

174
DOCKET NO. _____

NUMBER	TERM	YEAR
64	September	1961

Leland Hubler, Guardian ad litem

for Jerry Keith Hubler

VERSUS

Charles Maines, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

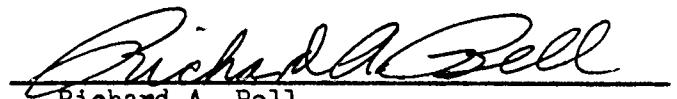
LELAND HUBLER, Guardian ad litem :
for JERRY KEITH HUBLER : No. 64 September Term, 1961
VS. :
CHARLES MAINES, JR. : IN ASSUMPSIT

AMENDMENT TO ANSWER AND NEW MATTER

As a further answer to the Complaint of the Plaintiff, the Defendant amends his Answer to add the following under New Matter:

(14). In further defense, the Defendant avers that there is pending an action filed to No. 382 May Term, 1961, in the Court of Common Pleas of Clearfield County, Pennsylvania, in which the present Plaintiff is the Defendant and has joined the present Defendant as an Additional Defendant. This pending action arises out of the same series of happenings as the present action. In filing this separate action, the Defendant avers that the Plaintiff has split his cause of action and that the present action should have been brought as a claim against Charles Maines, Jr. in the suit in which he is joined as Additional Defendant. Having failed to do so, the present Plaintiff has waived his right to bring this action, and the Defendant is entitled to have this action abated.

BELL, SILBERBLATT & SWOOP
By


Richard A. Bell,
Attorneys for Defendant

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared CHARLES MAINES, JR., who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Amendment to Answer and New Matter are true and correct to the best of his knowledge, information and belief.

Charles Maines, Jr.
Charles Maines, Jr.

Sworn to and subscribed
before me this 16th day
of April , 1964.

Carl E. Walker

PROTHONOTARY

My Commission Expires
1st Monday Jan. 1966

—Lap over margin—

X
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA,
No. 64 September Term, 1961
IN ASSUMPTI

LELAND HUBLER, Guardian ad
litem for JERRY KEITH HUBLER

VS.

CHARLES MAINES, JR.

AMENDMENT TO ANSWER AND NEW MATTER

To the within Plaintiff:

You are hereby notified to reply
to the within New Matter within
twenty days from the service
hereof.

BELL, SILBERBLATT & SWOOP
By

Richard A. Bell
Richard A. Bell,
Attorneys for Defendant

FILED

APR 16 1964

BELL, SILBERBLATT & SWOOP
PROFESSIONAL ATT'Y LAW
STATIONERS' ROW
CLEARFIELD, PENNA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LELAND HUBLER, Guardian ad litem :
for JERRY KEITH HUBLER, Plaintiff :
VS. : No. 64 September Term, 1961
CHARLES MAINES, JR., Defendant : : IN ASSUMPSIT

ANSWER

(1). Paragraph (1) is admitted.

(2). Paragraph (2) is admitted.

(3). Paragraph (3) is admitted, except that it is denied that the Plaintiff was operating a 1954 pickup truck. Information obtained by the Defendant indicates that the truck operated by the Plaintiff was a 1950 pickup truck. Therefore, the averment of Paragraph (3) is denied to that extent.

(4). Paragraph (4) is admitted.

(5). Paragraph (5) is denied as stated, and rather it is averred that the intersection of Legislative Route No. 17061 and Pennsylvania Highway Route 153 is a stop intersection controlled by stop signs for vehicles traveling on Legislative Route 17061, and such vehicles must stop at the intersection and yield the right-of-way to vehicles traveling on Route 153. As the Defendant approached the intersection of Route 153, the Plaintiff pulled out from the stop sign directly in the path of the vehicle operated by the Defendant.

(6). It is denied that the Defendant was negligent in any way, and the allegations of negligence are more particularly denied as follows:

a. It is denied that the Defendant was driving at a high and excessive speed under the circumstances, and it is averred that the Defendant drove at a moderate and reasonable speed under the conditions then and there existing.

b. It is denied that the Defendant failed to keep his

vehicle under proper control as to stop in the assured clear distance ahead, rather it is averred that the Defendant was at all times exercising proper control of his vehicle. It is further averred that no answer should be necessary to this sub-paragraph, as much as the assured clear distance rule does not apply in this case.

c. It is denied that the Defendant failed to yield the right-of-way to a vehicle committed to crossing the intersection, and rather it is averred that the Plaintiff failed to yield the right-of-way to the vehicle of the Defendant.

d. It is denied that the Defendant disregarded the rights of other users of the highway, but rather it is averred that he, at all times, operated his vehicle in a careful and prudent manner.

(7). It is admitted that the said Thomas Snyder was so injured as alleged, but it is denied that any such injuries were the result of the negligence of the Defendant.

(8). It is admitted that payment was made on behalf of the Plaintiff as stated, in full settlement of all claims of the parties named in the release.

(9). Paragraph (9) is admitted.

NEW MATTER

As a further answer to the Complaint of the Plaintiff, the Defendant further pleads as follows:

(10). It is averred that as the Defendant approached the intersection of Route 153 and Legislative Route 17061 the Plaintiff suddenly and without warning pulled out from the stop sign into the intersection directly into the path of the Defendant, causing the collision complained of.

(11). The Plaintiff was negligent in that:

a. He did fail to yield the right-of-way to the vehicle of

the Defendant traveling on the thru highway, in violation of the rules of the road and the Pennsylvania Motor Vehicle Code.

b. He pulled out from a stop sign into the intersection without first ascertaining that it was safe to do so.

c. That he failed to observe and keep a proper lookout of oncoming traffic before pulling into the intersection.

d. That he willfully and wantonly disregarded the rights of the other users of the highway, including the Defendant, and said Thomas Snyder, who was riding as a passenger in the truck driven by the Plaintiff, in allowing the decedent, Thomas Snyder, to occupy the position he did in this vehicle.

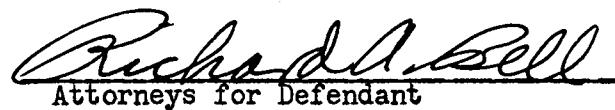
(12). It is further averred that the Defendant would have no liability to the said Thomas Snyder or his estate, for the further reason that the said Thomas Snyder was contributorily negligent, in that he occupied a dangerous position in a moving vehicle at the time of the accident.

(13). In further defense the Defendant pleads the Statute of Limitations based on the following facts:

The settlement for which the Plaintiff seeks contribution was a settlement of a death claim, which carries with it a 1 year Statute of Limitations. The accident happened on October 23, 1959, and the settlement was paid on January 25, 1960. More than one year having elapsed from either date, the Plaintiff cannot now seek contribution.

WHEREFORE, the Defendant denies that he has any liability to contribute to the settlement negotiated by the Plaintiff with the estate of Thomas Snyder.

BELL, SILBERBLATT & SWOOP
By


Richard A. Bell
Attorneys for Defendant


Charles Maines Jr.
Charles Maines, Jr.

STATE OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD:

Before me, the undersigned officer, personally appeared CHARLES MAINES, JR., who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge, information and belief.

Charles Maines, Jr.
Charles Maines, Jr.

Sworn to and subscribed

before me this 30 day

of September, 1961.

John J. Flaherty

PROTHONOTARY
My Commission Expires
3rd Monday Jan, 1968

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 64 September Term, 1961
IN ASSUMPSIT

LELAND HUBLER, Guardian ad litem
for JERRY KEITH HUBLER, Plaintiff

vs.

CHARLES MAINES, JR., Defendant

ANSWER AND NEW MATTER

To the within named Plaintiff:

You are hereby notified to
reply to the within New Matter
within twenty (20) days from the
service hereof.

BELL, SILBERBLATT & SWOPE
By

Richard H. Bell

Attorneys for Plaintiff	FILED
JCT-4 1961	
WM. T. HAGERTY	
PROTHONOTARY	

BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW

CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

Affidavit of Service

Leland Hubler, Guardian
ad litem for Jerry Keith
Hubler

vs.

Charles Maines, Jr.

No. 64 Sept 1961 Term, 1961

Complaint In Assumpsit

Returnable within _____ days
from date of service hereof.

NOW Sept 14, 1961 at 10:50 o'clock A.M.
served the within Complaint In Assumpsit
on Charles Maines, Jr.
at Place of residence, Kylertown, Pa.

by handing to Mrs Jeannette, personally
a true and attested copy of the original Complaint In Assumpsit and made
known to her the contents thereof. Costs. Sheriff Ammerman \$11.40
(Paid by Attys Baird & McCamley)

Sworn to before me this 15th
day of Sept A. D. 1961

Wm T. Hayerty
Prothonotary

So answers,

Charles G. Ammerman
Charles G. Ammerman

Sheriff

LELAND HUBLER, Guardian ad litem for
Jerry Keith Hubler
VERSUS

CHARLES MAINES, JR.

