

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>4</u>	<u>February</u>	<u>1961</u>

Lucille Matthews

VERSUS

Floyd Matthews

Clearfield County, ss:

The Commonwealth of Pennsylvania, to PAUL SILBERBLATT, 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

LUCILLE MATTHEWS Plaintiff ,

and

FLOYD MATTHEWS 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 3rd day of April, in the year of our Lord one thousand nine hundred and sixty-one

John T. Hagerty
Prothonotary

To the Honorable, the Judge, &c.:

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

Paul Silberblatt
COMMISSIONER.



No. 4 February Term. 19. 61

LUCILLE MATTHEWS

VERSUS

FLOYD MATTHEWS

COMMISSION

Smith, Smith & Work Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MATTHEWS

VS

FLOYD MATTHEWS

:
:
:
:
:

No. 4 February Term, 1961

In Divorce

C O M P L A I N T

(1). The name of the Plaintiff is Lucille Matthews, a resident of Olanta, Clearfield County, Pennsylvania. The name of the Defendant is Floyd Matthews, a resident of Olanta, Clearfield County, Pennsylvania.

(2). The parties to this Complaint are husband and wife, having been married by Rev. Minor Sprague, a Methodist Minister, on May 19, 1945, in Oakland, Maryland.

(3). The parties to this Complaint are both citizens of the United States of America.

(4). The Plaintiff has resided within the Commonwealth of Pennsylvania for a period exceeding ten years immediately preceding the filing of this Complaint.

(5). Three children were born of this marriage, to-wit: Cardlage 14, Linda age 13, and Kelly age 4. All of said children are presently residing with their mother in Olanta, Clearfield County, Pennsylvania.

(6). The said Plaintiff avers that in violation of his marriage vows and the Laws of this Commonwealth, the Defendant did offer such indignities to the person of the Plaintiff as to render her condition intolerable and her life burdensome.

(7). Plaintiff avers the present action is not brought by reason of collusion between the Plaintiff and Defendant.

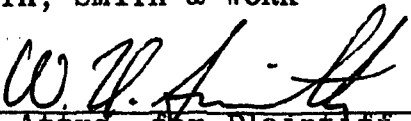
(8). There has been no prior action for divorce or annulment of marriage between the parties in this Complaint in this or any other jurisdiction.

-2-

WHEREFORE, Plaintiff prays that a Decree of Divorce a vinculo matrimonii be made by your Honorable Court divorcing the said Plaintiff from bonds of marriage between the Plaintiff and Defendant.

SMITH, SMITH & WORK

BY


Attys. for Plaintiff

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

LUCILLE MATTHEWS, being duly sworn according to law,
deposes and says she is the Plaintiff in the foregoing Complaint,
and the facts set forth therein are true and correct to the best
of her knowledge, information and belief.

Lucille Matthews
(Lucille Matthews)

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

Mrs. Mildred P. Gieger

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. February Term, 1961
 In Divorce

LUCILLE MATTHEWS

VS.

FLOYD MATTHEWS

C O M P L A I N T

TO THE WITHIN DEFENDANT:

You are hereby notified
to file defensive pleadings
to the within Complaint
within twenty (20) days from
service hereof.

SMITH, SMITH & WORK

BY *W. D. Smith*
Attys. for Plaintiff

W. D. SMITH
FEB 24 1961
W. T. HUGENY
PROSECUTOR

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

135-11160

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MATTHEWS

VS

FLOYD MATTHEWS

:
:
:
:
:

No. 4 February Term, 1961

In Divorce

C O M P L A I N T

(1). The name of the Plaintiff is Lucille Matthews, a resident of Olanta, Clearfield County, Pennsylvania. The name of the Defendant is Floyd Matthews, a resident of Olanta, Clearfield County, Pennsylvania.

(2). The parties to this Complaint are husband and wife, having been married by Rev. Minorsprague, a Methodist Minister, on May 19, 1945, in Oakland, Maryland.

(3). The parties to this Complaint are both citizens of the United States of America.

