

DOCKET NO. 172

NUMBER	TERM	YEAR
448	September	1960

NANCY JEAN HOCKENBERRY

VERSUS

CHARLES MELVIN HOCKENBERRY



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

NANCY JEAN HOCKENBERRY

VS.

No. 448 September Term, 1960

CHARLES MELVIN HOCKENBERRY

IN DIVORCE

MASTER'S REPORT

The undersigned Master appointed by your Honorable Court to take testimony and report the same with form of decree respectfully represents:

I. COMMISSION

The Master's commission is hereunto annexed showing the appointment of the Master on the 17th day of January, 1961.

II. DOCKET ENTRIES AND SCHEDULE

1. A certified copy of the docket entries is hereunto attached.

2. The Master originally fixed the 7th day of February at 9:15 A. M. as the time and his office at 41 North Third Street, Clearfield, Pennsylvania as the place for the hearing, but by the time the Sheriff finally made service on the Defendant, it was not possible to meet the fifteen day notice of service, and it was necessary to change the date of the hearing to the 15th day of February, 1961, at 9:15 A. M. The said notice was served on the Defendant and at the time and place of the hearing, the defendant did not appear, and on motion of the attorney for the Plaintiff, the time of the hearing was adjourned until the 25th day of February, 1961, at the same time and place. At that time there appeared Eugene Kitko, attorney for the Plaintiff, Nancy Jean Hockenberry, plaintiff, and Mrs. Mary Ferguson, a witness for the plaintiff.

3. A return of the service by the Sheriff on the defendant is attached hereto.

III

LIBEL AND ALL FILE PAPERS ARRANGED
IN ORDER OF FILING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, COUNTY, PENNSYLVANIA
NANCY JEAN HOCKENBERRY :
VS. : No. 448 ~~November~~ Term, 1960
CHARLES MELVIN HOCKENBERRY : IN DIVORCE

COMPLAINT

Nancy Jean Hockenberry files this Complaint on an action of divorce against Charles Melvin Hockenberry, and for her cause of action states:

1. That the name of the Plaintiff is Nancy Jean Hockenberry who is twenty-two years of age, and the name of the Defendant is Charles Melvin Hockenberry who is thirty years of age.
2. That the Plaintiff is a citizen of the United States of America and lives at Westover, Clearfield County, Pennsylvania.
3. That the Defendant is a citizen of the United States of America and lives at Coalport, Pennsylvania.
4. That the Plaintiff has been a resident of the Commonwealth of Pennsylvania in excess of a year.
5. That the Plaintiff and the Defendant were married October 7, 1953 by Justice of the Peace Carl Anderson, Clearfield, Pennsylvania.
6. That two (2) children were born to this marriage between the Plaintiff and Defendant namely, Randy Lee Hockenberry born July 20, 1954 and Jerry Lynn Hockenberry born January 28, 1956.
7. That there has been no prior divorce commenced between these parties.
8. That the Defendant has committed cruelties against the Plaintiff as to put her in fear of her life or great bodily harm.
9. That the Defendant has offered such indignities to the Plaintiff as to render her condition intolerable and her life burdensome.
10. That there is no collusion in this action.

WHEREFORE, the Plaintiff prays that she be granted an absolute divorce from the bonds of matrimony between her and the Defendant.

Eugene G. Kitter
Attorney for the Plaintiff

COMMONWEALTH OF PENNSYLVANIA : : SS:
COUNTY OF CLIFFIELD : :

Personally appeared before me, Nancy Jean Hockenberry, who is being duly sworn according to law, deposes, and says the facts contained in the foregoing Complaint are true and correct and the action of divorce hereinafter prayed for is not brought out of levity nor by collusion between her and the Defendant, nor for the mere purpose of being freed from nor separated from each other, but in sincerity and truth for the cause therein mentioned.

Nancy Jean Hockenberry

Sworn to and subscribed before me
this 4th day of November, 1960.

Wm P. Hayes

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEASES OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 448 ~~Sept~~ TERM, 1960.