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

No. 64 Term September, 1961

IN ASSUMPSIT

To William T. Hagerty

Prothonotary.

Sir: Enter our appearance for the Defendant

in above case.

BELL, SILBERBLATT & SWOOP
By

Richard A. Bell

Attorney for Charles Maines, Jr., Defendant

No. 64 Term September 1961
IN ASSUMPSIT

LELAND HUBLER, Guardian ad litem

for Jerry Keith Hubler

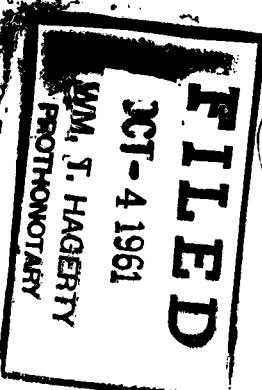
vs.

CHARLES MATNES, JR.

APPEARANCE

For the Defendant

(2)



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LELAND HUBLER, GUARDIAN AD
LITEM FOR JERRY KEITH HUB-
LER,

Plaintiff

Vs.

CHARLES MAINES, JR.,

Defendant

NO. 64

Sept
NOVEMBER TERM, 1961

IN ASSUMPSIT

C O M P L A I N T

1. The Plaintiff is an individual residing in Morrisdale R.D., Morris Township, Clearfield County, Pennsylvania.

2. The Defendant is an individual residing in Kyler-town, Cooper Township, Clearfield County, Pennsylvania.

3. On October 23, 1959, the Plaintiff was operating a 1954 pickup truck owned by his parents, Leland Hubler and Opal Hubler, in a Northerly direction on Legislative Route 17061 at a point where the same intersects Pennsylvania Highway Route 153 in Graham Township, Clearfield County, Pennsylvania.

4. At the date and time aforesaid, the Defendant was operating a 1956 Mercury sedan which was owned by his wife, Jeanette Maines, in a Westerly direction on Route 153.

5. At said time and place, the Plaintiff had almost completed crossing said Route 153 when the vehicle operated by the Defendant came into violent contact with the right rear fender of the Plaintiff's vehicle, causing it to turn completely around.

6. The Defendant, Charles Maines, Jr., was negligent in the operation of his vehicle in the following respects:

(a) Driving at a high and excessive speed under the circumstances.

(b) Failure to keep his vehicle under such control as to stop in the assured clear distance ahead.

(c) Failure to yield the right of way to another vehicle committed to crossing the intersection.

(d) Disregarding the rights of other users of the highway, including the Plaintiff, Jerry Keith Hubler.

7. As a result of said collision, Thomas Snyder, a passenger in Plaintiff's vehicle, was thrown out of the vehicle and suffered a broken neck and cervical fracture, which resulted in his death within a few minutes of the collision.

8. The Plaintiff, on January 25, 1960, did pay unto James O. Hubler, Administrator of the Estate of Thomas Snyder, Deceased, the sum of One Thousand Two Hundred Eighty-Seven and 50/100 (\$1,287.50) Dollars in full settlement of all claims arising from the death of the said Thomas Snyder, obtaining a release from the said James O. Hubler of all parties, including the Defendant, Charles Maines, Jr. A copy of said release is attached hereto, made a part hereof, and marked Exhibit "A".

9. Defendant has in no way contributed to the aforesaid settlement.

WHEREFORE, the Plaintiff brings this action against the Defendant for Six Hundred Forty-Three and 75/100 (\$643.75) Dollars, being his pro-rata share of said settlement under the provisions of the "Uniform Contribution Among Tortfeasors Act", (Act of 1951, July 19, P.L. 1130).

BAIRD & McCAMLEY

By 
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CENTRE

SS:

Before me, a Notary Public in and for the above named State and County, personally appeared Jerry Keith Hubler, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Jerry Keith Hubler

Sworn to and subscribed before me this 14 day of September, 1961.

John J. McCamley

JOHN J. McCAMLEY, Notary Public
PHILIPSBURG, PENNA.
My commission expires Feb. 28, 1965

GENERAL RELEASE

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, GREETING. KNOW YE,
James O. Hubler, Administrator of the Estate
That of Thomas Snyder..... for and in consideration of the sum of
One Thousand, Two Hundred Eighty-Seven and ----- 50/100 dollars
(\$1,287.50) to him in hand paid, the receipt whereof is hereby acknowledged, have remised,
released, and forever discharged, and by these presents do for Estate of Thomas Snyder
James O. Hubler, Administrator of the
heirs, executors and administrators and assigns remise, release and forever discharge the said Gerry R. Hubler,
Opal Hubler, Leland Hubler, Jeanette Maines and
Charles Maines, Jr. his successors and assigns, and/or his, her, their, and each of their
associates, heirs, executors and administrators, and any and all other persons, associations and corporations,
whether herein named or referred to or not, of and from any and every claim, demand, right, or cause of action,
of whatsoever kind or nature, either in law or in equity, arising from or by reason of any bodily and/or personal
injuries known or unknown sustained by me, and/or damage to property, or otherwise, as the result of a certain
accident which happened on or about the 23rd day of October 1959 or which I have claimed the said
Gerry R. Hubler, Opal Hubler, Leland Hubler,
Jeanette Maines & Charles Maines, Jr. to be legally liable, but this release shall not be
construed as an admission of such liability.

In Witness Whereof.....have hereunto set..... hand and seal the day of

Sealed and delivered in the presence of

Stanley
(Witness)

James O. Hubler (Seal)
Administrator of the Estate of
Thomas Snyder

State of Pennsylvania
County of Clearfield. } ss.

On this 25th day of January, 1960 before me personally appeared
James O. Hublers to me known, and known to me to be the same person described in and who executed the within instrument and
he acknowledged to me that he executed the same.

(Official Title)

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO. 64 *Sept* NOVEMBER TERM, 1961
IN ASSUMPSIT

LELAND HUBLER, GUARDIAN AD
LITEM FOR JERRY KEITH HUB-
LER,
Plaintiff

vs.

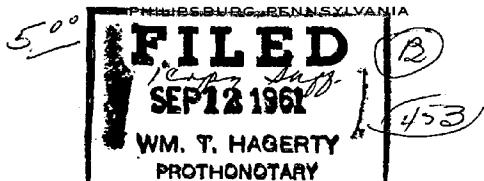
CHARLES MAINES, JR.,
Defendant

C O M P L A I N T

TO THE WITHIN NAMED DEFENDANT:

You are hereby notified and re-
quired to file an Answer to the
within Complaint within twenty
(20) days of the date of service
hereof.

BAIRD & McCAMLEY
By *David L. Baird*
BAIRD & McCAMLEY
ATTORNEYS AT LAW



Q. Clearfield County?

A. Yes.

Q. How long have you resided in Clearfield County?

A. All my life.

Q. Were you married to Ivan R. Kramer?

A. Yes.

Q. When and where were you married?

A. In 1946 at Woodland.

Q. Can you give us the date?

A. June 28.

Q. After you were married in 1946 did you and Mr. Kramer go to housekeeping?

A. Yes.

Q. I don't want to know where all you have lived, but did you continue to live in Clearfield County up to the present time?

A. Yes.

Q. Did you buy a home there?

A. No, we built one.

Q. Where did you build your home?

A. Wallaceton.

Q. Clearfield County?

A. Yes.

Q. In whose name is the title to the land?

A. Ivan R. and Barbara F. Kramer.

Q. Do you know when you built that home?

A. Around 1947.

Q. Before we get on in that, have you ever began any divorce proceedings against Ivan Kramer previous to this proceeding?

A. No.

Q. Is there any agreement between yourself and Ivan Kramer as to the securing of this divorce?

A. No.

Q. As a result of your marriage to Ivan Kramer were any children born?

A. Yes.

Q. Will you give us their names and ages?

A. Darla Jean, 13 years old; Laree, 11 years old; and Randy Lynn, 8 years old.

Q. Is one of your children here today?

A. Yes, Darla Jean.

Q. You talked before I started on something else that you built a house in Wallacetown, when did you move into that house?