(4). The Plaintiff has resided within the Commonwealth of Pennsylvania for a period exceeding ten years immediately preceding the filing of this Complaint.

(5). Three children were born of this marriage, to-wit: Carl age 14, Linda age 13, and Kelly age 4. All of said children are presently residing with their mother in Olanta, Clearfield County, Pennsylvania.

(6). The said Plaintiff avers that in violation of his marriage vows and the Laws of this Commonwealth, the Defendant did offer such indignities to the person of the Plaintiff as to render her condition intolerable and her life burdensome.

(7). Plaintiff avers the present action is not brought by reason of collusion between the Plaintiff and Defendant.

(8). There has been no prior action for divorce or annulment of marriage between the parties in this Complaint in this or any other jurisdiction.

-2-

WHEREFORE, Plaintiff prays that a Decree of Divorce a vinculo matrimonii be made by your Honorable Court divorcing the said Plaintiff from bonds of marriage between the Plaintiff and Defendant.

SMITH, SMITH & WORK

BY /s/ William U. Smith
Attys. for Plaintiff

STATE OF PENNSYLVANIA:
COUNTY OF CLEARFIELD : SS

LUCILLE MATTHEWS, being duly sworn according to law,
deposes and says she is the Plaintiff in the foregoing Complaint,
and the facts set forth therein are true and correct to the best
of her knowledge, information and belief.

/s/ Lucille Matthews
(Lucille Matthews)

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

Seal

/s/ Mrs. Mildred B. Ginger

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

New March 2, 1961 service accepted a certified
copy of the Complaint

W. H. Smith
William H. Smith

Floyd Matthews
Defendant

March 2, 1961
I hereby certify this to be a true and
attest a copy of the original statement
filed in this case.
Floyd Matthews
by [Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.	No. <u>4</u> Feb. Term, 1961 IN DIVORCE
LUCILLE MATTHEWS	VS
FLOYD MATTHEWS	
COMPLAINT	
TO THE WITHIN DEFENDANT:	
You are hereby required to file defensive pleadings to the within Complaint within in twenty days from service hereof.	
SMITH, SMITH & WORK	BY <u>W. H. Smith</u> Attys. for Plaintiff
SMITH, SMITH & WORK ATTORNEYS-AT-LAW CLEARFIELD, PA.	

Lap-over Margin

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

LUCILLE MATTHEWS	:	No. 4 February Term, 1961
	:	
vs	:	
	:	IN DIVORCE
FLOYD MATTHEWS	:	
	:	

DOCKET ENTRIES

FEBRUARY 6, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Sheriff.

NOW, March 2, 1961, Service accepted of a certified copy of the Complaint.
/s/ Floyd Matthews, Defendant.

MARCH 14, 1961, Sheriff's Return filed: NOW, March 7, 1961, served the within Complaint In Divorce upon Floyd Matthews by sending by registered mail, return receipt requested, addressee only, a true and attested copy of the original Complaint In Divorce to Floyd Matthews, c/o Albert Matthews, Hazelton, West Virginia, that being his last known address. Return receipt for registered mail, signed by Floyd Matthews, is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

AND NOW, March 24, 1961, by motion on the watch-book, Paul Silberblatt, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 3rd day of April, A. D., 1961

Wm T. Hagerty
Prothonotary

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee ☐ Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to Addressee Only

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item # 1)

3-7-61

<p>POST OFFICE DEPARTMENT OFFICIAL BUSINESS</p>		<p>PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300</p>	
<p>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moist gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</p>		<p>RECEIVED MAR 7 1961 U.S. POST OFFICE DELIVERING OFFICE</p>	
REGISTERED NO.	NAME OF SENDER		
CERTIFIED NO.	STREET AND NO. OR P. O. BOX		
INSURED NO.	CITY, ZONE AND STATE		

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Lucille Mathews : No. 4 February Term, 1961

vs :

Floyd Mathews : Complaint In Divorce

(SHERIFF'S RETURN)

NOW, March 7, 1961 served the within Complaint In Divorce upon Floyd Mathews by sending by registered mail, return receipt requested, addressee only, a true and attested copy of the original Complaint In Divorce to Floyd Mathews, c/o Albert Mathews, Hazelton, West Virginia that being his last known address. Return receipt for registered mail signed by Floyd Mathews is hereto attached and made part of this return of service.