MARY JANE HOGGINS, ET AL.

V.J.

CEMETERY OWNERS, INC., ET AL. V.

COMPLAINT

TO THE HONORABLE JUDGE DETERMINED:

You are hereby notified
to plead to this within ~~dom-~~
plaint within twenty (20)
days from date of service here-
of.

Enclosed letter
FITT
ATTORNEY FOR PLAINTIFF

NOV 4 - 1960
EUGENE G. KLETHRO
ATTORNEY AT LAW
17 SUPPORT SECOND
CLEARFIELD, PA.

456 by letter

Affidavit of Service

7th grskm

Nancy Jean Hockenberry

vs.

Charles Melvin Hockenberry

}

Sept. No. 448 November Term, 1960

Complaint In Divorce

Returnable within _____ days
from date of service hereof.

NOW November 26, 1960 at 11:15 o'clock A.M.

served the within Complaint In Divorce

on Charles Melvin Hockenberry

at corner of Second and Market Streets, Clearfield, Pennsylvania

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 \$18.00
(Paid by Atty Kitko)

Sworn to before me this 26th

day of November A. D. 1960

John T. Nagerty

Prothonotary

So answers,

Charles G. Ammerman
CHARLES G. AMMERMAN

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NANCY JEAN HOCKENBERRY : NO. 448 September Term, 1960
VS. :
CHARLES MELVIN HOCKENBERRY : IN DIVORCE

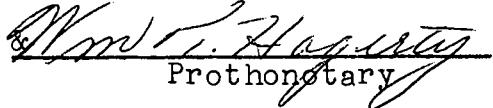
D O C K E T E N T R I E S

November 4, 1960, COMPLAINT IN DIVORCE, filed. One Copy certified to the Sheriff.

JANUARY 17, 1961, Sheriff's Return, filed: NOW, November 26, 1960, at 11:15 o'clock A.M. served the within Complaint In Divorce on Charles Melvin Hockenberry at corner of Second and Market Streets, Clearfield, Pennsylvania, by handing to him personally and true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

January 17, 1961, By motion on the Watch-book, Edward T. Kelley, Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pantz, President Judge.

Certified from the record this 17th day of January, A. D., 1961


Wm. J. Haggerty
Prothonotary

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

EDWARD T. KELLEY, 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

NANCY JEAN HOCKENBERRY

Plaintiff ,

and

CHARLES MELVIN HOCKENBERRY

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.

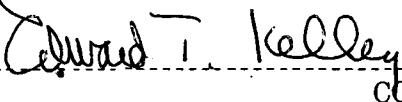
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 17th day of January, in the year of our Lord one thousand nine hundred and sixty-one.


John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

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


Edward T. Kelley



COMMISSIONER.

No. 448 September Term. 1960

NANCY JEAN HOCKENBERRY

VERSUS

CHARLES MELVIN HOCKENBERRY

COMMISSION

Eugene G. Kitko Attorney.

Affidavit of Service

Nancy Jean Hockenberry

vs.

Charles Melvin Hockenberry

No. 448 September Term, 19 60

Masters Notice In Divorce

Returnable within _____ days
from date of service hereof.

NOW January 30, 1961 at 2:20 o'clock P.M.

served the within Master's Notice In Divorce

on Charles Melvin Hockenberry

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

by handing to him personally

a true and attested copy of the original Master's Notice In Divorce and made

known to him the contents thereof.

Costs. Sheriff Ammerman \$11.80
(Paid)

Sworn to before me this 30th

day of January A. D. 1961

So answers,

Wm. P. Haggerty

PROTHONOTARY Prothonotary

My Commission Expires

1st Monday Jan. 1962

Charles G. Ammerman
CHARLES G. AMMERMAN

Sheriff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA

NANCY JEAN HOCKENBERRY

vs.

CHARLES MELVYN HOCKENBERRY

MASTER'S NOTICE

EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

IV. CAUSE FOR DIVORCE

The causes for divorce are Indignities to the Person and cruel and barbarous treatment.