A. It was in '47 we went down and built a three room house. It was two rooms to start with.

Q. How many rooms are there in that house now?

A. The house we started with is a garage now. We have a bigger one. It has room enough for nine rooms in it.

Q. How long did you and your husband continue to occupy that house in Wallacetown?

A. Up to '58.

Q. What happened in 1958 and when in '58?

A. It was February, '58, but there had been trouble all along as far as that goes.

Q. February, '58, no specific day?

A. No specific day.

Q. What happened in February '58?

A. It was around that time I found out that he was keeping company with Mrs. Hallman.

Q. Previous to his going with Mrs. Hallman had you and your husband been living continuously together or separate?

A. We had been living together up till then.

Q. Had you lived continuously in Wallacetown up till then?

A. Yes.

Q. Were you ever out to Detroit together?

A. For a short period in '51.

Q. Was it on a visit or for some other reason?

A. We went looking for work.

Q. When did you go to Detroit?

A. August, '51.

Q. Who all went to Detroit?

A. Myself, Ivan and Helen Shimmel.

Q. Were any of your children born yet?

A. Yes, I had two children.

Q. What did you do with them?

A. My mother had the youngest one, and his aunt had the oldest one.

Q. Who is your mother Mrs. Kramer?

A. Irma Cowder.

Q. Where did you stay in Detroit?

A. In a rooming house like an apartment. It was more of an apartment.

Q. Did anything happen in Detroit that upset your marriage?

A. Yes, I had caught Ivan with Mrs. Shimmel in bed.

Q. Did your husband admit that he was having sexual relations with Mrs. Shimmel?

A. He didn't need to admit it, I seen him.

Q. Did you come home from Detroit...how long did you stay in Detroit?

A. A week.

Q. Where did you go after you left Detroit?

A. We didn't find work, so we went down to Niagra Falls.

Q. Did you eventually come back to Clearfield County?

A. No, he got work and we stayed a while.

Q. How long were you in Niagra Falls?

A. Six months.

Q. After Niagra Falls where did you go?

A. Wallaceton.

Q. What was the relationship of your marriage between you and your husband after you caught him in bed with Mrs. Shimmel in Detroit in 1951?

A. The same thing continued. He kept bothering her and he kept seeing her.

Q. Was Mrs. Shimmel with you when you went to Niagra Falls?

A. Yes.

Q. Did you have sexual relations with your husband after you caught him in bed with Mrs. Shimmel?

A. Yes.

Q. Did you have another child born after 1951?

A. Yes.

Q. Is your husband the father of that child?

A. Yes he is.

Q. Mrs. Kramer, have you had sexual relations with any person other than your husband since your marriage?

A. No, I have not.

Q. What was your husband's treatment of you during this time?

A. After Mrs. Shimmel--as far as that, I would tell him I was leaving and taking the children, but he always coaxed me back.

Q. How frequently did you tell your husband you were leaving?

A. Whenever I would catch them together doing things.

Q. Now Mrs. Kramer, did you ever leave?

A. No I didn't.

Q. You said something about working six months in Niagra Falls, and then where did you come from Niagra Falls?

A. Wallaceton.

Q. When you came back to Wallaceton where did you go to?

A. We lived in our house we had built.

Q. You said something about 1958?

A. Yes.

Q. Had you and your husband ever separated prior to 1958?

A. No.

Q. At that time you had three children?

A. Yes.

Q. How did your husband treat you and the children after or rather from Niagra Falls?

A. For a while he was alright. Then he started keeping company with Mrs. Hallman and beating me up and being mean to the children.

Q. How did you know he kept company with Mrs. Hallman?

A. I had found letters of hers that she had wrote to him describing about them meeting and things like that.

Q. Is that Mrs. Hallman sitting next to your husband now?

A. Yes it is.

Q. Mrs. Kramer, has your husband...did you talk to him about Mrs. Hallman?

A. Yes I did.

Q. What did he say?

A. He refused to let her alone.

Q. Did your husband ever admit to you he was having sexual relations with her?

A. No.

Q. What did he say?

A. He just said he liked her better than me.

Q. How long a time would he be gone from home in the evenings?

A. He would stay out till 1 or 2 o'clock in the morning.

Q. When did that course of conduct begin?

A. It had been going on for four years before that, but I didn't know anything about it before then.

Q. It began four years before that time, you mean 1958?

A. Yes.

Q. When did you discover your husband was going with Mrs. Hallman?

A. 1958, I don't know the exact time.

Q. Was there a separation between you and your husband in 1958?

A. No--oh yes, in 1958, May of '58.

Q. What happened in May of 1958?

A. That is when he beat me up and told me to get out.

Q. What do you mean he beat you up and told you to get out?

A. He just beat me up and told me to get out.

Q. Did he leave any bruise marks?

A. Yes--on my face, my arms and my body.

Q. Did anyone see those marks on you?

A. Yes they did.

Q. What day in May was that?

A. I don't know the exact date, but it was during the end of May.

Q. Did he physically put you out or order you out?

A. He ordered me out and said he would kill me if I didn't.

Q. How long did you stay with him after your beating?

A. I left the next day.

Q. How about the children--did you have a talk with him about your three children?

A. No.

Q. Has your husband beaten you up before?

A. Not to leave any marks on me. He hit me and everything.

Q. How often did your husband hit you prior to that time?

A. Quite a few times.

Q. That is rather indefinite. Does that mean 20 or 6 times?

A. I can't say as to the number of times.

Q. What did he hit you with?

A. His hand.

Q. Is this the only time he left marks that you could see?

A. Yes.

Q. Had your husband previously to this time threaten to kill you?

A. Yes he had.

Q. How frequently did he threaten to kill you?

A. That was 3 or 4 times.

Q. On this day in May 1958 when he told you to get out, did you believe he meant it or not?

A. Yes he did.

Q. Do you know where your husband and children are at the present time?

A. No I don't.

Q. Do you know where they are living?

A. As far as I know they are at Wallacetown.

Q. Do you know who is living there now?

A. Yes, Mrs. Hallman.

Q. Is she still living with your husband and children?

A. Yes.

Q. Mrs. Kramer, after you were put out of the house in 1958, where did you go to?

A. I came to Clearfield to stay.

Q. Who did you stay with in Clearfield?

A. Bessie Duke.

Q. How long were you in Clearfield?

A. About three months.

Q. Then where did you go?

A. Back to my husband for a month.

Q. Did he ask you to come back or did you just go back?

A. No, I asked him if I could come back.

Q. Was there any other statements made by either of you?

A. No. I wanted to try to make another go of the marriage for the sake of the kids.

Q. This was in May. Do you know what date you left?

A. Around the first of May, 1958.

Q. You separated in February '58 and returned in May '58, is that right?

A. Yes.

Q. How long did you and your husband continue together in May, 1958?

A. A month.

Q. How did you get along during that month?

A. We didn't.

Q. Did your husband stay home at night during this month of May '58?

A. No he didn't.

Q. Was he working during that month of May?

A. Yes.

Q. Where did he work?

A. Diamond T Construction Company.

Q. You say your husband didn't stay home--how would he treat you?

A. He wouldn't talk or anything.

Q. What do you mean "he wouldn't talk"--wouldn't he answer you if you asked a question?

A. Sometimes he would and sometimes he wouldn't.

Q. What happened--did you stay beyond the month?

A. No, I just stayed for the month. I knew he was carrying on with Mrs. Hallman again.

Q. How did you know he was still carrying on with Mrs. Hallman?

A. I heard it through some friends, and I talked to her husband.

Q. You talked to Mr. Hallman?

A. Yes.

Q. Was your husband home at nights with you?

A. Some.

Q. In a week on the average how many nights was he home and away during this month in '58?

A. I would say 3 or 4 evenings he would be home.

Q. The rest of the time he would be out?

A. Yes.

Q. Do you know when you did finally separate?

A. The last of May.

Q. What caused that separation?

A. His continuance in seeing Mrs. Hallman.

Q. And was there any physical abuse in the last separation?

A. Yes, that was the time he beat me up.

Q. In May '58?

A. Yes.

Q. This time in February...what caused your separation in February?

A. His seeing Mrs. Hallman and when I asked him to stop he told me to get out.

Q. There wasn't any physical abuse in February '58?

A. No.

Q. And this physical abuse was in May '58?

A. Yes.

Q. This time he said he was going to kill you, was that in February or May?

A. Yes, in May.

Q. And that was the time you said you believed him?

A. Yes.

Q. After you left in May '58 where did you go?

A. To Croft, to stay with Mr. and Mrs. Blair Shirey.

Q. How long did you stay at Shirey's?

A. Until June.

Q. Were Shireys any relation to you?

A. No.

Q. You were there until June?

A. Yes.

Q. After you left your husband in May '58 until June '58 was there any contract between you and your husband?

A. No.

Q. Was there any attempt on the part of your husband to see you?

A. No.

Q. Did you make any attempt to see him?

A. No.

Q. How long were you separated, from the first week in May?

A. No, about the last week in May until the last week in June.

Q. Then you were separated for a month then?

A. Yes.

Q. During that period of time were you interested in what happened to the children?

A. I went back to see them, but the only time I could see them was when they were out, at school, and when they were at their grandfather's.

