

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>424</u>	<u>November</u>	<u>1960</u>

Carol Ann Heitsenrether & Minor,

by Clark G. Smith, her Guardian

VERSUS

Larry M. Heitsenrether

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Clearfield County, ss:

**The Commonwealth of Pennsylvania, to**

WILLIAM U. SMITH, 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

CAROL ANN HEITSENRETH, A Minor by Clark

G. Smith, her Guardian

Plaintiff ,

and \_\_\_\_\_

LARRY M. HEITSENBETHER

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 17th day of February, in the year of our Lord one thousand nine hundred and sixty-one.

*Ann T. Hagerty*  
Prothonotary

To the Honorable, the Judge, &c.:


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

in schedule hereunto annexed.

*William Smith*

-----

COMMISSIONER



No. 424 November Term. 1960

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CAROL ANN HEITSENRETH  
a Minor, by Clark G. Smith,  
her guardian.

VERSUS

LARRY M. HEITSENRETH

---

COMMISSION

Ammerman & Blake Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETHET,  
a Minor, by Clark G. Smith,  
her Guardian.

: No. 424 November Term, 1960  
:  
: IN DIVORCE  
:  
:  
:

vs.

LARRY M. HEITSENRETHET

D O C K E T    E N T R I E S

January 17, 1961, Complaint In Divorce filed. One copy certified to the Sheriff.

January 25, 1961, Sheriff's Return, filed: NOW, January 24, 1961, at 11:30 o'clock A.M. served the within Complaint In Divorce on Larry M. Heitsenrether at corner of Second and Market Street, Clearfield, Pa., by handing to him personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

NOW, February 15, 1961, By motion on the Watch Book, William U. Smith, 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 16th day of February, A. D. 1961.

*Wm L. Hagerty*  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETHET,  
a Minor, by her Natural  
Guardian, CLARK G. SMITH

vs.

LARRY M. HEITSENRETHET

)  
(  
)  
( 424 November Term 1960  
)  
)  
( IN DIVORCE

COMPLAINT

1. The Plaintiff, Carol Ann Heitsenrether, a minor, sues by her natural guardian and father, Clark G. Smith, who resides at 215 Filbert Street, Curwensville Borough, Clearfield County, Pennsylvania.

2. Defendant is Larry M. Heitsenrether a citizen of Pennsylvania whose last known address was 206 McNaul Street, Curwensville Borough, Clearfield County, Pennsylvania.

3. Plaintiff has resided in the Commonwealth of Pennsylvania continuously for a period of twenty years immediately preceeding the filing of this Complaint.

4. The parties were lawfully joined in marriage on the 8th day of September, 1956, in Clearfield, Pennsylvania by Rev. Roy Hauser and both were at the time of the marriage citizens of Pennsylvania and the United States and domiciled in Curwensville Borough, Clearfield County, Pennsylvania.

5. Two children Richey Lee, age 3, born February 2, 1957, and Lori Lynn, age 6 months, born June 24, 1960, were born to this marriage. They reside with the Plaintiff at 215 Filbert Street, Curwensville Borough, Clearfield County, Pennsylvania.

6. In violation of his marriage vows and the laws of this

3-11

Commonwealth, the Defendant has over a period of time from about June 1, 1958, to date at Curwensville Borough, Clearfield County, Pennsylvania, and other places in the Commonwealth of Pennsylvania offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

7. This action is not collusive.

WHEREFORE, Plaintiff prays that a decree be entered divorcing the Plaintiff from the bonds of matrimony heretofore existing between Plaintiff and Defendant.

*Amman & Blakely*  
*By Joseph S. Amman*  
Attorneys for the Plaintiff

COMMONWEALTH OF PENNSYLVANIA )

( SS:

COUNTY OF CLEARFIELD

The above named CAROL ANN HEITSENRETH, plaintiff, and CLARK G. SMITH, guardian, being duly sworn according to law, declare that the statements contained in the foregoing complaint are true to the best of their knowledge and belief; and that said complaint is not made out of levity or by collusion between them and the said defendant, Larry M. Heitsenrether, for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in the said complaint.

Carol Ann Heitsenrether  
Carol Ann Heitsenrether

Clark G. Smith  
Clark G. Smith

Sworn to and subscribed

before me this 16th day

of January, 1961.