V. FINDINGS OF FACT

From the testimony taken at the hearing, the Master finds the following facts:

1. Marriage. The Parties were married by Justice of the Peace, Reese in Clearfield, Pennsylvania, on October 7, 1953.

2. Residence. After their marriage, the parties lived in Niagara Falls for about a year. They came back and lived in Cold Run, Clearfield County and where they lived about six months. From there they went back to Niagara Falls for another year. Then they moved in with the Plaintiff's mother in Osceola Mills where they remained about four months. From there they moved to Utahville, Clearfield County, and lived there about a year. From there they went to live with the defendant's brother at Cherry Tree where they remained about four months. From Cherry Tree they moved to Ginter and remained there about two years. They then moved to Westover where the plaintiff is still living.

3. Citizenship. Both parties are citizens of Clearfield County and citizens of the United States and Pennsylvania.

4. Age and Occupation. The plaintiff was born on May 18, 1938 in the Philipsburg State Hospital, and she is a housewife. The defendant was born on June 21, 1930. The place of birth is unknown to the plaintiff, but she thinks it was Fallen Timber, Pennsylvania. The defendant is a laborer.

5. Children Two children were born of this marriage, both of them boys. Randy Lee Hockenberry was born on July 20, 1954, and Jerry Lynn Hockenberry was born on January 28, 1956. Both children are living with their mother.

6. Military Service. The husband was in the Armed Forces and was discharged around 1952. He has not been in the Armed Forces since that time.

7. Findings on the Merits. Your Master is of the opinion that there is not enough evidence to support a divorce in this case on the grounds of cruel and barbarous treatment, and that it will not be considered by the Master.

The parties apparently lived a very hectic life as far as moving around is concerned. The parties seemed to be on a constant merry-go-round moving from place to place and not staying long in any one place. This seems to have been caused by the attitude of the defendant. According to the testimony, he would quit working after a few months, and the only answer he would give to his wife was that he had worked long enough in that place. This, however, did not cause the trouble. The trouble started with the husband going out in the evenings and staying out until 3 and 4 o'clock in the morning, sometimes staying three and four days. His wife would ask him where he had been and ask him to stay at home; but he wanted to go out, and he went out. He would never tell her where he had been or when he would be back.

As time went on, the situation became worse. He would get into the car; and three and four days later, he would come back. Because he did not tell his wife where he had been, they would begin to argue about it; and the husband would become abusive and call the plaintiff foul names not fit to be heard by children's ears. He would call her names such as "dirty, rotten whore" more than once. When they moved to Westover, things got worse. He stayed out more, and now they were on relief. To go out on these trips, he would take five or ten dollars out of the relief check, and other times the plaintiff would not know where he got the money. She was trying to use the money to pay their bills, but he would demand that she give him the money.

He beat her once when she would not give him the money. She was tired of the bill collectors always calling. This beating occurred in October of 1960. As a result of this beating, she had black and blue marks. One other beating occurred in November, 1960, and it was after this beating that she came down to Clearfield and started the divorce proceedings. This last beating was the cause of their separation. He went home, picked a fight, and started to hit her. When she tried to turn from him and walk away, he would push her down in a chair. She was scared of him.

The testimony was that he would start these fights by picking on her and calling her names and accuse her of running around. The plaintiff stated that she never ran around, nor had time to with the children and house to look after. He would accuse her of this once or twice a month.

Since their separation last November, the plaintiff is feeling much better physically and has not been so jumpy. She feels that it would be impossible to live any longer under the conditions she lived for the past three years.