Q. You and your husband haven't lived together since May or June '58?

A. No.

Q. Had you been permitted to return to the home to see your children?

A. No, when I would go, he wouldn't let me in to see them.

Q. Who do you mean by "he"?

A. My husband.

Q. How many times did you go and he refused to let you see them?

A. I would say about 10 or 15 times.

Q. You said something about seeing your children in school. Did you see them at school?

A. Yes.

Q. How many times at school?

A. I used to go quite often. I don't know just how many times.

Q. You said about seeing the children at the grandparent's. Is that your husband's parent?

A. Yes.

Q. How frequently did you see them there?

A. Once a week at least.

BY THE MASTER, CARL A. BELIN, JR., ESQ.:

In any event we won't be able to decide custody of the children. In the Court Rules the Master can't decide custody. The Act of 1958 has a special provision that you can't do it.

QUESTIONING BY F. CORTEZ BELL, ESQ. CONTINUED:

Q. Were you permitted to see them down at the grandparent's?

A. Yes.

Q. Did you see them frequently or not?

A. Yes I did.

Q. Did you ever send any birthday or Christmas presents to the children?

A. Yes.

Q. What happened to them?

A. He always brought them back and threw them in the door.

Q. You mean by "he" your husband?

A. Yes.

Q. Did you see him return the presents?

A. Yes.

Q. How frequently were the presents you sent to the children returned by the husband?

A. I know of at least three occasions.

Q. Christmas or birthday?

A. One birthday and one just plain. I gave them a gift at another time, I just gave them candy.

Q. Did your husband ever say anything to you about giving presents to the children?

A. No, just said that I wasn't allowed to give them that the children didn't need them.

Q. When did he say this to you?

A. When he brought them back.

Q. Where did he bring them back to?

A. One night at work...

Q. Where do you mean "work"?

A. At the General Cigar Factory. He brought money back to the Cigar Factory, and candy out to the house on the Deer Creek Road, and brought a birthday gift I gave them down to Croft to Mr. Shirey.

Q. Have you and your husband lived together since your separation in June 1958?

A. No.

Q. Do you know where your husband is working?

A. No I don't.

Q. Where are the three children?

A. To my knowledge they are with him in Wallacetown.

Q. And to your knowledge who is taking care of the house in Wallacetown?

A. To my knowledge Mrs. Hallman.

Q. After you lived with the Shireys in June of '58, then where did you go?

A. That is when I went back to him for four days.

Q. You had gone back once before?

A. Yes, in June.

Q. You went back for four days, what happened then?

A. Every night I was home he was out to see Mrs. Hallman, and he admitted he was seeing her.

Q. You went back for four days, and he was out to see Mrs. Hallman is that correct?

A. Yes.

Q. Did your husband admit that to you?

A. Yes he did.

Q. What happened in those four days?

A. I asked him to stop seeing her and make a life for the kids and me. He promised to do it, but didn't. Then in general he started making life miserable.

Q. How?

A. Well he knew he couldn't hurt me any more, so he tried to hurt me through the kids. He was mean and would say mean things to them.

Q. What do you mean by being mean and saying mean things?

A. He used language not fit to hear and he said if he ever caught the kids calling me mother he would smash their mouth, and he told them to call me "tramp", not to call me mother.

Q. Did he do this just during these last four days?

A. Yes.

Q. You said your husband refused to permit your children to call you mother?

A. Yes.

Q. And what did he tell them to call you?

A. Tramp.

Q. Was there any reason to make accusations at that time?

A. No there wasn't.

Q. Was he making any accusations at that time?

A. Yes, he was inferring that I was running around.

Q. When you came back for four days, was there any particular person your husband inferred you to be running around with?

A. No.

Q. You said he admitted to running around with Mrs. Hallman?

A. Yes.

Q. Was there any conversation about a trip to Connecticut with Mrs. Hallman?

A. No, I didn't hear anything about it.

Q. When did you leave home after this time?

A. The last of June.

Q. Have you and your husband lived together since that time?

A. Yes.

Q. Was there any physical abuse during this four day period in June?

A. No.

Q. And there hasn't been any physical abuse since then?

A. No.

Q. Had you consulted the D. A.'s Office or the Squire about this beating your husband gave you?

A. Yes.

Q. You said yes?

A. Yes, that was when he threatened to kill me and my girl friend both, and I started a proceeding. I went to the D. A.

Q. What Squire started it for you?

A. Mr. Neal.

Q. Did you withdraw the proceedings when you went back in June?

A. Yes.

BY THE MASTER, CARL A. BELIN, JR., ESQ:

Q. What was the proceedings?

A. Assault and battery.

QUESTIONING BY F. CORTEZ BELL, ESQ. CONTINUED:

Q. Did your husband ever physically abuse you in any other way--other than strike you?

A. If you call it mental abuse, yes.

Q. Did your husband ever choke you?

A. Yes.

Q. Often?

A. Once.

Q. When was this?

A. The next morning after he gave me the beating.

Q. Was that May or February?

A. That was in May.

Q. How many times has your husband choked you?

A. One time.

Q. Are there any other statements your husband made as to how your children should treat you?

A. None that I can recall.

Q. After you left, I think you were down at Shirey's this time, where did you go after you left this four days?

A. That was when I went to Croft with Mr. and Mrs. Shirey.

Q. How long were you at Shirey's?

A. A year or somewhere around there.

Q. Was this a second time you were down at Shirey's?

A. Yes.

Q. You went down to Shirey's a year in June '58 until June '59, right?

A. Somewhere around there, yes.

BY THE MASTER, CARL A. BELIN, JR., ESQ.:

Q. You left in May went to Shirey's and came back and then returned to Shirey's, is that correct?

A. Yes.

QUESTIONING BY F. CORTEZ BELL, ESQ. CONTINUED:

Q. You left in May. Did your husband make any effort to see you when you were down at Shirey's?

A. No.

Q. Did you make any efforts to see the children?

A. Yes.

Q. Did you see them occasionally?

A. Yes, occasionally.

Q. After you left Shirey's, you said about a year, where did you go?

A. Philipsburg.

Q. Where in Philipsburg?

A. An apartment on Presquile Street and Chester Hill.

Q. Did anyone else stay with you?

A. Yes, at that time Mr. Stiner stayed there.

Q. What Stiner?

A. Lyle Stiner.

Q. Lyle Stiner?

A. Yes.

Q. Who all was in that apartment besides you and Lyle Stiner?

A. Noone.

Q. Were you working?

A. Yes.

Q. When did you begin working?

A. I have worked since '57.

Q. Are you working at the General Cigar Factory?

A. Yes.

Q. Are you still working there now?

A. Yes.

Q. Mrs. Kramer, how long...or what were you staying in an apartment at Chester Hill with Lyle Stiner for?

A. Keeping house for him.

Q. Where are you living now?

A. On the Deer Creek Road in Morrisdale.

Q. Who are you living with on the Deer Creek Road?

A. I am keeping house for Mr. Stiner.

Q. Have you ever had sexual relations with Lyle Stiner?

A. No.

Q. Or with any other person since you were married to Mr. Kramer?

A. No.

Q. Mrs. Kramer, how many rooms are there in this house on the Deer Creek Road?

A. Four rooms.

Q. How many bedrooms?

A. Three bedrooms.

Q. What does Lyle Stiner do?

A. He works in a garage.

Q. Whose garage?

A. His brother's garage.

Q. Is Lyle Stiner and his brother both here today?

A. Yes.

Q. Who owns the property you are living in?

A. Willard Stiner.

Q. In your home in Wallacetown is there any thing you brought in, particularly of your own?

A. Yes, a bedroom suit, a mahogany desk, a mahogany bedroom suit, an electric roaster, an electric Singer sewing machine.

Q. Who bought the Singer electric sewing machine?

A. I did.

Q. With your own money?

A. Yes.

Q. Then lets come back to these other things. The roaster, who bought that?

A. My mother.

Q. Your bedroom suit?

A. That my mother bought.

Q. Is he still using that?

A. Yes.

Q. Was the cedar chest and other things personal gifts to you?

A. Yes.

Q. Are these articles you had before you were married to Ivan Kramer or that you bought with your own money?

A. They were gifts from my mother, except the sewing machine, and I bought that myself.

Q. And your husband has refused to give up any of those articles to you?

A. Yes.

Q. Did you ever ask him for them?

A. Yes.

Q. What would he say?

A. He said they were his.

Q. Are there any other articles in the house that your husband has refused to give up to you?

A. There were a number of other things mother gave me, but those are the things I would like.

Q. Let me ask you one question, in this four day interval in May did your husband ask you to come back or didn't he?

A. No, I asked him.

Q. Why did you ask him?

A. I thought maybe we could try again.

Q. One other question, has your husband ever admitted to you that he was having sexual relations with people other than yourself?