C. Paul G. Bloom  
Justice of the Peace  
MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY 1962

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 424 November Term 1960  
IN DIVORCE

CAROL ANN HEITSENREITHER,  
a Minor, by CLARK G.  
SMITH, her Guardian

vs.

LARRY M. HEITSENREITHER

COMPLAINT

TO LARRY M. HEITSENREITHER,  
Defendant:

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

AMMERMAN & BLAKLEY

By *Joseph D. Ammerman*  
Attorneys for Plaintiff

**FILED**  
JAN 17 1961  
177

WM. T. HAGERTY  
NOTARY

**RENTZ. AMMERMAN & BLAKLEY**  
ATTORNEYS AT LAW  
Clearfield, Pennsylvania

HUNT BROS. CLEARFIELD, PA.

135<sup>00</sup> *Wag*



# Affidavit of Service

Carol Ann Heitsenrether

vs.

Larry M. Heitsenrether

No. 424 November Term, 1960

Complaint In Divorce

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW January 24, 1961 at 11:30 o'clock A.M.

served the within Complaint In Divorce

on Larry M. Heitsenrether

at corner of Second and Market Streets, Clearfield, Pa.

by handing to him personally

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

known to him the contents thereof.

Costs. Sheriff Ammerman \$7.00  
(Paid by Pro)

Sworn to before me this 25th

day of January A. D. 1961

Wm T. Hagerty  
Prothonotary

So answers,

Charles G. Ammerman  
CHARLES G. AMMERMAN  
Wm. T. HAGERTY  
PROTHONOTARY Sheriff

FILED

JAN 25 1961

# Affidavit of Service

Carol Ann Heitsenrether, a minor  
by her natural guardian, Clark  
G. Smith vs. No. 424 November Term, 19 60  
Masters Notice in Divorce

Larry M. Heitsenrether Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW February 23, 19 61 at 2:10 o'clock P.M.

served the within Masters Notice In Divorce  
on Larry M. Heitsenrether  
at corner of Second and Market Street, Clearfield, Pa.

by handing to him personally

a true and attested copy of the original Masters Notice In Divorce and made

known to him the contents thereof. Costs, Sheriff Ammerman \$7.00  
(Paid)

Sworn to before me this 23rd day of February A. D. 19 61

Wm T. Hayter So answers,  
Charles G. Ammerman  
SHERIFF  
Notary Public My Commission Expires 1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETHET, a minor, :  
by her natural guardian, CLARE :  
G. SMITH :

VS

Ho. 424 November Term, 1960

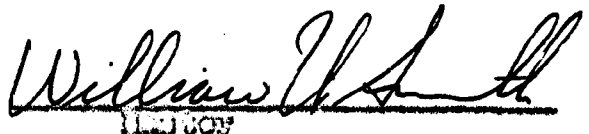
LARRY M. HEITSENRETHET

In Divorce

MASTER'S NOTICE

TO: Larry M. Heitsenrether  
206 McNaul Street  
Curwensville, Penna.

You are hereby notified that I have been appointed Master in the divorce action of Carol Ann Heitsenrether vs. Larry M. Heitsenrether, in the Court of Common Pleas of Clearfield County, Pennsylvania, to Ho. 424 November Term, 1960, and that I will hold a hearing for the purpose of taking testimony at the office of Smith, Smith & Fork, 101 North Second Street, Clearfield County, Clearfield, Pennsylvania, on the 14th day of March, 1961, at 10 A.M., when and where you may attend with witnesses, if you so desire.

  
WILLIAM J. SMITH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETHET, a minor,  
by her natural guardian, CLARE  
G. SMITH

VS

LARRY M. HEITSENRETHET

No. 424 November Term, 1960

In Divorce

MASTER'S NOTICE

TO: Carol Ann Heitsenrether  
c/o Ammerman and Blakley  
Attorneys at Law  
Clearfield, Penna.

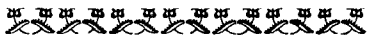
You are hereby notified that I have been appointed Master in the divorce action of Carol Ann Heitsenrether vs. Larry M. Heitsenrether, in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 424 November Term, 1960, and that I will hold a hearing for the purpose of taking testimony at the office of Smith, Smith & Work, 101 North Second Street, Clearfield County, Clearfield, Pennsylvania, on the 14th day of March, 1961, at 10 A.M., when and where you may attend with witnesses, if you so desire.