The plaintiff's testimony is supported by a Mrs. Mary Ferguson, a neighbor. She lives next door to the Hockenberry's at Westover. She had cause to know about the domestic difficulties because she and the plaintiff went out; and after they returned the defendant was angry because they were a little late, and it was at this time that she received her first beating. She did not see him give the plaintiff the beating, but she saw the marks on her afterward. She often heard him cursing in the house both before and after the October incident. She quite often heard loud arguments going on and raised voices. She also knew Mr. Hockenberry, the defendant, was away for extended periods of time. The reason she knew this is that her son accompanied the defendant on two occasions. She didn't know where they had been; but when her son returned, she said he looked "awful rugged" when they returned. She also knew

he was away quite a lot in the evening hours because she and the plaintiff would visit each other very often. She states that Mrs. Hockenberry never stepped out on her husband and was home practically all the time and that she seemed to do everything possible for her family. She kept the house and the children clean and did the laundry, and Mrs. Ferguson stated she did not know about anything which Mr. Hockenberry could complain.

8. Discussion Is the plaintiff entitled to a divorce under the evidence on the ground of Indignities to the Person? Under the law of Pennsylvania indignities consisting of a course of conduct which by continuity renders the condition of the innocent spouse intolerable and life burdensome cannot result from a single act unlike cruel and barbarous treatment which may consist in one act severe enough to endanger life.

In the case of Richards vs. Richards, 37 Pa. 225, it was held reversible error to instruct the jury that if the defendant pulled his wife's nose in rudeness and anger, in a coarse, vulgar and harsh manner, it would be an indignity sufficient to warrant a divorce. This one act, of course, would not be sufficient. The fundamental characteristic of Indignities to the Person is the whole course of conduct by the defendant toward the plaintiff, and this whole course of conduct should be considered and evidence descriptive of it should be received.

It was held that while actual or threatened personal violence is not an essential attribute of indignities, its existence, even when it falls short of danger to life, may, when it constitutes a course of continued treatment, either alone or with other acts of indignity, render a libelant's condition intolerable and life burdensome. See Hoagland vs. Hoagland, 104 Superior Court, 33 ; Wiley vs. Wiley, 125 Superior Court, 547.

It has been said that conduct and treats which may not amount to cruel and barbarous treatment are properly considered in connection with other conduct on the charge of Indignities to the Person. Sklan vs. Sklan, 110 Superior, 226.

In the present case there was a whole series of upsetting incidents done to the plaintiff by the defendant. There was vile and abusive language. There was refusal to say where he would go when he stayed out late and for three and four days at a time, and there were physical beatings. These conditions continued for practically the last three years of their married life.

In the opinion of the Master, this course of conduct rendered the condition of the plaintiff intolerable and life burdensome. It is important that whatever indignities were inflicted upon the plaintiff in this case rendered her condition of life intolerable and life burdensome. It is not essential, in cases of indignities that life or health be endangered. See Mason vs. Mason, 131 Pa. 161; Barnsdall vs. Barnsdall, 171 Pa. 625.

It has been held that false accusations of adultery, or other humiliating charges, if persisted in as the evidence discloses in this case, constitute indignities. Melvin vs. Melvin, 130 Pa. In our case the defendant accused the plaintiff of running around and being a "whore", and this was not once, but many times. It is the opinion of the Master that the whole course of conduct during the last three years of their married life constituted a course of "habitual contumely," "studied neglect", "Manifest disdain", and was a "plain manifestation of settled hate and estrangement," of the defendant towards the plaintiff. Breen vs. Breen, 76, Pa. Superior 568.

VI. CONCLUSIONS OF LAW

The Master is of the opinion:

1. That the Court has proper jurisdiction over the parties and the cause.
2. That the proceedings are regular.
3. That the testimony will sustain a decree of divorce on the ground of Indignities to the Person.
4. That the plaintiff is the injured and innocent spouse.
5. That there was no collusion between the parties in these proceedings.
6. The defendant is not qualified to avail himself of the provisions of the Act of Congress known as the Soldier's and Sailor's Civil Relief Act.

VII. RECOMMENDATION

The Master recommends that a divorce a vinculo matrimonii be granted on the ground of Indignities to the Person pursuant to the following suggested form of decree.

