

DOCKET NO. 172

NUMBER	TERM	YEAR
396	September	1960

Margaret Mae Simbeck, by her  
mother and Nat. Gdn. Rosella Becker

VERSUS

Lawrence Owen Simbeck

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Clearfield County, ss:

The Commonwealth of Pennsylvania, to \_\_\_\_\_

\_\_\_\_\_  
DAVID E. BLAKLEY, 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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MARGARET MAE SIMBECK, by her mother and \_\_\_\_\_ Plaintiff ,  
natural Guardian, Rosella Becker  
and \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
LAWRENCE OWEN SIMBECK \_\_\_\_\_ 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  
\_\_\_\_\_ 4th \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_, in the year of our Lord one thousand nine hundred and  
\_\_\_\_\_ sixty-one. \_\_\_\_\_

\_\_\_\_\_  
*Mr. T. Hagerty*  
Prothonotary

To the Honorable, the Judge, &c.:

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

\_\_\_\_\_  
*W. J. Blag*  
COMMISSIONER. 

No. 396 September Term. 19 60

MARGARET MAE SIMBECK, by

her mother and natural

Guardian, Rosella Becker  
VERSUS

Lawrence Owen Simbeck

COMMISSION

Cherry  
Gleason, Cherry & Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by her :  
Mother and natural Guardian :  
ROSELLA BECKER :

vs

LAWRENCE OWEN SIMBECK

: No. 396 SEPTEMBER TERM, 1960

: IN DIVORCE

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MASTER'S REPORT

The Master, David E. Blakley, Esquire, files the following report in the above stated action of divorce.

I.

SUPPLEMENTAL DOCKET ENTRIES

January 5, 1961	Notice of Master's Hearing issued by the Master to Alex Campbell, Constable
January 6, 1961	Notice of Master's Hearing served personally on the defendant by Alex Campbell, Constable, return of service being attached to this report
January 27, 1961	10:00 o'clock A.M., Master's Hearing at which time there was present John A. Cherry, Attorney for Plaintiff, who requested a continuance of the hearing. The continuance was granted.
January 31, 1961	Notice of adjourned Master's Hearing issued to Alex Campbell, Constable
February 1, 1961	Service of Notice of adjourned Master's Hearing on the defendant by Alex Campbell, Constable. Return of service hereto attached.
February 6, 1961	3:00 o'clock P.M. Master's hearing, at which time appeared John A. Cherry, Attorney for the Plaintiff; Margaret Mae Simbeck, the plaintiff; Mr. Blake Becker, witness for the plaintiff, and Rosella Becker, mother and natural guardian of the plaintiff.

II

The Complaint and all filed papers are arranged in the order of filing and attached hereto.

III.

Cause of divorce: Desertion and indignities.

#### IV.

##### Findings of fact:

1. The Plaintiff and Defendant were married in Washington Township, Jefferson County, Pennsylvania on June 8, 1957.

2. The Plaintiff has been a resident of Clearfield County, Pennsylvania since August of 1958, and the Defendant is presently a resident of DuBois, Clearfield County, Pennsylvania, and has been so since August, 1958.

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

4. The Plaintiff is 20 years of age, and is represented in this action by her Mother, Rosella Becker, as natural guardian, and is unemployed.

5. The Defendant is 26 years of age and is employed by the Kennedy Transfer Co. in DuBois.

6. There was one child born as a result of this marriage, namely Debra Suzanne Simbeck, 3 years of age, who resides with the Plaintiff.

7. Military service. Neither the Plaintiff nor the Defendant are in military service at the present time. The Plaintiff appeared at the hearing and so stated, and the Constable's return of service of Notice of Master's Hearing, states therein that the Defendant was not a member of the military service at the time of service.

8. Findings on the merits: The Master finds from the evidence produced that the Plaintiff is entitled to a divorce on the grounds of desertion.