William H. Smith  
Master

Now, Feb 25, 1961, service  
of the above Notice of Master's Hearing  
is accepted.

Ammerman & Blakley  
by Carol Ann Heitsenrether  
Attorneys for Plaintiff

In the Court of Common Pleas of Clearfield County, Pennsylvania



CAROL ANN HEITSENRETHETTER, a      Of      November      Term, 19 60  
minor, by her natural  
Guardian, CLARK G. SMITH      No.      424

VERSUS

LARRY M. HEITSENRETHETTER

DIVORCE

And Now, the      10<sup>th</sup>      day of      March      19 61. the  
report of the Master is acknowledged. We approve his findings and recommendations; except  
as to

We, therefore, DECREE that      Carol Ann Heitsenrether      be  
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-  
tracted between ~~himself~~ herself and      Larry M. Heitsenrether      .  
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 not-  
ed 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

\_\_\_\_\_ his  
her costs expended in this action.

ATTEST  
  
Prothonotary

BY THE COURT  
  
President Judge

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

No. \_\_\_\_\_ Term 19\_\_\_\_

*Libellant*

*VERSUS*

*Respondent*

DECREE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETHETTER,  
a Minor, by her Natural  
Guardian, CLARK G. SMITH

VS.

:  
:  
:  
:  
: No. 424 November Term, 1960  
:

LARRY M. HEITSENRETHETTER

:  
IN DIVORCE

NOW THIS 14TH DAY OF MARCH AT 10:00 A.M.  
MASTER, WILLIAM U. SMITH, ESQ., HAVING  
GIVEN NOTICE TO THE PLAINTIFF BY SENDING  
NOTICE TO HER COUNSEL DAVID AMMERMAN, ESQ.  
AND PLAINTIFF APPEARING IN PERSON WITH  
COUNSEL AND HAVING WITH HER AS WITNESS  
MR. CLARK G. SMITH, NATURAL GUARDIAN, AND  
NOTICE HAVING BEEN GIVEN TO THE DEFENDANT  
HE ENTERS NO APPEARANCE.

CAROL ANN HEITSENRETHETTER, being duly sworn, testified as follows:

BY DAVID AMMERMAN:

Q. What is your name?

A. Carol Ann Heitsenrether.

Q. Where do you live?

A. At 215 Filbert Street.

Q. That is in Clearfield County?

A. Yes.

Q. Are you the minor Plaintiff in this divorce action?

A. Yes.

Q. What is your husband's name?

A. Larry Heitsenrether.

Q. Where does he live, at the same place as you.

A. No.

Q. Does he live with his mother?

A. Yes

Q. What is the address?

A. 206 McNaul Street, Curwensville.

Q. How long have you been a resident of Pennsylvania?

A. All my life.

Q. How long has your husband been a resident of Pennsyl-  
vania?

A. All his life.

Q. Have you been a resident of Clearfield County all your life?

A. Yes.

Q. When were you married?

A. September 8, 1956.

Q. Where were you married?

A. Clearfield, Pennsylvania.

Q. Who married you?

A. Rev. Roy Hauser.

Q. Were there any children born of this marriage?

A. Yes. Richey Lee, 4 and Lori Lynn, will be 9 months old on the 24th of this month.

Q. What is the date of their birth?

A. Rickey Lee, March 11, 1957 and Lori Lynn, June 24, 1960

Q. With whom do these children live?

A. With me and my mother and father.

Q. How old are you?

A. I was 21 on February 21, 1961.

Q. Are you employed?

A. Yes.

Q. Where are you employed?

A. Kent Sportswear in Curwensville.

Q. What do you do?

A. Trimmer.

Q. How old is your husband?

A. He is 21.

Q. Is your husband working?

A. No.

Q. After you and your husband were married did he work anywhere?

A. Curwensville.

Q. Where in Curwensville?

A. Wilkinson's Station.

Q. Were you pregnant when you were married?

A. Yes.



Q. Were you 16 at the time?

A. Yes.

Q. Your husband worked at the Wilkinson's Gas Station in Curwensville. How long did he work there?

A. Four months.

Q. Then where did he work?

A. Mann's Atlantic Service Station.

Q. How long did he work there?

A. About two years.

Q. At this time did you live at several different places in Curwensville.

A. Yes.

Q. Where was the last place you lived in Curwensville?

A. School Street.

Q. Could you tell the occasion for your first separation; and what time was it?

A. 1958.

Q. Was it in the summer.

A. Yes.

Q. What took place.

A. He was running around with a girl from Bloomsburg, a telephone operator.

Q. Was she single?

A. Yes.

Q. What was her name?

A. Witherow.

Q. How did you find out?

A. A girl friend.

Q. Did you see him with this girl?

A. We followed them one time in an automobile.

Q. You saw them?

A. Yes.

Q. As a result of this did your home break up, at this time.

A. Yes, I went home with my parents. He sold the furniture then he left.

Q. He was still working at Mann's at this time?

A. Yes.

Q. Had your furniture been paid for.

A. Yes.

Q. How much did he sell it for?

A. \$200.00 but it cost a lot more then that.

Q. During this period of time when you were married did your husband sufficiently support you.

A. No my father did.'

Q. Did he give you enough money for groceries? Did he make enough money?

A. He brought home enough but I never saw it. He couldn't account for it when I ask him. He spent a lot of it at the pool room.

Q. Did he drink?

A. He did a little at that time.

Q. Did you go over to your mother's for dinner?

A. Yes we had to.

Q. Did he stay out late at night?

A. Yes.

Q. During this period of time you found out he was running around with this other girl?

A. Yes.

Q. Did you bring an action of desertion and non-support?

A. Yes.

Mr. Ammerman then presented a Petition for Desertion filed to No. 9 September Sessions, 1958.

Q. How long were you separated?

A. About 2 1/2 or 3 months.

Q. Did you talk over this matter.

A. Yes. I thought he would straighten out.

Q. He promised to straighten out and provide you with a good home?

A. Yes.

Q. Was he still working at Mann's Service Station at this time and after you resumed living together did you live in Clearfield?

A. Yes. We moved to Clearfield, on Daisy Street.

Q. How long did you live there?

A. During the winter of 1959.

Q. In the spring of 1959 what happened?

A. He quit his job and went to New York.

Q. Why did he quit his job? Did you know he was going to New York?

A. No it just came on at once. I didn't know where he was.

Q. You had no word from him?

A. No.

Q. Did he ever send you any money at this time?

A. No, I stayed with my mother.

Q. When he left you and went to New York was there unpaid rent and bills due?

A. Yes he owed the County National Bank. It has never been paid.

Q. When did he return from New York?

A. The last part of the summer of 1959.

Q. Did he have work when he returned?

A. Not for a while. He had odd jobs. He worked part time as a policeman.

Q. Was he laid off that job?

A. Yes.

Q. Why?

A. Because he didn't support his family.

Q. When he returned in the summer of 1959 he stayed at your father's home?

A. Yes, my father supported him as well as us.

Q. What were his activities and did he drink more?

A. Yes he drank more. He spent a lot of time at the pool room.

Q. How long did he stay at your father's house?

A. Until the winter of 1960.

Q. Why did he leave?

A. He cursed at me and my father told him, he didn't use that language to my mother and he wasn't going to use it on me.

Q. And as a consequence he left and he has been staying with his father ever since?

A. Yes.

Q. Have you heard your husband has been running around with other women?

A. Yes, a girl friend told me.

Q. With the Witherow girl?

A. No.

Q. Could you relate to the Master what you were informed?

A. I was told he was with another girl at East End.

Q. He left with her at the Ranch?

A. Yes, a girl friend told me and a girl told me after, that he was with this girl at the Windmill.

Q. Could you tell the Master what happened at the Windmill?

A. Yes. He had her in the car. He was in the back seat of the car with this girl.

Q. What did he say?

A. Do I have to tell?

Q. Yes.

A. She thought he was going to have relations with her, but he foöled her.

Q. Did he say, that she wanted him to scratch her but he didn't touch her?

A. Yes.

Q. Has this part of your husband's conduct affected you?

A. Yes.

Q. In what way?

A. I lost weight and I was a nervous wreck. You can ask my mother that. I was snappy toward them trying to keep it from them.

Q. Had you tried to provide a decent home for your husband and did you give your husband any reason for acting the way he did?