Respectfully submitted,


Edward T. Kelley

Edward T. Kelley, Master

VIII

SUGGESTED FORM OF DECREE

IX

TESTIMONY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NANCY JEAN HOCKENBERRY)
VS.) No. 448 September Term, 1960.
CHARLES MELVIN HOCKENBERRY)

TESTIMONY

The time for the hearing in the above case was originally scheduled for 9:15 A. M. on the 7th day of February, 1961. It was not possible to meet the fifteen day notice of service on Mr. Hockenberry at that time but the Sheriff finally did make service on the Defendant and the time for the hearing was fixed for 9:15 A. M. on the 15th day of February, 1961. At that time and place the Defendant did not appear and at the request of the attorney for the plaintiff, the hearing was rescheduled for Saturday the 25th of February as the time and the office of the Master as the place for the hearing. At that time, there appeared Eugene G. Kitko, attorney for the plaintiff; the plaintiff, Nancy Jean Hockenberry and Mrs. Mary Ferguson, a witness for the plaintiff.

— — — —

NANCY JEAN HOCKENBERRY, being duly sworn according to law,
testified as follows:

BY. MR. KITKO:

Q. Your name please?

A. Nancy Jean Hockenberry.

Q. And what was the date of your birth?

A. May 18th, 1938.

Q. Where were you born?

A. I was born in the Philipsburg Hospital in Centre County, Pennsylvania.

Q. You were married to Charles Melvin Hockenberry, is that correct?
A. That's right.

Q. Do you know the place and date of his birth?

A. Well, I don't know the place but he was born on June 21, 1930.

Q. You say, you don't know the place, do you know approximately where he was born?

A. I think it was in Fallen Timber.

Q. Fallen Timber, Pennsylvania?

A. That's right.

Q. He was born in the United States?

A. That's right.

Q. Now, Mrs. Hockenberry, what is your occupation?

A. Why, I work as a housekeeper.

Q. You are employed as a housekeeper, you mean?

A. No, I just keep the house.

Q. Your house?

A. No, I don't own it, I rent it - but I just take care of the house.

Q. You are a housewife?

A. Right.

Q. And what is your husband's occupation?

A. He is a laborer.

Q. Now, when and where were you married?

A. We were married at Clearfield by the Justice of the Peace, Reese, on October 7, 1953.

Q. Now, were there any children born to this marriage?

A. There were two boys.

Q. Will you give their names and birth dates?

A. Randy Lee Hockenberry, born July 20, 1954 and the other one is Jerry Lynn Hockenberry, born January 28, 1956.

Q. Now, where are the children at the present time - who do they live with?

A. They are with me.

Q. And where are you living?

A. I am living in Westover.

Q. Westover, Clearfield County?

A. That's right.

Q. Do you know where your husband is living at the present time?

A. No, I don't know where he is living.

Q. Do you have any idea?

A. Well, off and on he is at brother's home, George Hockenberry at Westover.

Q. When was the last time you saw your husband?

A. The last time I saw him was the other day when he came over to see the boys.

Q. Was he in military service at that time?

A. He was in the Armed Forces.

Q. At that time - when he saw the boys the other day?

A. No.

Q. When was the last he was in the Armed Forces?

A. I think that was in 1952.

Q. And he hasn't been in the Armed Forces since that time?

A. No.

Q. After your marriage, Mrs. Hockenberry, where did you and your husband live?

A. After we were married we lived in Niagara Falls.

Q. How long did you live there?

A. We lived there about a year.

Q. Where did you live after that?

A. We came back and lived in Cold Run.

Q. Is that in Clearfield County?

A. Yes, that's right.

Q. Did you have a house, or an apartment or what?

A. We rented a house.

Q. How long did you live in Cold Run?

A. We lived there about six months.

Q. From Cold Run where did you go?

A. We went back to Niagara Falls.

Q. How long were you up there?

A. We lived there about another year.

Q. When you came back from Niagara Falls the second time, where did you live?

A. We moved into my mother.

Q. Where?

A. Osceola Mills,

Q. Did you and your husband have any children at that time?

A. Yes, we had two boys.

Q. How long did you live with your mother?

A. About three or four months.