9. Discussion: It appears from the testimony presented at the hearing, which was uncontradicted, that on September 15, 1958, the Defendant demanded that the Plaintiff leave their house

and not return. The demand was made under threats of killing the Plaintiff if she did not leave. The Plaintiff, did therefore, in fear of her life, leave the residence of the Defendant and went to live with her parents, and has lived there ever since, without cohabiting with the Defendant. It appears that the Defendant has never requested, nor even indicated that he wanted the Plaintiff to come and live with him again. This of course is a period of greater than two years, which is required for a divorce on the grounds of desertion in Pennsylvania. It appears that the separation of the parties was due to the acts of the Defendant. It is the duty of the wife to live with the husband and to go with him regardless of where he may reside. However, the wife is under no duty to undergo burdensome treatment at the hands of the husband, and if the Defendant makes life intolerable for the Plaintiff, she may leave the premises and it is actually desertion on behalf of the Defendant here. The Plaintiff was forced to leave the premises of the Defendant at his demand and under threats of being killed. This would constitute a desertion of the Plaintiff by the Defendant. This willful absence continued for a period of greater than two years. Under the circumstances of the Defendant driving the Plaintiff from their habitat, and in no way asking the Plaintiff to return, it must be presumed that the desertion was willful. Therefore, the Plaintiff is entitled to a divorce upon the grounds of desertion.

V.

Conclusions of Law:

The Plaintiff and Defendant are legally married, and the marital relationship still subsists between them.

The parties are properly before the Court. The Plaintiff

is a resident of Clearfield County, Pennsylvania, and proper service was made on the Defendant.

That the facts found establish grounds for divorce a vinculo matrimonii.

VI.

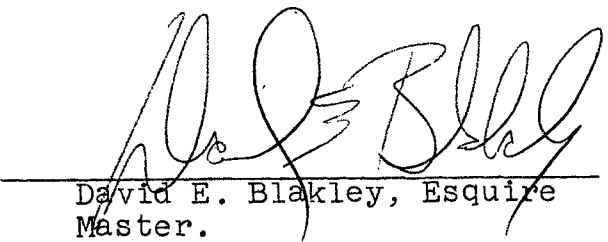
Recommendation:

The Master finds that the evidence of the Complaint relating to desertion are sustained and recommends that the prayer of the Plaintiff be granted and that a decree be entered by the Honorable Court divorcing Margaret Mae Simbeck, the Plaintiff and Lawrence Owen Simbeck, the Defendant, from the bonds of matrimony now subsisting between them.

VII.

Suggested form of decree:

A suggested form of decree is hereto attached and made a part hereof. All of which is respectfully submitted.



David E. Blakley, Esquire  
Master.

In the Court of Common Pleas of Clearfield County, Pennsylvania



MARGARET MAE SIMBECK, by her Mother and natural guardian, ROSELLA BECKER      Of      September      Term, 19 60  
No.      396

VERSUS

LAWRENCE OWEN SIMBECK

DIVORCE

And Now, the 24 day of Feb 19 61, the report of the Master is acknowledged. We approve his findings and recommendations; except as to

We, therefore, DECREE that MARGARET MAE SIMBECK be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between herself and LAWRENCE OWEN SIMBECK. 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

Margaret Mae Simbeck her costs expended in this action.

ATTEST  
[Signature]  
Prothonotary

BY THE COURT  
[Signature]  
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

MARGARET MAE SIMBECK, by her :  
mother and natural guardian, :  
ROSELLA BECKER :  
: No. 396 SEPTEMBER TERM, 1960  
VS :  
: IN DIVORCE  
LAWRENCE OWEN SIMBECK :

CONSTABLE'S RETURN

NOW, February 1, 1961 at 11:45 A/M., served LAWRENCE OWEN  
SIMBECK  
SIMBECK, Defendant above, at his place of employment at 222  
West Long Avenue, DuBois, Pennsylvania, with a copy of the  
foregoing notice of adjourned Master's hearing by handing him  
the same and leaving with him personally, and making known to  
him the contents thereof.

And further, that at the time of said service, the said  
Lawrence Owen Simbeck was not a member of the military service  
of the United States.

So answers.