A. No.

Q. He does admit he has been seeing people other than you?

A. Yes.

BY THE MASTER, CARL A. BELIN, JR., ESQ.:

Q. When was it you moved to Presquile Street?

A. I think that was in September '59.

Q. And when did you move to Deer Creek Road?

A. In July '60.

BY W. ALBERT RAMEY, ESQ.:

Q. After you discovered that your husband was having relations with Mrs. Shimmel in Detroit you did continue to have sexual relations with him thereafter?

A. Yes.

Q. You cohabited with your husband the same as prior to that time is that correct?

A. Yes.

Q. You did that up till the time of your final separation in May of '58?

A. Yes.

Q. You did that during the four day period that you returned in May of 1958?

A. No.

Q. Did you do that during the period after you first separated in February '58?

A. Yes.

Q. Do I understand that you had separated so far as the year '58 in February you left home?

A. Yes.

Q. Then again in May?

A. Yes.

Q. Then you returned in June '58 and was there for four days?

A. Yes.

Q. The only times you did not cohabit with your husband was during the four day period in June '58?

A. Yes, and the period I wasn't living with him.

Q. And other than that week you were living with him, you did cohabit with him?

A. Yes.

Q. During the time you were living with the Shireys at Croft were you keeping company with any person at all?

A. No.

Q. Were you having any dates or going out with other men?

A. No.

Q. Did you then know Lyle Stiner?

A. Yes.

Q. Were you seeing him then at any time or place?

A. No.

Q. When did you first meet Lyle Stiner?

A. He worked at a garage, and I took the car down to have it fixed.

Q. Where?

A. Floyd Martell's garage.

Q. That is at Croft?

A. No, LeContes Mills.

Q. You first met him at this garage at LeContes Mills where he worked for Martell's garage?

A. Yes.

Q. Was that during the first time you were living at Croft with the Shireys or the second time?

A. No, that was the last time--in July.

Q. In July of what year?

A. July '58.

Q. Up until then had you ever known Lyle Stiner?

A. No.

Q. After that, did you start dating Lyle Stiner or going out with him or keeping company with him at all?

A. No.

Q. When is the first time you and Lyle Stiner were together any place at all?

A. I don't know of any place except when we were always in a group. We would go in a group or something.

Q. Well, I ask you again--when was the first time you were in his company other than at the garage?

A. I couldn't say for sure on that. I just don't know the date.

Q. Well, was it during the time you were living at the Shirey residence?

A. Yes I was still living there.

Q. You lived at the Shirey residence the last time from June '58 to June '59?

A. Yes.

Q. And it was during that time you were meeting Stiner other than at the garage?

BY F. CORTEZ BELL, ESQ.: I object to that question.

MASTER, CARL A. BELIN, JR., ESQ.: Objection overruled. He didn't stipulate being alone with Stiner.

A. Yes.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. It was during that period of time?

A. Yes. As far as I can remember it was at the Sons of Italy at East End.

Q. Did you go there with him?

A. No, I would not call it going with him.

Q. Did you go there with him--did he take you in his car?

A. Well yes he took me, if you mean going in his car.

Q. And did he take you home also in his car?

A. Yes.

Q. When did you next see him after that?

A. I don't know exactly when I did see him.

Q. But the time you lived at the Shirey residence in Croft in June 59, were you seeing him from time to time?

A. Yes, from time to time I would see him.

Q. Were you going places together at this time?

A. No.

Q. Where would you see him from time to time?

A. At the garage when I was getting the car fixed.

Q. During any time at the residence of the Shireys, did you go out with him?

A. No.

Q. At any rate I understand you lived at the Shirey residence in June 1959 and took up your residence in an apartment at Chester Hill. Was that a furnished apartment?

A. No.

Q. Who owned that apartment?

A. Somebody by the name of Kelce.

Q. Who rented the apartment?

A. Mr. Stiner.

Q. Mr. Stiner rented it?

A. Yes.

Q. He rented it vacant?

A. Yes.

Q. Were there furnishings later put into it?

A. Yes, he put his own furniture in it.

Q. Did the two of you fix it up together?

A. No, he fixed it up himself.

Q. You moved in with him?

A. No, I didn't move in with him.

Q. Well, you moved in the apartment he rented in June '59?

A. Yes.

Q. Was that when he rented it?

A. No, not in June '59.

Q. When did he rent the apartment?

A. In September.

Q. Where did you live from June till September?

A. At Shireys.

Q. Your testimony was that you lived in with Shireys from June '58 till June '59?

A. I said about a year—not the exact time.

Q. You want the record to appear you stayed from September '58 till September '59?

A. Yes.

Q. Then you left the Shireys about the same time Mr. Stiner rented this apartment in Chester Hill?

A. Yes.

Q. How large was the apartment?

A. Three rooms.

Q. What did they consist of?

A. Kitchen, living room and bedroom.

Q. When did you move out of that apartment?

A. It was in July '60, I believe.

Q. You and Mr. Stiner occupied this apartment from September 1959 till July 1960?

A. Yes.

Q. At that time what was his employment?

A. He still worked at the garage.

Q. What garage?

A. Martell's garage.

Q. In Croft?

A. Yes.

Q. He travelled back and forth to work?

A. Yes.

Q. At that time were you employed at the Cigar Factory?

A. Yes.

Q. Prior to that time did you work at the General Cigar Factory or any place?

A. Yes. I have worked at the Cigar Factory since '57.

Q. You were working there when you lived with the Shireys and also when you lived at home?

A. Yes.

Q. When in '57 did you go to work at the Cigar Factory?

A. I worked a period in February, about three months, then I was laid-off three months. I went back--it was either in the last of August or first of September '57 I was employed steady.

Q. That was the time you were still living at home in Wallaceton?

A. Yes.

Q. When Lyle Stiner gave up the apartment in Chester Hill, both of you moved to the house on Deer Creek Road in Graham Township, is that correct?

A. Yes--oh no, we didn't both move to the house. I moved to the house and he moved in with his brother.

Q. Oh, you moved to the house, and where did his brother live?

A. He lived down the road about a fourth of a mile.

Q. Down the road a fourth of a mile?

A. Yes.

Q. Whose furniture was in the house in Graham Township?

A. At that time he furnished part and so did I.

Q. Did he move his furniture from the apartment in Chester Hill to this house?

A. Yes.

Q. Did you purchase other furniture?

A. No, I had some furniture given to me.

Q. By whom?

A. My mother.

Q. This is not the furniture you were talking about a while ago in your home in Wallacetown?

A. No.

Q. What furniture did you put in the Graham Township house?

A. A bed, dresser, some linoleum.

Q. What furniture did he put in the Graham Township house?

A. The rest was all his stuff, the refrigerator, table and such things as that.

Q. When did your mother give you the furniture you put in this house?

A. When she sold her home. I don't know just when.

Q. When in the relation to this divorce case did she give it to you?

A. When we moved out there.

Q. When you moved to Graham Township?

A. Yes.

Q. To put into this house?

A. Yes.

Q. What did Stiner put into this house?

A. The rest of the furniture.

Q. What other furniture?

A. The rest of the furniture, the table, chairs, linoleum, stove, heating stoves--as of now he has got two more beds, covers and stuff.

Q. Since then you say he got two more beds?

A. Yes, when we built the rest of the house on.

Q. How soon after you moved there did Stiner then move into the Graham Township house?

A. I don't know the exact month--I just can't remember. It was just since he built the house on.

Q. Refresh my memory, when did you move into the Graham Township property?

A. In July.

Q. 1960?

A. Yes.

Q. What did the house consist of then--how many rooms?

A. Two.

Q. Two rooms?

A. Yes.

Q. What were they called?

A. Bedroom and kitchen.

Q. He was living how far away from there?

A. I don't know how far exactly, about a fourth of a mile. I am not very good at judging miles.

Q. When did he move into that property?

A. When the rooms were completed. I just don't remember the date now.

Q. Do you have an estimation--1962?

A. Yes it was this year.

Q. In this year, 1962, do you mean?

A. It was when...let me see...I couldn't say, I don't remember.

Q. Was it within the past two months?

A. Oh it was before that.

Q. Did he move in before 1960?

A. I went there in July 1960.

Q. Was it sometime after 1960?

A. Yes.

Q. At any rate sometime since 1960 you and Stiner have been occupying the same house together?

A. I would say it was the later part of '60 or '61.

Q. Since then you have been occupying the same house together--no other person in the house but you two?

A. No.

Q. And you continued to work at the Cigar Factory in Philipsburg?

A. Yes.

Q. How do you get back and forth from Philipsburg to the Graham Township house?

A. I use Mr. Stiner's car.

Q. How long a drive is that?

A. About one-half hour.

Q. How many miles?

A. It is a little over ten miles.

Q. And you were working there when you moved to the Graham Township property?

A. Yes.

Q. And when you first moved to Graham Township property did you use Stiner's car for that purpose?

A. Yes.

Q. And you have been using his car ever since?

A. Yes.

Q. Does he pay you for keeping house for him?

A. No.

Q. Did he pay you when you first moved into the apartment at Chester Hill?

A. No.

Q. He never paid you for keeping house?
to

A. No. He furnishes my way/work and in return I keep his clothes and meals and keep house for him.

Q. He has never reimbursed you in any way for housekeeping other than furnishing you his car to get back and forth to work?

