of the Plaintiff is Elma Jean Myers, and of the Defendant is Robert C. Myers, both being of full age and competent.

2. The Plaintiff is residing at R. D. 1, DuBois, Brady Township, Clearfield County, Pennsylvania.

3. The Defendant is residing at R. D. 1, DuBois, Brady Township, Clearfield County, Pennsylvania.

4. Both the Plaintiff and the Defendant are citizens of the United States.

5. The Plaintiff and Defendant were married on November 24, 1948 in Reynoldsville, Pennsylvania.

6. There were two children born as a result of this marriage, to wit: Robert C., Jr., Aged 10, and Kathleen Ann, aged 8, both of whom reside with the Plaintiff.

7. Plaintiff avers that the Defendant, in violation

of his marriage vows and of the laws of the Commonwealth of Pennsylvania, did offer such indignities and cruel and barbarous treatment to the person of the Plaintiff as to render her life burdensome and her condition intolerable.

8. That neither party has instituted prior divorce proceedings in this or any other county, and that there is not now pending any divorce proceedings between the parties.

9. This action is not collusive.

WHEREFORE, your Plaintiff prays that she be granted a divorce a vincula matrimonii from the Defendant.

And she will ever pray.

AMMERMAN & BLAKLEY

BY 

Attorney for Plaintiff

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

The above named, ELMA JEAN MYERS, being duly sworn according to law, deposes and says that the statements contained in the above complaint are true, and that the said complaint is not made out of levity or by collusion between her and the said Respondent, Robert C. Myers, for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in the said libel.

Elma Jean Myers
Elma Jean Myers

Sworn to and subscribed
before me this 3rd day of
September, A.D., 1960.

Mrs. Della W. Egan

MRS. DELLA W. EGAN, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Sept. 30, 1962

No. 57, Sept Term, 1960

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

IN DIVORCE

ELMA JEAN MYERS,

-vs-

ROBERT C. MYERS

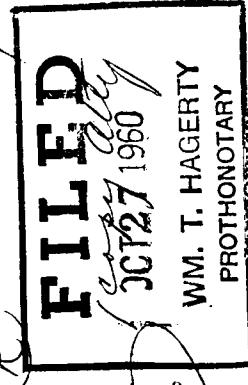
COMPLAINT

TO THE WITHIN DEFENDANT:

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

John Blakley

Attorney for Plaintiff



PENTZ, AMMERMAN & BLAKLEY
DUBOIS, PENNSYLVANIA

John Blakley

ELMA JEAN MYERS, Plaintiff, being duly sworn according to law, testified as follows:

BY MR. BLAKLEY:

Q. Would you state your name, please ?

A. Elma Jean Myers.

Q. And you are married to Robert C. Myers, is that correct ?

A. Yes.

Q. When and where were you married ?

A. In the Methodist Church in Reynoldsville on November 24, 1948.

Q. Are you over the age of 21 ?

A. Yes.

Q. And is he over the age of 21 ?

A. Yes.

Q. Where is he residing at present ?

A. R. D. 1, DuBois.

Q. And where are you residing ?

A. At 22½ First Avenue, Reynoldsville.

Q. Did you move to Reynoldsville after your separation ?

A. Yes.

Q. And it was after the filing of this divorce, wasn't it ?

A. Yes.

Q. Where did you reside at the time you were married ?

A. On the farm in Reynoldsville, at my home.

Q. And he was living in DuBois, wasn't he ?

A. That's right.

Q. After your marriage, where did you first move ?

A. Well, temporarily while he was in school we stayed

at his home for several months, until we got an apartment over at State College. From the apartment we moved to a trailer.

Q. How long have you lived in DuBois ?

A. Since - well, this last time since 1952.

Q. Since 1952 then, both of you have continuously resided in Clearfield County.

A. Yes, with the exception of when he was on the road selling - he had an address in West Virginia.

Q. You still lived here though ?

A. Yes.

Q. Are you a citizen of the United States ?

A. Yes.

Q. Is he ?

A. Yes.

Q. What is your age and occupation ?

A. Well, I suppose you could classify me as a factory worker, and I'm 31.

Q. What is his age and occupation ?

A. He is a bookkeeper, and he is 32.

Q. Were there any children born as a result of this marriage ?

A. Yes, two.

Q. What are their names and ages ?

A. Robert, a boy was born in 1950 - he is ten, and Kathleen was born in 1952, she's 8.

Q. Where do the children reside at the present time ?

A. With me in Reynoldsville.

Q. Was your husband ever in the military service ?

A. Yes, he was in the Navy before I met him.

Q. He hasn't been in the military service since you have been married ?

A. That's right.

Q. You are not in the military service at this time, are you ?

A. No, I'm not.

Q. Did you ever file any divorce action prior to this ?

A. No.

Q. Is there any agreement between you and him that you are to get this divorce ?

A. No.

Q. When did your difficulties first start ?

A. Over a period of years.

Q. When did they become such that you were unable to live with him ?

A. The last two years.

Q. What date did you separate ?

A. Approximately September 15th, or a couple days prior.

Q. Around the middle of September of this year ?

A. Yes.

Q. Now, did he ever physically harm you ?

A. Yes, he did.

Q. In what manner ?

A. He would hit me, slap me, used a belt.

Q. Used a belt - you mean struck you with it ?

A. Yes.

Q. Did he do this recently, prior to your separation ?

A. Well, it was in the late winter or early spring.

Q. Did he strike you or beat you very often during your married life ?

A. Well, I don't know what you would call often. Off and on, I would say Yes.

Q. I mean, would he strike you as a result of quarrels ?

A. Temper tantrums, because things didn't go his way.

Q. Well, say in the last two years, could you estimate how many times he may have struck you ?

A. I'd say about four or five times.

Q. At the times he beat you did he ever leave any marks on you ?

A. He definitely did.

Q. Did he ever swear at you or curse, or call you names ?

A. All the time, when he was mad.

Q. Did you ever give him any reason for these tantrums ?

A. Anything I did never satisfied or pleased him. I certainly didn't want to bring them on, because I knew the results. I tried to get along with him.