Alex Campbell  
Alex Campbell

Sworn to and subscribed before me this

2nd day of February, 1961

COSTS: \$3.50

Paid by Master

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

MARGARET MAE SIMBECK, by her :  
mother and natural guardian, :  
ROSELLA BECKER :

vs :

LAWRENCE OWEN SIMBECK :

No. 396 SEPTEMBER TERM, 1960


IN DIVORCE

MASTER'S NOTICE

TO: JOHN A. CHERRY, Attorney for Plaintiff

TO: LAWRENCE OWEN SIMBECK, Defendant.

You are hereby notified that the undersigned has been appointed Master in the above entitled divorce action, for the purpose of taking testimony and reporting the same, together with suggested form of decree to the Court. For the purpose of carrying out said duties, the Master will hold an adjourned hearing in his office, #218 DuBois Deposit National Bank Building, DuBois, Penna., on Monday, February 6, 1961 at 3:00 o'clock P.M., when and where you may appear along with witnesses, if you so desire.

  
\_\_\_\_\_  
David E. Blakley, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by her :  
mother and natural guardian, :  
ROSELLA BECKER :  
vs : No. 396 SEPTEMBER TERM, 1960  
LAWRENCE OWEN SIMBECK : IN DIVORCE

CONSTABLE'S RETURN

NOW, January 6th, 1961 at 4:00 o'clock P.M. served  
LAWRENCE OWEN SIMBECK, Defendant above, at his residence at  
216 West Long Avenue, DuBois, Pennsylvania, with a copy of the  
foregoing notice of Master's hearing by handing the same to  
and leaving with him personally, and making known to him the  
contents thereof.

And further, that at the time of said service, the  
said Lawrence Owen Simbeck was not a member of the military  
service of the United States.

So answers,

Alex Campbell  
Alex Campbell

Sworn to and shbscribed before me this 10th day of  
January, 1961

Mrs. Della W. Egan

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

COSTS: \$3.50

Paid by Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by her :  
mother and natural guardian, :  
ROSELLA BECKER, : No. 396 SEPTEMBER TERM,  
: 1960  
vs :  
: IN DIVORCE  
LAWRENCE OWEN SIMBECK :

MASTER'S NOTICE

TO: JOHN A. CHERRY, Attorney for Plaintiff  
TO: LAWRENCE OWEN SIMBECK, Defendant.

You are hereby notified that the undersigned has been appointed Master in the above entitled divorce action, for the purpose of taking testimony and reporting the same, together with suggested form of decree to the Court. For the purpose of carrying out said duties, the Master will hold a hearing in his office, #218 DuBois Deposit National Bank Building, DuBois, Penna., on Friday, January 27, 1961 at 10 o'clock A.M., when and where you may appear along with witnesses, if you so desire.

  
\_\_\_\_\_  
David E. Blakley, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by	:	
her mother and natural	:	No. 396 September Term, 1960
Guardian, Rosella Becker	:	
	:	IN DIVORCE
vs.	:	
	:	
LAWRENCE OWEN SIMBECK	:	

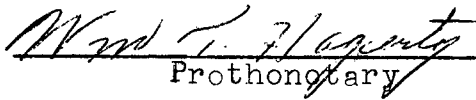
D O C K E T    E N T R I E S

OCTOBER 28, 1960, COMPLAINT IN DIVORCE, filed: One Copy  
certified to Attorney.

CONSTABLE'S RETURN: NOW, October 30, 1960, at 2:30 P.M. EST  
served LAWRENCE OWNE SIMBECK, at his place of employment, to wit:  
Kennedy's Transfer Company, 222 West Long Avenue, DuBois, Pennsyl-  
vania, with a true and attested copy of the within Complaint In  
Divorce No. 396 September Term, 1960, by handing to the same and  
leaving with him personally and making known to him the contents  
thereof. So answers, Alex Campbell, Constable of Sandy Township.

January 4, 1961, by Motion on the Watch-book, David E. Blakley,  
Esq., is appointed Master to take the testimony and report the same  
with form of Decree. By the Court, John J. Pentz, President Judge.

Certified from the record this 4th day of January, A. D., 1961.