A. No.

Q. When you were in Chester Hill, that is Philipsburg is it not?

A. I don't know. It is Chester Hill.

Q. Did you use his car when living in Chester Hill to get to work in Philipsburg?

A. Yes.

Q. Would refresh my recollection on the number of rooms in the apartment in Philipsburg?

A. Three.

Q. What were they?

A. Kitchen, living room, and bedroom.

Q. Was this Mrs. Shimmet referred to in your testimony related to either of you in any way?

A. No.

Q. But she continued to travel with you in Detroit, back to Niagra Falls, Clearfield and so forth?

A. No, not back to Clearfield. She stayed in Buffalo.

Q. She continued to live with you in the apartment in Detroit after you found them together?

A. Yes.

Q. You travelled by automobile, the three of you?

A. Yes.

Q. Was there anybody else with you?

A. No.

Q. When you went from Detroit to Niagra Falls, you took her with you?

A. Yes.

Q. How did you live in Niagra Falls?

A. We had an apartment up there.

Q. Did the three of you live there together?

A. Yes.

Q. When you left Niagra Falls she did not return to Clearfield?

A. No.

Q. Just you and your husband returned?

A. Yes.

Q. Was that the end of the Shimmel affair as far as your husband is concerned?

A. Yes, as far as I know.

Q. Was February 1958 the first time you left your husband and children?

A. Yes.

Q. Up until that time how had your husband treated you?

A. Well sometimes good and sometimes he didn't.

Q. By treating you I mean did you get along like the average husband and wife?

A. No I wouldn't say like the average family. There was too much quarreling and such as that.

Q. What was the quarreling about?

A. Mrs. Hallman.

Q. Was that the only source of your troubles?

A. Yes.

Q. Other than that there was no quarreling?

A. No.

Q. You left in February '58--up until then I understand you had been threatening to leave but never did?

A. Not in the Hallman case no.'

Q. When was the first time you threatened to leave your husband?

A. When he was carrying on with Mrs. Shimmel.

Q. When was that?

A. Any where between '47 or '51.

Q. Between '51 and '58 did you have any troubles?

A. No...yes, it was about '58 trouble started.

Q. What was the trouble then?

A. He started running around with Mrs. Hallman.

Q. He started running around with Mrs. Hallman in '58?

A. No, before that but I had just heard. To my knowledge it was in '58 I heard about it.

Q. It was, to your knowledge, the first time your husband was running around with Mrs. Hallman in February '58?

A. No, it was before that. It was in September or around there in '57.

Q. How did you learn he was keeping company with Mrs. Hallman?

A. I found letters and things from her in his pockets.

Q. You found these in September '57?

A. Yes, around there somewhere.

Q. That was when you first learned about it?

A. Yes.

Q. Did you confront him with these letters?

A. Yes, but he just wouldn't answer at all. He admitted running around with her.

Q. In '58 you had your fill and left?

A. He threw me out.

Q. In February?

A. Yes. He told me to get out.

Q. When did you say that he started beating you up?

A. From time to time he slapped me, but the first time he ever beat me was the last of May sometime.

Q. May of '58?

A. Yes. Up till then he had...he just slapped me not to leave marks, but he slapped me.

Q. When was the first time he did that?

A. I couldn't say, I just don't know.

Q. Between the time that you learned of his running around with Mrs. Shimmel and February '58, did he abuse you or treat you in any other way than with respect, other than the fact he was running around with Mrs. Hallman, as you say?

A. Yes, he would say mean things to me, he would say dirty remarks and things of that sort.

Q. What mean things did he say to you?

A. I know of one occasion when I was getting ready for work. I don't know exactly what he was harping on, but to save an argument I went out and sat on the porch, and a truck went by. He yelled at the truck driver to stop and get me.

Q. Did you know the driver?

A. No.

Q. Did he stop and get you?

A. No.

Q. Wasn't that during the time you ran around with other men?

A. I have never run around with other men.

Q. All your trouble started in September '57?

A. Yes.

Q. At the time you started to work at the Cigar Factory?

A. No, I worked there before.

Q. Was it after you got regular employment?

A. Yes.

Q. Your trouble and employment were tied up together?

A. No they weren't.

Q. Your troubles, employment and the driver of the truck occurred about the same time didn't they?

A. No.

Q. When was the truck incident?

A. I don't know just when.

Q. It was sometime during September '57?

A. It was during the time I went back to stay with him. I think in May when I went to live with him.

Q. I asked you about your life in September '57 and February '58, and during that period of time you referred to the truck incident didn't you?

BY THE MASTER, CARL A. BELIN, JR., ESQ.:

Q. Mrs. Kramer, Mr. Ramey asked you concerning the period of time from September '57 up to February '58 when you lived with your husband. You said the truck incident occurred in May. I wonder if you could be more specific about when the truck incident happened. Lets get it straightened out.

A. It wasn't during that period, it was in May of '58.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. Why did you bring that up when I asked about your life in '57 and '58?

A. Well, I just have trouble remembering dates. I remember the months but that is all.

Q. Why does this truck incident stand out in your mind so clearly?

A. Because of the way he done it. Well if you were standing on the street and your wife yelled to a woman to come get you, it would stand out in your mind wouldn't it?

Q. Do you live on the main street in Wallacetown?

A. No, between the main highway and 322.

Q. Is it a paved road?

A. Yes.

Q. Did you know the driver of the truck?

A. No.

Q. Was it Lyle Stiner?

A. No.

Q. How do you know it wasn't Lyle Stiner?

A. I don't know of him driving truck.

Q. How do you know it wasn't Lyle Stiner?

A. I couldn't say it wasn't if you put it that way.

Q. What happened prior to February '58 that caused you to leave at that time?

A. A series of quarrels.

Q. Did he abuse you any at that time, physically?

A. No, not physically.

Q. Just a series of quarrels and you decided to leave?

A. No, I didn't decide to leave. He told me to get out.

Q. In February?

A. Yes.

Q. I understood you to testify that the first time he beat you up was in May '58 after you returned?

A. That is right.

Q. And that is when he made marks on your face, arms and body?

A. Yes.

Q. Did you go to a doctor?

A. No, it didn't require medical help.

Q. What did he beat you with?

A. His hands and fist.

Q. Where did it take place?

A. In the house.

Q. What hour of the day?

A. In the afternoon sometime, I don't know the exact time.

Q. Was he not employed then?

A. As far as I can remember I think he was. He was either laid-off or still working for the Diamond T.

Q. It was in the house was it?

A. Yes.

Q. Were the children home?

A. Yes, the two girls were as far as I can remember.

Q. What girls?

A. Darla Jean and Laree.

Q. Darla was there, and she is the oldest child?

A. Yes, she is.

Q. How old is she?

A. 13.

Q. How old is Laree?

A. 11.

Q. At that time Laree would only be about 7 and Darla 9?

A. Yes.

Q. What reciprocated his beating you up at that time?

A. It was a phone call I got. My girl friend called on the phone. When I got up to answer it, he grabbed the phone and said it was a man. He started swearing right over the phone, and by that time I got the phone from him, and it was my girl friend. When I found out it was my girl friend he grabbed the phone and started hitting me.

Q. You got a black eye out of it?

A. Yes.

Q. Whenever he found out it was your girl friend was he still angry, even though it was not a man?

A. Yes.

Q. Did he say it was a man's voice?

A. He didn't say, he just grabbed the phone and swore. I don't know the exact words he used, but he swore.

Q. How did you get the telephone?

A. I walked over and took it out of his hands.

Q. Did you quarrel over the phone?

A. Not when he found out it was my girl friend and was done swearing, he left me have it then.

Q. What was he so angry about if it was your girl friend?

A. He thought it was a man.

Q. Did he say hello and hear the girl friend on the other end?

A. I don't know if he heard the girls voice or not. As far as I know he grabbed the phone and started swearing.

Q. Then he handed it to you?

A. I grabbed it.

Q. You talked to the girl and made him mad?

A. Yes.

Q. Did he beat you while you were talking on the phone?

A. Yes.

Q. Who was the girl friend?

A. Bessie Duke.

Q. Where does she live?

A. New Jersey.

Q. Where did she live then?

A. In Croft with her mother.

Q. She is not available now to testify is she?

A. No she is not. She is in New Jersey.

Q. When you were through talking then a quarrel followed?

A. He didn't wait until I was through, he beat me while I had the phone in my hand.

Q. Did your girl friend on the other end know he was beating you while you were talking?

A. Yes, she heard him hitting me and yelling at the time we were talking over the phone, and I couldn't make out what she was saying and hear him.