Q. How did he treat the children ?

A. At times there couldn't have been a better father. It just seemed that when he was disturbed one way or the other, he used foul language right in front of them and to them.

Q. Did he ever strike them unreasonably ?

A. Yes, I think he has hit them entirely too hard, both of them, but he was a strict father.

Q. Did he ever threaten you with your life ?

A. O, my yes.

Q. Did he threaten to kill you ?

A. He has never actually pointed a gun at me, not in the last two years, but prior to that, he often would lay a knife at the side of his head when he went to sleep.

Q. Now during your married life, did you ever have any trouble with other women ?

A. No, not that I know of. He definitely didn't, he was home all the time.

Q. Did he ever drink to excess ?

A. No. Bob does not drink excessively at all.

Q. It was mainly these temper tantrums in which he would strike you and call you vile names ?

A. I would say Yes.

Q. Did he ever say that he didn't care for you ?

A. Well, in one breath when he was having one of these spells, yes, and then it wouldn't be ten minutes but he would tell me that he loved me and that he doesn't know why he does things like that.

Q. Did he ever hit you with anything besides his hand or a belt ?

A. His slipper.

Q. Now then, did you ever request him to stop this conduct or try to change ?

A. I certainly have.

Q. What would be his answer ?

A. Well, he would say that I wasn't trying hard enough--

Q. You weren't trying hard enough ?

A. Oh, my yes, - it was always me.

Q. In other words nothing that you ever did would please him ?

A. That's right. That's what it boils down to.

Q. Did you perform the marital duties properly, that is, keep house properly, and prepare meals properly, and things that a wife should do ?

A. I feel that I did.

Q. Did you see any reason for his conduct ?

A. No, I couldn't.

Q. Did he use profane language towards you ?

A. Yes.

Q. Did he ever ^{use} profane language in front of other people ?

A. Yes, he has.

Q. Was this embarrassing to you ?

A. Very much so.

Q. Who would he use this in front of ? Your friends, your relatives ?

A. Yes he spoke in front of friends and relatives.

Q. In other words, he would usually embarrass you in front of other people ?

A. Yes.

Q. Would this be during a fit of anger ?

A. If something hadn't gone right, he would just get all worked up.

Q. Now then, were you actually in fear of your physical well-being while you were living with him ?

A. For quite some time, Yes. I didn't know what he ever might decide to do. I was very much afraid.

Q. Did this have an effect on your health in any way ?

A. I would say it did affect my nerves, for I didn't know how he was going to act.

Q. In other words, you could never anticipate his temper tantrums ?

A. That's right. I would think he was in a perfectly good humor and out of a clear blue sky, something would happen, and - -

Q. Are your nerves better now that you have separated ?

A. I think they are.

Q. There is no longer any mental anguish over his

A. Yes.

Q. Did he ever ^{use} profane language in front of other people ?

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Q. Are your nerves better now that you have separated ?

A. I think they are.

Q. There is no longer any mental anguish over his

possible conduct or beating you, or anything is there ?

A. No.

Q. Do you feel that it would be possible for you to go back with him ?

A. As of now I never intend to go back with him, and I don't think I ever will.

Q. During your married life did you ever go out much, that is have many friends and go out together ?

A. No, very seldom that we went out.

Q. Generally then, no one witnessed his beatings or anything like that ?

A. That's correct.

Q. Then during the last two years you have lived out on the farm, is that correct ?

A. That's right.

Q. Are there any close neighbors ?

A. No, there isn't.

Q. In other words, you and he have lived pretty much to yourselves the last several years ?

A. That's right.

Elma Jean Myers

In the Court of Common Pleas of Clearfield County, Pennsylvania

ELMA JEAN MYERS

Of SEPTEMBER Term, 19 60

No. 387

VERSUS

ROBERT C. MYERS

DIVORCE

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

We, therefore, DECREE that ELMA JEAN MYERS be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between himself and ROBERT C. MYERS.

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 ELMA JEAN MYERS his her costs expended in this action.

ATTEST

W. T. Hart
Prothonotary

BY THE COURT

John F. Bent
President Judge

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

No. 387 September Term 1960

ELMA JEAN MYERS
Libellant

VERSUS

ROBERT C. MYERS
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 387 SEPTEMBER TERM, 1960
IN DIVORCE

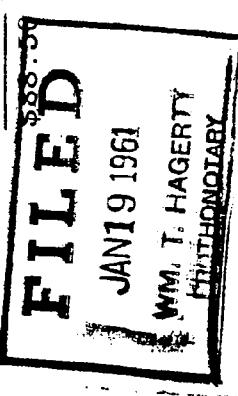
ELMA JEAN MYERS

-vs-

ROBERT C. MYERS

MASTER'S REPORT
(UNCONTESTED)

John A. Cherry, Esq.
Master's Fee \$ 85.00
Alex Campbell,
Constable,
Serving Master's
Notice of Hearing
3.50



LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET

Mar 19 1961, Same Argued & Taken of Record
Waino.
D. S. B. S.
Atty. for Plaintiff