Q. And from there where did you go?

A. We went to Utahville.

Q. Is that in Clearfield County also?

A. That's right.

Q. How long did you live in Utahville.

A. About a year.

Q. From Utahville where did where did you go?

A. We moved in with his brother in Cherry Tree.

Q. How long did you live there?

A. About three or four months.

Q. From there where did you go?

A. From there we moved into Ginter.

Q. These are all in Clearfield County, aren't they?

A. Yes.

Q. How long did you live in Ginter?

A. About two years.

Q. After you left Ginter, where did you go?

A. Then we went to Westover.

Q. Is that where you live at present?

A. That's right.

Q. Can you tell me when you went to Westover?

A. That was a year ago on Christmas of 1960.

Q. Have you lived in Westover since that time?

A. Yes.

Q. Are you still living in Westover?

A. I am.

Q. Now, when did you and your husband separate?

A. November 4, 1960.

Q. You and your two children have been living in Westover by yourselves since your husband left on November 4, 1960?

A. That's right.

Q. Now, when did the trouble with you and your husband first begin?

A. It was about three years ago.

Q. Where were you living at that time?

A. We were living in Utahville.

Q. What started to happen?

A. Well, he just started going out at nights, not telling me where he was going, and staying out until three and four o'clock in the morning, and not giving any explanation as to where he had been.

Q. Where was your husband working at this time?

A. He was working in a coal mine. I forgot just what the name of it was, and then the coal mine shut down. Then we weren't living on actually anything, my mother was buying our groceries.

Q. Is this when he started to go out in the evenings?

A. Yes, this is when he started to go out.

Q. Mrs. Hockenberry, from your testimony, I noticed that you moved around quite a bit. Can you tell us why you moved so often?

A. It was because he would never stay with one job, he just didn't work and jumped from one job to another.

Q. Would he quit his jobs; or would he be fired or what?

A. He would just quit.

Q. Any reasons for quitting?

A. No, he just said he thought he worked long enough there, and he would just quit his job.

Q. Is that why you moved around so much?

A. That's why we moved around so much.

Q. You said about three years ago he started to make a habit of going out in the evenings and staying out until three and four in the morning?

A. That's right.

Q. Would he drink?

A. Sometimes, sometimes not.

Q. Did you have trouble about his staying out so late?

A. Yes, I was sort of scared there by myself and the two boys. I just wanted him to stay home but he just didn't want to stay; he just wanted to go and so he went.

Q. Now what would happen when you would admonish him about staying out so late?

A. Well, I just asked him where he was and he would never tell me; he just said it was his business.

Q. Did you have arguments about this?

A. Well, not too much.

Q. As time went on, did the situation become worse?

A. It certainly did.

Q. In what way?

A. Well, he just kept going out late at night, he would ^{not} tell me where he was going. I wouldn't even know when he was going; he would go get in his car and three or four days later, he would come back.

Q. He stayed away three and four days at a time?

A. That's right.

Q. Did you have any trouble about his staying away?

A. Well, I never knew where he was.

Q. Did you have arguments about it?

A. Well, yes. I would ask him where he had been; he would never tell me.

Q. Would he get angry?

A. Yes

Q. What would he do when he was angry?

A. Well, he would just fight back and tell me it was none of my business.

Q. How was his language?

A. It wasn't fit to be heard by little children's ears.

Q. Would he call you foul names?

A. That's right.

Q. Could you give us a sample of what he said?

A. Well, for no reason at all he called me a dirty, rotton whore.

Q. Did he do this more than once?

A. Yes, he did.

Q. You moved from Utahville to Westover. How were things after you got to Westover?

A. They seemed to be a lot worse. He stayed out more at night, for two or three days, maybe four and he would come home any time he wanted to.