Q. While he was hitting you, you were still talking to her?

A. No, I couldn't talk.

Q. How many times did he hit you?

A. A number of times.

Q. How many?

A. About 10.

Q. And during this time you still had the receiver in your hand and talked to your girl friend?

A. No, I had the receiver in my hand, but I wasn't talking.

Q. And after these ten blows you talked to your girl friend some more?

A. Yes.

Q. Then you hung up the receiver?

A. Yes.

Q. When you left then during those three months from February to May you lived with Bessie Duke in Clearfield?

A. Yes.

Q. Was she a married woman?

A. Yes.

Q. Where did you first say she lived...where did she live when you were talking with her on the phone?

A. She was living in Croft then.

Q. When did she come to Clearfield?

A. She lived in Clearfield before she moved to Croft.

Q. Did she move to Clearfield then?

A. No.

Q. You stated in direct testimony you stayed in Clearfield with Bessie Duke for three months, sometime from May to February '58. When this beating took place you were talking about was it the end of May after you returned from Clearfield?

A. Yes.

Q. Where in Clearfield did you live?

A. A Hotel.

Q. What hotel?

A. The Clearfield Hotel.

Q. The Clearfield Hotel...was she employed there?

A. No.

Q. Where did she work?

A. General Cigar Factory in Philipsburg.

Q. She travelled from Philipsburg to Clearfield and lived at the Clearfield Hotel in Clearfield?

A. Yes.

Q. You had rooms there together?

A. Yes for a while.

Q. You both occupied the same rooms?

A. Yes.

Q. Where did you get your meals?

A. We ate in the restaurant below.

Q. In the same hotel?

A. Yes.

Q. That lasted until May '58 then you returned home?

A. Yes.

Q. This alleged beating you were talking about took place during the time you were home in May '58?

A. Yes.

Q. During that time you said you heard that he was still going out with Mrs. Hallman. How did you learn that?

A. I talked to Mr. Hallman. I asked him or called him to find out if he knew if they were seeing one another, and then my husband admitted it. When I asked him about it, he said he was.

Q. Then that reciprocated more quarreling, did it not?

A. Yes.

Q. Then he ordered you to get out of the house?

A. Yes.

Q. He said he would kill you if you didn't get out?

A. Yes.

Q. Did you believe he would?

A. Yes I did. When a man carries two guns with him at all times I believe anything.

Q. What do you mean?

A. He carried a 32 revolver and a pistol.

Q. Did he carry them with him at all times?

A. To my knowledge yes. He said he took them to work with him. I don't know, he just said he did.

Q. You are just quoting what he said?

A. Yes.

Q. You don't know he did, you just seen him with them a few times and that made you believe he would kill you?

A. Yes, when he beat me he said he would kill me. A number of times he said he would get me, but when he did get me it would look like an accident, no one would know the difference.

Q. You say he would stay home 3 or 4 evenings a week?

A. Yes.

Q. Was he working day or night during May '58?

A. He was working during the day.

Q. You took him for his work and left the house and went to Croft to live?

A. Yes.

Q. Why did you go clear to Croft to live when you were working at the Cigar Factory? That is the opposite direction from Philipsburg isn't it?

A. Yes.

Q. When you were working at the Cigar Factory and living within 3 or 4 miles from the Cigar Factory, why did you go to Croft?

A. Because I had no transportation to work and no one to stay with. My girl friend had her own car, and I had a way to work.

Q. You mean your girl friend Bessie Duke?

A. Yes.

Q. Who did she live with in Croft?

A. Her mother and dad, Mr. and Mrs. Shirey.

Q. During the time you were in Croft from the month of May did you go to see your children?

A. During the month of May I was with my husband. It was the end of May I went to Croft.

Q. During the time you were in Croft with Bessie Duke from February to May did you go to see your children?

A. Yes.

Q. Where?

A. Mostly at the home of his father, Ivan Kramer, Sr.,...

Q. Where is that?

A. Wallaceton, and at school.

Q. And at school?

A. Yes.

Q. Were you permitted to see them at the grandparent's home at any time?

A. Yes.

Q. Is the grandparent's home close to the school house?

A. Yes it is.

Q. How far from the school?

A. About one-fourth mile or something like that.

Q. How far is the home in Wallaceton from the school house?

A. About a mile or a mile and one-half.

Q. During the period of your absence from the home, did you learn that they were staying at the grandparent's?

A. Yes.

Q. How often did you go and see the children at the grandparent's home?

A. Once a week or so.

Q. Once a week or so?

A. Yes, I would stop by, but they weren't always there.

Q. At that time you would see them at the school house?

A. Yes, I would stop at lunch time to see them.

Q. Were they all in school?

A. Yes, they were all in school.

Q. Were all the children at the same school?

A. Yes.

Q. Then did you go back?

A. Yes, in June '58.

Q. And stayed there for how long?

A. Four days.

Q. Then you moved to where?

A. Croft.

Q. And did you stay there until June '59?

A. No, I stayed there until around September '59.

Q. Why did you leave the Shirey's house and take up your residence at Chester Hill?

A. My girl friend was out of work, or she was sick and had to quit working, and due to her being sick and the car broke, we had no way to work. I had to move and find a way to work.

Q. What were your wages then?

A. \$45.00 a week.

Q. Why didn't you get an apartment of your own somewhere in Philipsburg?

A. I had no way to work.

Q. Well, if you lived in Philipsburg you could have walked to work couldn't you?

A. No I couldn't, it is about one mile to the factory.

Q. The factory is right in town...

A. No it is not.

Q. You could get some facilities to the factory.

BY F. CORTEZ BELL, ESQ.: I object to this questioning. I see no purpose to it.

MASTER, CARL A. BELIN, JR., ESQ: Objection sustained.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. Concerning these possessions you say you would like to have from the house, there is a bedroom suit your mother gave you, you say?

A. Yes.

Q. When did she give it to you?

A. She gave it to us a quite a while after we went to house-keeping.

Q. Before the trouble started?

A. Yes.

Q. You say she gave it to us?

A. I said she gave it to me.

Q. Oh, now you changed it to me.

BY F. CORTEZ BELL, ESQ.: Objection

MASTER, CARL A. BELIN, JR., ESQ.: Objection overruled--proper questioning.

A. About the same time off and on she gave me all the furniture.

Q. When did you buy the Singer Sewing Machine?

A. I bought that machine with the money I worked for and saved. I would take in other people's sewing to make payments on it.

Q. Did you save that from the money your husband gave you to run the house?

A. No.

Q. Was that money you earned kept apart from the husband's money?

A. Yes, that was kept to make payments on the sewing machine.

Q. You didn't keep that with the money your husband gave you to run the house?

A. No.

Q. Since you left in June '58 have you been back to the house?

A. No. I have been back to see the children but he wouldn't leave me in the house to see them. A couple of times the kids were in the yard, and I talked to them in the yard.

Q. Just those couple times you went and found the children in the yard is the only time you have been back since '58?

A. Yes.

Q. And that is the only time you have seen the children, since '58?

A. Except when they were with their grandfather.

Q. When was that?

A. I don't know the exact dates or anything like that. Just when I could catch them at the house.

Q. When was the last time you have seen any of the children other than the daughter sitting in this hearing today?

A. It was a year ago Christmas.

Q. Christmas 1960?

A. Yes.

Q. Is that the last time you seen any of the children?

A. Yes.

Q. Since then have you made any attempt to see the children?

A. Yes, I have been around to their grandfather's house and there was no one there.

Q. Around to the grandfather's house, you mean his father's house?

A. Yes.

Q. And there was no one there?

A. No.

Q. When was the last time you saw the children at their home in Wallacetown?

A. It has been too long ago to know now.

Q. Why don't you go to see them?

A. Do you think I want to take the threat of a beating. I don't want to be killed.

Q. Don't you know your husband is regularly employed?

A. No I don't. I don't keep track of him.

Q. You could find out if he is regularly employed couldn't you?

A. No, I am not interested in him since I left.

Q. Have you made any efforts to determine when and if your husband is employed so you could go see the children in his absence?