COSTS: Sheriff Ammerman \$7.18
(Paid by Pro) — *on Docket.*

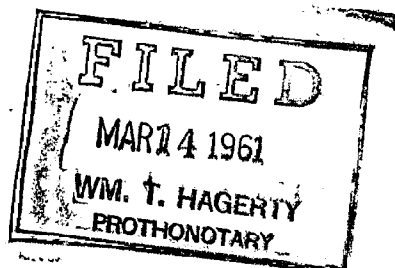
So answers,

Charles G. Ammerman
CHARLES G. AMMERMAN
Sheriff

Sworn to before me this 14th
day of March A. D. 1961.

Wm. T. Hagerty
Prothonotary

Wm. T. Hagerty



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

LUCILLE MATTHEWS

vs.

FLOYD MATTHEWS

:
:
:
:
:

No. 4 February Term, 1961

In Divorce

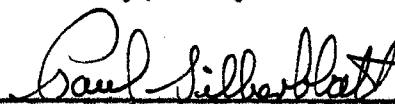
NOTICE OF MASTER'S HEARING

To:

Lucille Matthews
Olanta
Pennsylvania

Floyd Matthews
c/o Albert Matthews
Hazelton, West Virginia

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Saturday, April 22, 1961, at 10:00 A. M. E. S. T., at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.


Paul Silberblatt, Master

And Now, this 4 day of April, 1961, service is accepted of the Notice of Master's Hearing.


Attorney for Plaintiff

And now, this 4 day of April, 1961, service is accepted of the Notice of Master's Hearing.


Plaintiff

No 233636

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO		POSTMARK OR DATE
Floyd Matthews		Mail
STREET AND NO.		3
E. Albert Matthews		1961
CITY AND STATE		
Danzelton, W. Va.		
If you want a return receipt, check which 10¢ shows to whom and when delivered <input checked="" type="checkbox"/> 10¢ shows to whom, when, and address where delivered 35¢ shows to whom, when, and address where delivered 50¢ fee		
FEES ADDITIONAL TO 20¢ FEE		

POD Form 3800
Jul 1957

SEE OTHER SIDE

1. Stick postage stamps to your article to pay:
20¢ certified mail fee
First-class or airmail postage
Either return receipt fee—10¢ or 35¢ (optional)
Restricted delivery fee—50¢ (optional)
Special-delivery fee (optional)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, POD Form 3811, and attach it to the back of the article. Endorse front of article **RETURN RECEIPT REQUESTED**.
5. If you want the article delivered only to the addressee, endorse it on the front **DELIVER TO ADDRESSEE ONLY**. Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee ☐ Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Floyd Matthews

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item # 1)

4/6/61

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR FAILURE TO AVOID
POSTAGE, \$300

PAID
POST OFFICE

1 PM
1951

W. V. P.

RETURN
TO

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

INSURED NO.

CITY, ZONE AND STATE

Bel. Silberblatt & Szwarc

Box 670

Clearfield, Penna.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MATTHEWS

:

vs.

: No. 4 February Term, 1961

FLOYD MATTHEWS

:

In Divorce

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

COMMONWEALTH OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

HELEN L. MARTELL, being duly sworn according to law, deposes and states that she is a secretary for Paul Silberblatt Esquire, Master in the above case, and that on the 3rd day of April, 1961, she did place a Notice of Master's Hearing, in an envelope addressed to Floyd Matthews, c/o Albert Matthews, Hazelton, West Virginia, marked Certified Mail, Return Receipt Requested, Deliver to Addressee only, and with the correct amount of postage affixed thereto and did deposit the same in the United States Mail. Receipt for Certified mail is hereto attached as well as the Return Receipt, showing the delivery to Floyd Matthews.

Helen L. Martell

Sworn to and subscribed before me

this 7th day of April, 1961.