A. I tried to keep a good home. He said I was grouchy, I was pregnant at the time.

Q. As a result it made you lose weight?

A. Yes. He started running around after I had the baby. I was nervous.

Q. Has he been to see the children and has he ever seen the little girl?

A. About three times.

Q. I meant to ask before, are you or your husband in the armed service?

A. No.

Q. You say that when you were living together he made you and the children nervous?

A. He had our little boy nervous from our arguing.

Q. Does the Master have any questions to ask the Plaintiff?

MASTER:

Q. Do you and your husband have any agreement in regard to this divorce?

A. No.

Q. When he went to New York did he ask you to join him there.

A. Yes, once.

BY DAVID AMMERMAN:

Q. In regard to going to New York, did he have a steady job?

A. He didn't tell me.

Q. Did you have any money to go down there?

A. No.

Q. There is still a number of unpaid bills?

A. Yes of his.

Q. Up to this time he hasn't provided you with adequate support?

A. No.

CLARK G. SMITH, being duly sworn, testified as follows:

BY DAVID AMMERMAN:

Q. What is your name?

A. Clark G. Smith.

Q. What is your address?

A. 215 Filbert Street, Clearfield.

Q. Are you the father of the minor Plaintiff in this matter and the natural guardian?

A. Yes.

Q. Could you tell the Master of your relationship with the Defendant and how he treated your daughter, and what the occasion was for leaving your home?

A. He did work to start with. They had an apartment. He had been left a sum of money by his grandmother and they bought the furniture, which was paid for. When they moved he started running around with a girl.

Q. Was your daughter up-set?

A. She was a nervous wreck.

Q. Did you have any bills to pay?

A. We had the rental bill to pay at that time. We had him up for non-support and he was supposed to pay \$100.00 a month which he never did. They went back together and moved to East End. He promised to be a better husband and father. He was working at Mann's Service Station and for no reason at all he picked up and left. My daughter called and was crying. She said there was no food in the house and the rent was due, so I paid the food bill, rent bill and the light bill.

Q. You even had to pay the Progress boy, is that right?

A. Yes I even had to pay the Progress boy. I didn't want to see the boy suffer, I figured it wasn't his fault, so I paid him. We moved her home and it was approximately about a month when he came back. He stayed at our house. He wasn't working at the time. He started getting unemployment insurance, with that he bought a car. My daughter was working at that time. He didn't get to bed till after 11:00 then he would get up the next day and watch T. V. then go up to the pool room. He started fighting with my daughter to give him some of her pay. She didn't give him any and that started a fight once.

Q. Could you tell the Master what he called your daughter?

A. He called her a bitch and she was no damn good, and he was about fed up with her.

Q. What did you say?

A. I told him, he would have to get out and he couldn't swear at my daughter in my house.

Q. When did he return?

A. After the second baby was born he was back to see her.

Q. You say he bought an automobile when he was drawing unemployment? Were they re-possessed?

A. Every one of them.

Q. When he got the money he would buy an automobile, is that right, and would not buy food or support your daughter?

A. Yes. I was keeping him, his wife and son.

Q. Your daughter would come up to your house and eat because there was no food in the house?

A. Yes, that is correct.

Q. When he was living with you did he go out and stay out all hours of the night?

A. Yes, then he didn't get up till about 11:00.

Q. Did your daughter give him any reasons to act like this?

A. No. She never gave him any reason. She would call us and tell us there was no food in the house so her and her little boy would come up.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL ANN HEITSENRETH, :  
a minor, by her Natural :  
Guardian, CLARK G. SMITH :

VS. :

No. 424 November Term, 1960

LARRY M. HEITSENRETH :

IN DIVORCE

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

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

S C H E D U L E

1. The Complaint in Divorce: Presented and filed on January 17, 1961.
2. Service of the Complaint: Service of the Complaint was made upon the Defendant by Charles G. Ammerman, Sheriff of Clearfield County, Pennsylvania by handing to him a true and attested copy of the original Complaint in Divorce at the corner of Second and Market Street, Clearfield, Pennsylvania on January 24, 1961, at 11:30 o'clock A.M.
3. Appointment of Master: William U. Smith was appointed Master on February 15, 1961.
4. Date and Place Fixed for Hearing: Hearing in this case was held on March 14, 1961 at 10:00 A. M., at the office of the Master, 101 N. Second Street, Clearfield, Pennsylvania. The Defendant did not appear in person and was not represented by counsel.
5. Notice of Master's Hearing: Notice of Master's hearing was served on counsel for the Plaintiff and on the Defendant by Charles G. Ammerman, Sheriff.
6. Master's Hearing: Hearing held March 14, 1961, Plaintiff appeared in person, together with her attorney, David Ammerman, and the following witness:-Clark G. Smith. The Defendant did not appear in person and was not represented by counsel.