Q. Was he working when you lived in Westover?

A. No, we were on relief.

Q. Your whole family was on relief?

A. That's right.

Q. Including him?

A. That's right.

Q. You say he went out and stayed for two, three and four days, where would he get the money?

A. Well, sometimes he would take it out of his check. He would take five, maybe ten dollars out of the check, and he would say it belonged to him and that he was getting relief too; and he would just take it and go. Other times, I don't know where he got the money.

Q. Did he every demand money from you?

A. He certainly did, when I was trying to pay the bills.

Q. Did this cause trouble between you and him?

A. It did. He beat me up one time because I wouldn't give him the money because I wanted to pay the bills. I was tired of the bill collectors coming because I had to face them

and he didn't.

Q. Now, you say he beat you up one time because you wouldn't give him the money. When was this?

A. That was on October 15, 1960.

Q. Is that why he beat you up - because you wouldn't give him the money you were going to pay the bills with?

A. That's right. He only wanted to drink it up.

Q. How badly did he beat you?

A. He beat me up pretty bad, but it wasn't that I had to go to the doctor.

Q. Did you have any marks?

A. I had black and blue marks.

Q. Did he ever beat you any other time?

A. Once after that. The night before I came down here to start the divorce.

Q. When was this.

A. That was around November the 4th, I guess.

Q. About the time you separated?

A. Yes.

Q. Was that the actual cause of your separation?

A. Yes.

Q. Why did he give you that beating?

A. Why I don't know. He just came in and picked a fight and started hitting me. I couldn't turn around or walk away from him because he would just push me down in a chair, and I'd have to stay there. There wasn't anything I could do.

Q. Were you scared of him when he did this?

A. I certainly was.

Q. Towards the last, before your separation, when he was home did you get along all right or were you constantly fighting?

A. No. we were always fighting.

Q. And what would cause these fights?

A. Oh, any little thing.

Q. Who would start them?

A. He would.

Q. In what way?

A. Well, he would just start picking and call me names and start fighting with me.

Q. You say he would call you a whore?

A. That's right.

Q. In doing that, would he accuse you of running around - is that what he was doing?

A. He did. He accused me of running around, and I never did.

Q. Do you know any reason for him to accuse you?

A. No. It was his own guilty conscience.

Q. Did he often accuse you of running around?

A. No. not often.

Q. How often?

A. Oh, not too often, about one to two times a month.

Q. And he had no reason at all to do this?

A. No, he certainly did not.

Q. You say this was a constant thing for about three years before you actually separated?

A. That's right.

Q. It was almost a daily occurrence that you would have these fights about his going out?

A. That's right.

Q. This situation existing at that time, did it have any effect on your health?

A. Well, I was awfully nervous.

Q. You were nervous and upset?

A. That's right.

Q. Did you require any doctoring?

A. No, I never went to a doctor.

Q. Since you have been separated, in November, how are you physically now?

A. Well, I have been feeling a lot better. I haven't been so jumpy.

Q. In the conditions you lived under for the last three years of your marriage, could you any longer endure those conditions?

A. No.

Q. Now, Mrs. Hockenberry, did you do everything in your power to make a good home for your husband and your family?

A. I did.

Q. Did you have his meals prepared for him?

A. I did.

Q. Did you do his laundry?

A. I did.

Q. Did you keep his home clean?

A. Yes sir, and his boys too!

Q. He had no reason whatever to complain about you as a wife?

A. No sir.

Q. Have there ever been divorce actions started by either you or your husband before this?

A. No.

Q. Is there any collision between you and your husband in the securing of this divorce?

A. No.

MRS. MARY FERGUSON, a witness for the plaintiff, being duly sworn according to law, testified as follows:

Q. Your name please?

A. Mrs. Mary Ferguson.

Q. Where do you live, Mrs. Ferguson?

A. I live next door to Nancy.

Q. You're a next door neighbor to the Hockenberrys?

A. Yes.

Q. And were you a neighbor there while Mr. & Mrs. Hockenberry were living together?

A. Yes.

Q. Are you related to either party?

A. No.

Q. No relation whatever to either Mr. Hockenberry or Mrs. Hockenberry?

A. No.

Q. During the time the Hockenberrys lived next door to you, did you have any occasion to know if any domestic difficulties existed between them?