Wm. P. Hagerty

PROTHONOTARY

My Commission Expires

1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MATTHEWS

vs.

FLOYD MATTHEWS

:
:
:
:
:

No. 4 February Term, 1961

In Divorce

MASTER'S REPORT

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

The undersigned Master appointed by your Honorable Court to take testimony and report the same with form of Decree in the above entitled case respectfully reports as follows:

I. DOCKET ENTRIES AND SCHEDULE

February 6, 1961	Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania to No. 4 February Term, 1961. One copy certified to Sheriff.
March 14, 1961	Charles G. Ammerman, Sheriff of Clearfield County, makes return that service of the Complaint in Divorce was made upon the Defendant, Floyd Matthews, by registered mail, addressed to Floyd Matthews, c/o Albert Matthews, Hazelton, West Virginia. The Return Receipt, signed by Floyd Matthews, is attached to the Return of Service.
March 24, 1961	By motion on the Watch Book, Paul Silberblatt, Esq., is appointed Master to take testimony and report the same with form of Decree.
April 3, 1961	Master's Hearing in Divorce fixed for April 22, 1961, at 10:00 o'clock A. M. E. S. T., at the offices of Bell, Silberblatt & Swoope, Trust Company Building, Clearfield, Penna.
April 3, 1961	Copy of Notice of Master's Hearing was served on the Defendant by Helen L. Martell, secretary for the Master, by sending same by certified mail, return receipt requested, deliver to addressee only, addressed to Floyd Matthews, c/o Albert Matthews, Hazelton, West Virginia. Receipt for Certified Letter No. 233636 and Return Receipt for the same, signed by Floyd Matthews, are attached to the Return of Service.
April 4, 1961	Notice of Master's Hearing accepted by William U. Smith, Esquire, Attorney for the Plaintiff, and Lucille Matthews, Plaintiff.
April 22, 1961	Master's Hearing held at 10:00 A. M., E. S. T., at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Trust Company Building, Clearfield, Pennsylvania, in accordance with the Notice of the Master's Hearing.

The Plaintiff, Lucille Matthews, was present, together with her counsel, William U. Smith, Esquire, and Carol Matthews, witness for the Plaintiff. The Defendant, Floyd Matthews, was not present either in person or by counsel and no witnesses were present on behalf of the Defendant.

II. SERVICE OF PROCESS

Copy of the original Complaint in Divorce was served by registered mail, and Notice of Master's Hearing was served by Certified Mail, Return receipt requested, deliver to addressee only, upon the Defendant, as set forth in the Docket Entries and Schedule.

III. CAUSE OF DIVORCE

Indignities.

IV. FINDINGS OF FACTS

1. Marriage - Plaintiff and Defendant were married on May 19, 1945, by Reverend Minorsprague, a Methodist Minister, in Oakland, Maryland.
2. Residence - After their marriage, Plaintiff and Defendant resided in Olanta, Clearfield County, Pennsylvania. Defendant, around the First of February, 1961, left the Plaintiff to reside with his father in Hazelton, West Virginia. As far as the Plaintiff knows at the present time, the Defendant, Floyd Matthews, is residing with his father in Hazelton, West Virginia. The Plaintiff's place of residence is still Olanta, Clearfield County, Pennsylvania.
3. Citizenship - Both parties are citizens of the United States. The Plaintiff is a resident of the Commonwealth of Pennsylvania, and presumably the Defendant is a resident of the State of West Virginia.
4. Age and Occupation - The Plaintiff is thirty-four (34) years of age and her occupation is housewife. The Defendant is forty-one (41) years of age, and was last known to be employed as a bulldozer operator.

5. Children - The Plaintiff and Defendant have three (3) children, whose names and ages are: Carol Matthews, age 15; Linda Matthews, age 13 and Kelley Matthews, age 4. All the children reside with the Plaintiff in Olanta, Clearfield County, Pennsylvania.