CAUSE OF DIVORCE

Indignities to the Person.

FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married on September 8, 1956, in the Borough of Clearfield, Clearfield County, Pennsylvania, by Reverend Roy Hauser, of the Lutheran Church.
2. Residence and Citizenship: The Plaintiff and Defendant are citizens of the United States, and at the time of the hearing, Plaintiff resided at 215 Filbert Street, Clearfield, Pennsylvania and the Defendant resided at 206 McNaul Street, Curwensville, Pennsylvania.
3. Ages and Occupation: The Plaintiff is 21 years old and is a Trimmer at Kent Sportswear in Curwensville, The Defendant is 21 years old and is unemployed.
4. Children: Two children were born of this marriage as follows: Rickey Lee, age 4, and Lori Lynn, age 9 months on the 24th day of March.
5. Armed Forces: The Defendant is not a member of any branch of the Armed Forces of the United States of America.
6. Findings on the Merits: The grounds alleged in the Complaint were indignities. The Master finds as follows:
  - (a). Since the inception of this marriage the Defendant has continuously subjected the Plaintiff to a course of treatment, which was humiliating and manifested settled hatred and estrangement.
  - (b). During the marriage the Defendant publicly cursed the Plaintiff, consorted with members of the opposite sex under highly promiscuous situations and failed deliberately to provide the normal requirements of food, shelter and clothing.
  - (c). This course of conduct was degrading and humiliating to the Plaintiff and a deleterious affect upon her mental and physical condition
  - (d). The Plaintiff is an injured and innocent spouse

(e). No prior divorce proceeding has been commenced between the parties.

(f). This divorce was not the result of collusion.

#### DISCUSSION

This action was commenced upon the grounds of indignities, which the evidence amply supports. The Plaintiff, who appeared on her own behalf impressed the Master with her credibility and with her sincere recitation of the facts.

It appears from these facts, that the Defendant during this marriage deliberately and frequently left his wife and children without food or shelter, in fact, had it not been for the Plaintiff's family it would be difficult to imagine how the Plaintiff would have survived. This conduct of the Defendants did not result from a physical inability to work or gain the means of providing for his family. As the testimony discloses, he was gainfully employed during most of the marriage but used this money for the profession of pool and other occupations. To deprive a wife and family of food and other necessities is an indignity. Mason Vs. Mason 131 Pa. 161, 165 (1890).

In addition to this conduct the Defendant publicly cursed and humiliated his wife exhibiting a degree of slothfulness, which is amazing. Further, he has been seen in the company of members of the opposite sex under suspicious circumstances.

Coupling all these factors together, the conduct of the Defendant has been continuous and demonstrates a settled hatred and estrangement for the Plaintiff for which there was no reason. This type of conduct constitutes indignities.

#### CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.
2. The Defendant has offered such Indignities to the Person of the innocent and injured spouse to render her condition

intolerable and life burdensome, contrary to Subsection 1 (f) of the Act of May 2, 1929, P. L. 1237, Section 10, as amended.

3. The proceedings conform to the rules of Court and requirements of law.


4. The Plaintiff is an injured and innocent spouse.

5. This divorce proceeding was not the result of collusion between the Plaintiff and Defendant.

RECOMMENDATION

The Master recommends a decree granting Carol Ann Heitsenrether a divorce a vinculo matrimonii from Larry M. Heitsenrether a form of Decree being hereto attached.

Respectfully submitted,

  
Master

*Dave Ammerman*

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

No. 424 November Term, 1960

CAROL ANN HEITSENREYER,  
a Minor, by her Natural  
Guardian, CLARK G. SMITH

VS.

LARRY M. HEITSENREYER

TESTIMONY AND  
MASTER'S REPORT

FILED

MAY 18 1961

WM. T. HAGERTY,  
PROTHONOTARY

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

Now, March 20, 1961, before me,  
William T. Hagerty, Prothonotary of the  
County of Clearfield, Pennsylvania,  
the within and above named parties  
have appeared and acknowledged to me  
that they are the parties to the within  
and above named cause.

*Wm. T. Hagerty*  
Prothonotary  
Clearfield, Pa.