  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by her  
mother and natural guardian,  
ROSELLA BECKER,  
Plaintiff;

No. 396 SEPTEMBER TERM,  
1960

-vs-

IN DIVORCE

LAWRENCE OWEN SIMBECK,  
Defendant.

(CONSTABLE'S RETURN)

Now, October 30, 1960, at 2:30 P.M., E.S.T., served  
LAWRENCE OWEN SIMBECK, at his place of employment, to wit: Kennedy's  
Transfer Company, 222 West Long Avenue, DuBois, Pennsylvania, with  
a true and attested copy of the within Complaint in Divorce No.  
396 September Term, 1960, by handing the same to and leaving with  
him, personally, and making known to him the contents thereof.

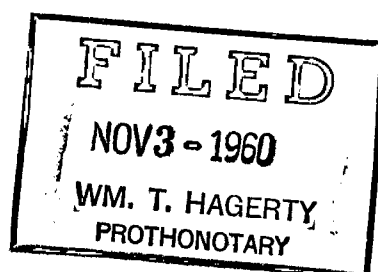
So answers,

*Alice Campbell*  
Constable of Sandy Township

Sworn to and subscribed before me this 31st day of October,  
1960.

*Josephine M. Cherry*

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



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET MAE SIMBECK, by her :  
mother and natural guardian,  
ROSELLA BECKER, :

Plaintiff; :

No. 396 SEPTEMBER TERM, 1960

-vs- :

IN DIVORCE

LAWRENCE OWEN SIMBECK, :  
Defendant. :

COMPLAINT

Now comes MARGARET MAE SIMBECK, Plaintiff above named, and brings this complaint in divorce against her husband, LAWRENCE OWEN SIMBECK, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is MARGARET MAE SIMBECK and the name of the Defendant is LAWRENCE OWEN SIMBECK.

2. That both parties are competent; that said Plaintiff is a minor of the age of twenty (20) years; and said Defendant is an adult.

3. That the said Plaintiff and Defendant were married on June 8, 1957, in Smithtown Union Church, Washington Township, Pennsylvania.

4. That at the time of the said marriage, the Plaintiff and Defendant were natural born citizens of the United States; and said Plaintiff and Defendant have resided in the Commonwealth of Pennsylvania all of their lives.

5. That the present residence of the said Plaintiff is Route #2, Reynoldsville, Pennsylvania; and the present residence of the said Defendant is Clear Run (Sandy Township), Pennsylvania.

6. That there was one child born to this marriage, namely, DEBRA SUZANNE SIMBECK, born on February 4, 1958, who has



resided since birth and does at the present time reside with said Plaintiff at Route #2, Reynoldsville, Pennsylvania.

7. That in violation of his marriage vows and the laws of the Commonwealth, the said Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

8. That the said Defendant has wilfully absented himself from the habitation of the Plaintiff and has wilfully and without just cause deserted said Plaintiff for a period of two years and upwards, to wit, from September 15, 1958, until date.

9. That no previous divorce action has been instituted by either party.

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 be granted a decree in divorce a vinculo matrimonii dissolving the bonds of the said marriage.

Margaret Mae Simbeck

Rosella Becker

Mother and natural guardian.

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS.

Personally appeared, before me, a Notary Public, in and for the County and State aforesaid, MARGARET MAE SIMBECK, 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 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 causes mentioned in the Complaint.

Margaret Mae Simbeck

Sworn to and subscribed before me this 26<sup>th</sup> day of October, 1960.

Josephine M. Henry  
Notary Public  
My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 396 SEPTEMBER TERM, 1960  
IN DIVORCE

MARGARET MAE SIMBECK, by  
her mother and natural  
guardian, ROSELLA BECKER,  
Plaintiff;

-VS-

LAWRENCE OWEN SIMBECK,  
Defendant.

COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

By

*WM. T. HAGENTY*  
3612 A 1960

WM. T. HAGENTY  
PROTHONOTARY  
LAW OFFICES

GLEASON, CHERRY & CHERRY  
7-10 DAMUS BUILDING  
Du Bois, PENNSYLVANIA

109 N. BRADY STREET

4/20 *atlg*

MARGARET MAE SIMBECK, being produced and sworn, testifies as follows:

BY MR. CHERRY:

Q When and where were you married, Mrs Simbeck?