A. Yes.

Q. In what way?

A. Once when I went for groceries, because we stayed a little long, her husband was mad, and that was the first time he gave her a beating.

Q. That was this time in October?

A. Yes.

Q. Did you see him give her the beating?

A. No, but I saw the marks on her.

Q. Afterwards?

A. Yes.

Q. Did you hear his conduct before, when you came back?

A. Yes.

Q. What was his conduct?

A. He did a lot of cursing.

Q. Did you ever hear him do that before? And after that?

A. Oh yes.

Q. Did you hear many arguments between the Hockenberrys?

A. I could hear them, but I couldn't hear what they said. I mean I could hear them arguing quite often.

Q. You could hear their raised voices?

A. Yes, but I couldn't hear just what they said.

Q. Was that a common occurrence to hear them arguing?

A. Yes, pretty common.

Q. Do you know of your own knowledge whether or not Mr. Hockenberry was away from the home for extended periods of time?

A. Yes, The reason I know is because of two occasions, once

he was gone for four days, and once for three days, my son was with him.

Q. Your son went with him?

A. Yes.

Q. How old is your son?

A. He's 23.

Q. He lived at home with you?

A. Yes. He did then, but he doesn't now.

Q. Your son and Mr. Hockenberry, at least on two occasions, stayed away for three and four days?

A. Yes.

Q. Do you know where they might have gone?

A. I don't know, but my son was awful rugged looked when he came home.

Q. And do you know of your own knowledge whether or not Mr. Hockenberry was away from the home a lot in the evening hours?

A. Yes, he was.

Q. Do you know that of your own knowledge?

A. Yes, I do.

Q. How do you know that?

A. I lived close enough that I could tell, and we are at each other houses a lot.

Q. Mrs. Ferguson, Mrs. Hockenberry has testified that her husband occasionally would accuse her of stepping out on him, and call her names like whore and so forth, to your knowledge did he have any grounds for accusing her of stepping out on him?

A. Well, I've never seen anything.

Q. Was she home?

A. She's home, practically all the time.

Q. In your knowledge, did Mrs. Hockenberry do everything possible to make a good home for her husband?

A. She did.

Q. Did she cook his meals do you know?

A. Yes.

Q. Did she keep the house and the children clean?

A. Yes sir.

Q. Do you know if she did his laundry?

A. Yes.

Q. Do you know of any reason why Mr. Hockenberry had any reason to complain about his wife, either from the domestic standpoint or from her conduct outside the home?

A. I wouldn't know of anything that he could complain about.

In the Court of Common Pleas of Clearfield County, Pennsylvania

NANCY JEAN HOCKENBERRY _____ } Of 448 September _____ Term, 1960

No. _____
VERSUS
CHARLES MELVIN HOCKENBERRY _____ }

DIVORCE

And Now, the 17th day of March 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that NANCY JEAN HOCKENBERRY be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~herself~~ and CHARLES MELVIN HOCKENBERRY.

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 _____

NANCY JEAN HOCKENBERRY ~~her~~ costs expended in this action.

ATTEST

M. J. Hagerty
Prothonotary

BY THE COURT

John J. Hause
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, PENNA.

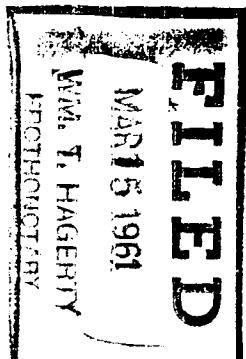
NANCY JEAN HOCKENBERRY

VS.

CHARLES MELVIN HOCKENBERRY

No. 448 September Term, 1960

Edward T. Kelley, Jr. 85
Edward T. Kelley, Jr.
Clerk of Court
for Plaintiff
Service



EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

March 15, 1961 service accepted and noted
of filing waived.

Eugene G. Kitter
Attorney for Plaintiff