6. Armed Forces - The Defendant is not in the military service of the United States or any foreign country.

7. Findings on the Merits - The ground for divorce averred in the Complaint is Indignities to the Person.

The testimony reveals that the parties' marital difficulties began as soon as they were married on May 19, 1945. Plaintiff testified that their difficulties arose because of the Defendant's conduct toward her, in that, he would drink to excess and become intoxicated quite frequently. Defendant would come home when he felt like it, maybe after being away for 3 or 4 days. He always came home intoxicated, and would argue and fight with his wife, the Plaintiff. The Defendant called the Plaintiff foul names and swore and cursed her in front of the children and in front of other individuals, other than her children. Defendant made accusations against the Plaintiff, that she was untrue to him. In January, 1961, Defendant, being intoxicated, struck and beat the Plaintiff, causing her physical injury, which required medical treatment. After this beating, Plaintiff and Defendant separated and have not lived together since January, 1961. Plaintiff testified, as a result of Defendant's treatment toward her, she was required to have medical attention for a skin disorder, caused by her nervousness. There have been no previous actions of divorce between these parties and there is no collusion in the present action. Carol Matthews, daughter of the Plaintiff, testified for her mother. Witness testified as to the conduct of the Defendant towards the Plaintiff, and that she saw her father frequently hit, kick, swear at her mother and come home intoxicated.

8. Discussion of the Facts: One of the grounds for divorce as stated in the Divorce Code of Pennsylvania is Indignities to the person.

Indignities have never been defined with complete precision or accuracy, but as stated in the case of PATERSON v. PATERSON, 178 Superior Court Reports, 615, at page 620:

"While indignities to the person as a ground for divorce cannot be defined with mathematical precision, each case depending on its own facts, it has been said to be '... an affront to the personality of another, a lack of reverence for the personality of one's spouse... the offense is complete when a continued and persistent course of conduct demonstrates that the love and affection upon which the matrimonial status rests have been permanently replaced by hatred and estrangement. For then, when the foundation has collapsed, the superstructure falls and inevitably the married condition becomes intolerable and life is indeed a burden!'"

The standard definition of indignities includes vulgarity, unmerited reproach, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule, and every other plain manifestation of settled hate and estrangement.

It is clear that the conduct of the Defendant towards his wife was a continued course of conduct, which could only lead to the conclusion that the Plaintiff is the injured and innocent spouse and should be granted a divorce on the ground of indignities to the person.

V. CONCLUSIONS OF LAW

1. The proceedings are in accordance with the requirements of the Divorce Code and Rules of Court relative to such proceedings.

2. The Court has jurisdiction of the parties and subject matter of this action.

3. The facts establish cause for action for divorce on the ground of Indignities to the Person.

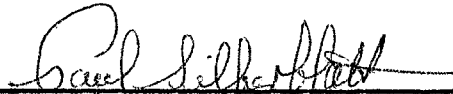
4. That the legal domicile of the Plaintiff is Olanta, Clearfield County, Pennsylvania and the legal domicile of the

Defendant is Hazelton, West Virginia.

VI. RECOMMENDATION

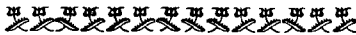
The Master, therefore, recommends that a Decree of absolute divorce be granted to Lucille Matthews, on the ground of Indignities to the Person and form of Decree is herewith attached.

Respectfully submitted,



(Master)

In the Court of Common Pleas of Clearfield County, Pennsylvania



LUCILLE MATTHEWS } Of February Term, 19 61
No. 4

VERSUS
FLOYD MATTHEWS

DIVORCE

And Now, the 2nd day of May 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to

We, therefore, DECREE that Lucille Matthews be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ herself and Floyd Matthews
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 Lucille Matthews

his costs expended in this action.
her

ATTEST
J. Hagerly
Prothonotary

BY THE COURT
John P. [Signature]
President Judge

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

No. 4 February Term 19 61

Lucille Matthews
Libellant

VERSUS

Floyd Matthews
Respondent

DECREE

Attorney

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

LUCILLE MATTHEWS

VS

FLOYD MATTHEWS

:
:
:
:
:

No. 4 February Term, 1961

In Divorce

MASTER'S HEARING IN DIVORCE

Master's Hearing in Divorce held Saturday, April 22, 1961, in the offices of Bell, Silberblatt & Swoope, Clearfield Trust Company Building, Clearfield, Pennsylvania. There appeared at the hearing, Lucille Matthews, Plaintiff, together with her Attorney, William U. Smith, Esquire and Carol Matthews, daughter of the Plaintiff and witness.