A. In Smithtown Union Church, Falls Creek, Jefferson County on June 8, 1957.

Q. That's Falls Creek, Pennsylvania, is that correct?

A. Yes.

Q. Right after you were married, where did you and your husband reside?

A. On Franklin Street, in DuBois, Pennsylvania; then we moved to West Long Avenue, in DuBois, Pennsylvania

Q. When did you move to West Long Avenue in DuBois, Pennsylvania?

A. About a month after we moved to Franklin Street

Q. How long did you reside at this West Long Avenue premises in DuBois, Pennsylvania?

A. From July until September.

Q. What year?

A. 1957.

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

A. Denver, Colorado.

Q. How long did you live in Denver, Colorado?

A. I was there from September to January--January 12th, 1958.

Q. On January 12th, 1958, where did you move to?

A. I came back to Pennsylvania, Route 2 Reynoldsville, Pa.

Q. And did your husband move with you at this time?

A. No, he came back a month later on February 5th.

Q. Of what year?

A. 1958.

Q. And then did he move in with you at this residence?

A. Yes, he did for a few months.

Q. And then where did you move to?

A. Well, we went from there to West Weber Avenue, I mean East Weber Avenue in DuBois, Pennsylvania.

Q. How long did you reside at East Weber Avenue, DuBois, Pennsylvania?

A. Until August of 1958.

Q. You stated that you left the last residence, Weber Avenue, on August of '58?

A. Yes, I did.

Q. Where did you move to from there?

A. Main Street, DuBois, Pennsylvania.

Q. How long did you reside at Main Street, DuBois, Pennsylvania?

A. Well, until September.

Q. Of what year?

A. 1958. I lived at the last residence until September 15, 1958.

Q. And then were did you move to?

A. Back to Route #2, Reynoldsville, Pennsylvania, with my parents.

Q. Is this the date of your separation from your husband?

A. Yes.

Q. So when you moved back with your parents you moved only by yourself, is that correct?

A. Well, I moved with my daughter.

Q. You moved with your child and without your husband?

A. No, he didn't go with us.

Q. And you haven't lived together since the date of that separation, is that correct?

A. That's right.

Q. Are you a citizen of the United States?

A. Yes.

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

A. Yes.

Q. Were any children born to this marriage?

A. Yes, one, a girl.

Q. Will you kindly state her name, age and her place of residence?

A. Debra Suzanne Simbeck, she'll be 3 on February 4th, she was born on February 4th, 1958, and she resides at R. D. #2 Reynoldsville, Pennsylvania, with me, and my parents.

Q. Has she resided with you since the date of your separation?

A. Yes she has.

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

A. No.

Q. Is your husband presently a member of the Armed Forces of the United States?

A. No.

Q. What is your age and occupation?

A. Well, I'm 20 and I am a housewife.

Q. What is the age of your husband?

A. 26.

Q. What is his present occupation?

A. He works for Bob Kennedy Transfer in DuBois, Pennsylvania.

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

A. Well, we couldn't get along. He didn't want to go places when I did. He would tell me to get ready and go myself. And he was a very poor provider and he had a terrible temper. He was always making statements to the effect that I was running around with other men and that wasn't true.

Q. You stated that your husband was a poor provider, did he not try to work steady when he was married and you were living together?

A. Well, he didn't seem to be able to hold a job and he never worked.

Q. Well, then how did you get along while you were living together, if your husband did not provide for you, Mrs. Simbeck?

A. My father and mother helped us out. They gave me money and told me to buy groceries.

Q. You stated that your husband was always accusing you of running around with other men as a source of your marital difficulties; did these accusations occur throughout your married life while you were living together?

A. Yes.

Q. And did he have any basis for these accusations?

A. No, none whatsoever.

Q. What effect did this have on you, hearing these accusations being continually made during the time you lived with your husband?

A. Well, they made me sick, I got to where I couldn't take it any more. It also made me a nervous wreck, especially since I knew I wasn't guilty of it. He continued making them.

Q. Did your husband ever beat you, Mrs. Simbeck?

A. Yes, he slapped me around a couple of times.

Q. And did he have any reason or cause to take such action?

A. No.

Q. You stated that you separated from your husband on September the 15th, 1958, would you like to tell us a little bit about the circumstances that surrounded this separation?

A. Well, I asked him to go places with me and he told me to get ready and go by myself and that is when he started to slap me around because I asked him if he thought he was too good to go with me. That's when that terrible argument started. He told me that morning before he went to work that if I wasn't out of there when he came home, he would kill me. So that afternoon I called my mother and father and asked them if they would come and get me and they did. I took my little girl, packed most of my things and took them with me.

Q. You mean, Mrs. Simbeck, that your husband told you he wanted you to get out of the house and leave for good, is that correct?

A. That's right.



Q. And did he state to you that if you didn't leave the house and wasn't gone by the time he came home from work that night that he would kill you?

A. Yes he did.

Q. Were you afraid that he might do something like this to you?

A. Yes I was because of his terrible temper; and the fact that he had beaten me up before.

Q. Has he made any effort to resume marital relations with you from that date, that is, September 15th, 1958 to the present date?

A. No he hasn't.

Q. Did you ever have your husband arrested for support?

A. No I didn't.

Q. Was there any agreement on behalf of your husband to pay support to you and the child?

A. Well, just for the baby. He agreed to pay \$25.00 a month for our child, Debra.

Q. Is this the reason why you never had him arrested for support?

A. Yes, it is.

Q. And did he keep up these payments?

A. No.

Q. Is he behind on these payments at the present time?

A. Yes he is.

Q. From the date of your separation, on September 15th, 1958, to the present date, how many payments would you say that he has not made?

A. About half of them.

Q. Who helps you, whenever you don't receive these payments, to live, Mrs. Simbeck?

A. My mother and father.

Q. Has your husband ever visited your child since the date of your separation?

A. Yes, he has.

Q. How often has he visited your child; that is, since the date of your separation?

A. Twice.

Q. Just twice since September 15th, 1958?

A. Yes.

Q. And when were those two occasions?

A. Well, one was December the 23rd, 1958 and then January 9th, 1961.

Q. Did your husband show much affection toward this child, Mrs. Simbeck?

A. Well, when we lived together he did; but not after we were separated. He only came around twice to see her after we separated.

Q. Did your husband show much affection toward you Mrs. Simbeck?

A. When, we were married, at first he did, while we were still together, but not at the end.

Q. Mrs. Simbeck, you stated that your husband was always accusing you of running around with other men, did you give him any reason to make such accusations?

A. No, I did not.

Q. Did you ever run around with other men?

A. No I didn't.

Q. Did you try to convince your husband that you were not

guilty of these accusations?

A. Yes, I did.

Q. Did it do any good?

A. No.

Q. Did he continue to accuse you of running around with other men from the date of your marriage to the date of your separation?

A. Yes.

Q. Was this a big source of your marital difficulties?

A. Yes it was.

Q. Would your husband ever go out by himself without telling you where he was going?

A. Well, onetime he did. He was out drinking.

Q. And what time did he come home that day?

A. Well, he came in late the next morning. I mean early the next morning.

Q. Was he intoxicated at the time?

A. I don't know. I went to bed and he was down stairs when I heard him.

Q. You say your husband would refuse to take you out with him, is that correct?

A. Yes.

Q. And you asked him many times?

A. Yes.

Q. And he refused to do it?

A. Yes, that's right.

Q. Did your husband give you any reason for refusing to take you out with him to places of entertainment?

A. No, he'd just say he didn't want to go.

Q. And would he go out any other times by himself without telling you?

A. No, he didn't.

Q. Mrs. Simbeck, what was your condition during the time that you lived with your husband?

A. Well, I was always sick and nervous with him threatening me and accusing me. I knew it wasn't true. Now I am pretty well content when I am at home. I find out I am not near as nervous as I was when I was living with him.