Lucille Matthews, being duly sworn according to law, testified as follows:

By William U. Smith, Esquire:

We would like to offer in behalf of the Plaintiff and incorporate herein, the case of Commonwealth vs. Floyd Matthews, No. 91 May Sessions, 1959. The Order in that will speak for itself, being an action in desertion and non-support.

By William U. Smith, Esquire:

Q. Your name is Lucille Matthews, and you are the Plaintiff in this action?

A. Yes.

Q. Where do you live?

A. Olanta.

Q. How long have you lived there?

A. Approximately, 10 years.

Q. To whom are you married?

A. Floyd Matthews.

Q. Where does Mr. Matthews live?

A. As far as I know, he is in West Virginia with his father.

Q. When did he commence to reside in West Virginia?

A. Around the First of February.

Q. 1961?

A. Yes.

Q. Prior to this time, did he reside in Olanta?

A. Yes.

Q. How long did he reside in Olanta prior to moving to West Va.?

A. About 10 years.

Q. When and by whom were you married?
A. Reverend Minorsprague, a Methodist Minister, on May 19, 1945, in Odland, Maryland.

Q. Did you live together as husband and wife, after your marriage?
A. Yes.

Q. Are you presently living together as husband and wife?
A. No.

Q. When did you cease living together as husband and wife?
A. January 29, 1961.

Q. Are you both citizens of the United States?
A. Yes.

Q. What is your age and occupation?
A. Thirty-Four (34) years and I am a housewife.

Q. What is your husband's age and occupation?
A. Forty-One (41) years and a bulldozer operator, I guess.

Q. Were any children born to your marriage?
A. Yes, 3.

Q. What are their names and ages?
A. Carol, age 15
Linda, age 13
Kelley, age 4

Q. With whom do they reside?
A. With me.

Q. At Olanta?
A. Yes.

Q. Is your husband presently in the Armed Services?
A. No.

Q. Are there any prior divorce actions pending between you and your husband?
A. None.

Q. Do you and your husband have any agreement with regard to this divorce?
A. No.

Q. Would you describe for the Master your husband's conduct during the past year, say from January, 1960, to January 1961?
A. He drank quite a bit. He came home when he felt like it, maybe after being away for 3 or 4 days. He always came back, but...

Q. Would he drink to excess?
A. Yes.

Q. Approximately, how often would that happen a month?
A. At least twice, maybe 3 or 4 times.

Q. Did he ever strike you?
A. Yes.

Q. On what part of the body would he strike you?
A. Any place, no particular spot.

Q. Did he ever hit you in the face?
A. Yes.

Q. When is the most recent time he hit you?
A. Last part of January.

Q. Is that when you and he decided to separate?
A. Yes.

Q. In January, as a result of his beatings, did you suffer physical injury which required medical treatment?
A. Yes, I had some splintered ribs.

Q. Who treated you?
A. Doctor Arnold.

Q. Did he ever threaten you?
A. Yes. He said he would kill me, break my leg, whatever he could think of.

Q. Did this occur frequently?
A. Yes.

Q. Did he ever make any accusations against you?
A. Yes.

Q. What did he accuse you of?
A. Running around with other men.

Q. Did he make these accusations to you in front of your children?
A. Yes.

Q. Did he accuse you in front of other persons, who weren't related to you, other than your children?
A. at times.

Q. Did he ever curse or swear at you and use foul language?
A. Yes.

Q. Did that occur frequently?
A. When he was drinking.

Q. Approximately, how often a month?
A. Two or 3 times.

Q. Was he argumentative?
A. Yes.

Q. Did he perform such chores around the home, such as firing the furnace, shoveling coal, mowing the lawn?
A. No.

Q. Who did?
A. I did.

Q. You have been married approximately 16 years, and how long, did this type of conduct go on?
A. It always has.

Q. Has it gotten worse in the past years?
A. Yes.

Q. What effect did this conduct have on you?
A. I was nervous and it got to the place where I couldn't take it.

Q. Were you treated for a skin disorder?
A. Yes.

Q. Was that skin disorder diagnosed as a result of nerves?
A. Yes.

Q. Did you give him any reason for acting the way he did?
A. No.

Q. Did you perform all the duties of a wife?
A. Yes.

By the Master:

Q. Mrs. Matthews, since you were married on May 19, 1945, have you had marital difficulties with your husband?
A. Yes.

Q. Did these difficulties consist of his excessive drinking?
A. Yes.

Q. During the 16 years that you have been married, did your husband constantly over indulge in alcoholic beverages, so he would come home drunk?
A. Yes.

Q. During this 16 year period, had he on occasions, struck you?
A. Yes.

Q. On various parts of your body?
A. Yes.

Q. Did he accuse you of infidelity?
A. Yes.

Q. Did he continuously use foul language and swear in your presence?
A. Yes.

Q. Did he ever accuse you of infidelity in front of other people?
A. Yes.

Q. Who?
A. Roy Mayes.

Q. Did he ever swear at you in front of your children?
A. Yes.

Q. In front of other people?
A. Yes.

Q. How did this affect you?
A. It made me a nervous wreck.

Q. Mrs. Matthews, when your husband first started this conduct towards you, did he embarrass and humiliate you?
A. Yes.

Q. Did you ever give your husband any reason to act towards you in the manner in which he did?
A. No.

Q. Mrs. Matthews, you testified that you and your husband separated about January 29, 1961. Was that after he had administered a beating to you?

A. Yes.

Q. Did he hit various parts of your body?

A. Yes.

Q. Did he hit your face?

A. Yes.

Q. Did you have any marks?

A. I had a black eye.

Q. Did you have any black and blue marks?

A. Yes.

Q. Did he use an open hand or closed fist?

A. Closed fist.

Q. Did he ever kick you?

A. Yes.

Carol Matthews, being duly sworn according to law, testified as follows:

By William U. Smith, Esquire:

Q. Your name is Carol Matthews?

A. Yes.

Q. How old are you?

A. Fifteen (15).

Q. You are in school?

A. Yes.

Q. Are you the daughter of Lucille and Floyd Matthews?

A. Yes.

Q. Do you presently reside with your mother?

A. Yes.

Q. Where do you live?

A. Olanta.

Q. Do you understand that the testimony that you are to give here is to be the truth?

A. Yes.

Q. And you realize that it is improper to tell untruths?

A. Yes.

Q. Your mother testified to the fact that your father would frequently hit or kick and ~~sear~~ and come home intoxicated?

A. Yes.

Q. Did he ever hit you?

A. No, he pushed me.

Q. Did your father frequently come home with the appearance that he had been drinking?

A. Yes.

Q. Were you present when your father struck your mother in January of this year?

A. Yes.

Q. Where did he hit her?

A. On the back.

Q. What with?

A. His fist.

Q. Did they appear to be hard or soft blows?

A. Hard.

By the Master:

Q. Carol, did your mother take care of the home?

A. Yes.

Q. Did she prepare meals for you and your younger brother and sister and father?

A. Yes.

Q. Did she take care of the family?

A. Yes.

Q. Did she do everything you would expect a mother and wife to do?

A. Yes.

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing on the above case, and that this is a correct transcript of the same.

Helen L. Matlett
Stenographer

April 24, 1961

*Invoice accepted and notice returned
W. H. A. B.
attys for bill*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 4 February Term, 1961	
LUCILLE MATTHEWS vs. FLOYD MATTHEWS	
MASTER'S REPORT IN DIVORCE	
<u>Uncontested</u>	
Costs;	
Master's fee:	\$85.00
Postage:	.80
Total \$ 85.80	
BELL, SILBERBLATT & SWOOP ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	