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

A. No, sir, there was not.

Q. Mrs. Simbeck, is there something else you would like to state at this hearing?

A. Well, yes, before we were married he was going with a girl and he got her in trouble and they had a little girl and she had him taken to Clearfield to the Court for non-support of her child and they picked him up and put him in jail, he was there for some time and when he sent the money to Court, they sent it to her and released him from jail.

Q. When did you find out about this, before you were married or after you were married to him?

A. After, that's when she had him picked up.

Q. Oh, she had him arrested after you married him, is that correct?

A. Yes.

Q. Had he told you about this before your married him?

A. No, he hadn't.

Q. So this came as a complete surprise to you, is that correct?

A. Yes. And I would also like to mention that on January 9th, 1961, when he came to visit our daughter, he wanted to know if my parents would adopt her.

Q. He wanted to know if they would adopt your child?

A. Yes.

MR. BLAKE BECKER, Being produced and sworn, testifies as follows:

BY MR. CHERRY:

Q. Mr. Becker, are you related to Mrs. Simbeck, the Plaintiff in this divorce action?

A. Yes, I am.

Q. What is the relationship?

A. I'm her father.

Q. Mr. Becker, what would you say was the chief difficulty in their marital relations?

A. Well, he seemed to me to be an awful poor provider, he didn't have no work at the time he got married and from the time they lived together till they parted. He had no job, and he lived on Social Security Benefits, what they did have-----

Q. You mean unemployment?

A. Unemployment benefits, and when he did get a little bit of work, which wasn't very much I don't think, he just seemed to take the money and spend it foolishly.

Q. Mr. Becker, did Mrs. Simbeck always treat her husband as a faithful wife should?

A. Well, as far as I know about it she did. She seemed to try to set up a house, I was at the place one time, right after they got married and it seemed to be pretty decent and all that around there but he just didn't have anything to keep up a home with.

Q. Mr. Becker, you heard your daughter testifying that her husband ordered her out of the house and if she didn't leave he was going to kill her. What do you know about this?

A. Well, she called down at home and I went up and took her and got her stuff and took her down to my place. He wasn't even there, she was thereby herself so we loaded the stuff in and I took her home with me. Well when we went down there she had her stuff all sitting on the porch and she seemed to be in an awful frame of mind, excited and all that so we loaded the stuff up and I took her home. He didn't come to see her after that as far as I know for a year. When we went down I asked her what was the trouble and she told us that at the time he threatened to kill her if she didn't get out so we loaded the stuff up and took her home with us.

Q. And what date was that Mr. Becker?

A. Was on September the Fifteenth, 1958.

Q. Now, to your knowledge Mr. Becker, has Mr. Simbeck ever made any offer to Mrs. Simbeck to resume marital relationships.

A. As far as I know he's not.

Q. Now Mr. Becker, Mrs. Simbeck stated that she has lived with you and your wife since that date of the forceful separation from her husband. From that date to the present time how many <sup>times</sup> have you seen Mr. Simbeck in your home since that time?

A. Well, he came there on Christmas in 1958 to see the little girl and he's not been there since that until January the ninth of this year.

Q. Do you have any knowledge whether Mr. Simbeck has kept up his promise of support agreement of Twenty-Five (\$25.00) Dollars a month?

A. Well in the last year he's paid a part of it to me, directly to me, I'd say about eight or nine payments of Twenty-Five Dollars (\$25.00) Dollars a month for the child, but to my knowledge he's never paid her a cent for her own.

NO. 396 SEPTEMBER TERM, 1960

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.	
IN DIVORCE	
MARGARET MAE SIMBECK, by her mother and natural guardian, ROSELLA BECKER	VS
LAWRENCE OWEN SIMBECK	
MASTER'S REPORT	
<div>Master's Fee \$ 85.00 Constable's costs 7.00 (Paid by Master) \$ 92.00</div> <div>FILED FEB 13 1961 WPA. T. H. CLEARY PROthonary</div>	
LAW OFFICES AMMERMAN & BLAKLEY DUBOIS, PENNA.	

Service Accepted Feb 6, 1961 and  
Time Waived  
Isleason Cherry Cherry  
by Edward V Cherry