A. No, with my work I can't.

Q. Are you working day or night?

A. Days now, but I used to be on night shift.

Q. When did you go on day shift?

A. About two years ago to my knowledge.

Q. This is February 1962, so you have been on day shift since February '60?

A. Some where around there.

Q. Don't you know your husband works at night time?

A. No I don't.

Q. Where did you stay last night?

A. At my home where I always stay.

Q. Where?

A. Deer Creek Road.

Q. You have continued to live there regularly since you moved there in July 1960 was it?

A. Yes.

BY F. CORTEZ BELL, ESQ.:

Q. Mrs. Kramer, Mr. Ramey asked you about coming up to the Sons of Italy. I don't know when, was there a crowd of you?

A. Yes.

Q. Who all was in the car?

A. Mr. Stiner, myself and Bessie Duke.

Q. That is the first time you were with him you were talking about?

A. Yes.

Q. During the period of time you moved down to the Deer Creek Road until Stiner moved down to the Deer Creek Road what was done to the house. Mr. Ramey got you to say that there were only two rooms...

BY W. ALBERT RAMEY, ESQ.: I object to this form of questioning.

MASTER, CARL A. BELIN, JR., ESQ.: Objection sustained.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. How many rooms are in the house now?

A. Four.

Q. Who built these rooms on?

A. Boss Rougeux was the main contractor.

Q. In the apartment in Chester Hill, where did Mr. Stiner sleep?

A. On the couch or on the roll-away bed which was pushed out of the way in the kitchen.

Q. He didn't sleep in the same room you slept in?

A. No.

Q. How many times since you left in May or June '58 have you gone back to Wallacetown to see your children?

A. I couldn't name the number of times.

Q. Have you ever been refused permission to see them?

A. Yes. I did see the children in the yard.

Q. Outside of seeing the children in the yard, have you ever been refused to see the children?

A. Yes, he would take the children in the house and he refused to let me in to see them.

Q. How many times have you gone back to Wallacetown to see the children?

A. I couldn't name the number of times.

Q. Have you ever been refused permission to see them?

A. Yes.

Q. How many times have you gone back to Wallacetown and were refused permission to see them?

A. I would say 4 or 5 times.

BY W. ALBERT RAMEY, ESQ.:

Q. Was your husband there each time you went back?

A. Yes.

Q. Were the children in the yard or house at the time?

A. Most of the time in the house.

Q. Did you go to the door and rap or what happened?

A. Yes. The door was usually open and the kids would answer the door. I would ask if I could talk to him, and he would just say not to bother just to leave.

Q. He would tell you not to bother just leave?

A. Yes.

Q. When was the last time this happened?

A. I don't know when.

Q. You say you haven't been back there since you went to Deer Creek Road...that would be in July 1960 wouldn't it?

A. Yes.

Q. You haven't made any efforts to see them at the house since July, 1960?

A. That is right.

Q. Up to your leaving in June 1958 and your moving to Graham Township in July 1960, how often did you go back to see them?

A. I don't know. To that I couldn't say for sure.

Q. How often were you refused permission to see them at that time?

A. At that time they stayed with their grandfather. The grandfather left me see them all I wanted to see them. It was only when they were at his home, Ivan Kramer, Jr.'s home, that he would not let me see them.

Q. How often were you refused permission to see them?

A. Four or five times.

Q. Was that in the day time?

A. Yes.

Q. Any particular time of the day would you go and see them?

A. Before I went to work. I was working night shift, so I would go before I went to work.

Q. What time did you go to work?

A. I worked on the 3:30 shift then. I would say I made it so the kids would be home for lunch when they were going to school. I would see them on their lunch hour.

Q. You say you were still working day shift sometime prior to September '60?

A. It was sometime prior to 1960.

Q. You say you would stop and see them on the way to work when you were working night time?

A. When working night shift, yes. When I was working day shift I would go out around 7:00.

Q. When working day shift between February '60, you would go and see the children on your way home from work?

A. No, I would go home from work, and then go out about 7:00 or around there.

Q. When your husband was there?

A. No. I never went there in the evenings when he was there.

Q. You say there were 4 or 5 times you tried to see them when he was there?

A. Yes.

Q. When was that, February 1960?

A. Yes.

Q. You haven't tried to see the children since?

A. Not at his home, no.

Q. How many times was there you went to see the children and were refused?

A. Four or five times.

Q. The times at the home when he wouldn't let you see them, would he tell you you couldn't see them, or was there some other condition about it?

A. He would say I couldn't see them, and he would shut the door on my face and I would leave.

Q. You have never seen them since February '60?

A. No, not at his home.

Hearing recessed at 11:30 and convened at 1:30.

BY W. ALBERT RAMEY, ESQ.:

Q. When did Mr. Stiner move into the Graham Township property after you took up your residence in July 1960?

A. When they completed the four rooms.

Q. When was that?

A. I don't know the exact day, I don't remember.

Q. Was it in 1960?

A. Yes.

Q. Has he lived there ever since?

A. Yes.

Q. And have you lived there ever since?

A. Yes.

Q. You stated you lived in Clearfield in the Clearfield Hotel during that three month period?

A. Yes.

Q. Did you live any where else in Clearfield?

A. Yes.

Q. At any time did you live in Clearfield any place else other than the hotel?

A. I lived for a week or two weeks somewhere on West Side.

Q. Where on West Side?

A. I don't remember the street or address.

Q. Was that during the period of 1958?

A. Yes, after I moved in the Clearfield Hotel.

Q. Sometime between February and May 1958?

A. Yes, sometime around there.

Q. You moved to a street on West Side?

A. Yes.

Q. Was it a rooming house or something?

A. Yes.

Q. What was the name of the people who owned it?

A. There was a lady who owned it, I don't know just who.

Q. Name of the street it was on?

A. I don't know that now.

Q. Who else lived there?

A. Bessie lived there with me, Bessie Duke.

Q. Why did you live there?

A. That is when I decided I would go back to him and give it another chance. That was in May when I asked to go back to him.

Q. You left this place on West Side and went back home to Wallacetown?

A. Yes.

BY THE MASTER CARL A. BELIN, JR., ESQ.:

Q. How many rooms were in the house on Deer Creek Road?

A. Four rooms.

Q. What are they?

A. Three bedrooms and a kitchen.

MR. CLAIR HALLMAN being duly sworn according to law testified as follows:

BY F. CORTEZ BELL, ESQ.:

Q. What is your name?

A. Clair Hallman.

Q. Where do you live?

A. Houtzdale.

ex-

Q. Are you the/husband of the Mrs. Hallman who is sitting across the table from you next to Mr. Ramey?

A. Yes.

Q. Do you have any family?

A. Yes, 8 children.

Q. Did you obtain a divorce from Mrs. Hallman?

A. Yes.

Q. When did you obtain that divorce?

A. 1959.

Q. When was the decree granted?

A. 1960.

BY F. CORTEZ BELL, ESQ.: The Decree of Divorce offered as evidence in the case of Bessie Hallman vs. Clair Hallman March 26, 1960.

BY CARL A. BELIN, JR., ESQ., MASTER: Any objections Mr. Ramey.

BY W. ALBERT RAMEY, ESQ.: No objections.

QUESTIONING CONTINUED BY F. CORTEZ BELL, ESQ.:

Q. When did you and your wife separate?

A. It was in 1960 when we separated. She left in the later part of July 1960.

Q. Your divorce was granted in March, 1960?

A. Yes.

Q. When did you and your wife separate?

A. We separated in 1959 some time. I don't know what month or date it was. '59 sometime.

Q. Do you know Ivan Kramer?

A. Yes sir, I do.

Q. Prior to the separation between you and your wife tell the Master what happened?

A. Ivan and her got to running around--going out together, and we kept having troubles, and they took a vacation up to....

BY W. ALBERT RAMEY, ESQ.: Objected to unless he testifies to personal knowledge.

CARL A. BELIN, JR., ESQ., MASTER: Objection sustained.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Did you ever hear Ivan Kramer honk his horn for your wife out front of the house?

A. Yes.

Q. How frequently did this happen somewhere in 1959?

A. It would happen 3 or 5 nights a week. He was there day and night time both.

Q. Did you have a daughter working up in Connecticut in '58 or '59?

A. In '59, yes.

Q. Which girl was that?

A. Isabell.

Q. Do you know anything about your wife going up to Connecticut to visit her?

A. Yes she was up.

Q. Who did she go up with?

A. Ivan Kramer.

Q. How do you know she went with Ivan Kramer?

A. I went down to Ivan Kramer's to see if he was home and he wasn't...

Q. You went down to Ivan Kramer's to see if he was home. Did she admit she went up with Ivan Kramer?

BY W. ALBERT RAMEY, ESQ.: Objected to. The party to whom he is quoting is not a party to this record. Mr. Hallman is not a party to this case.

CARL A. BELIN, JR., ESQ., MASTER: Objection sustained.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Have you ever talked with Ivan Kramer?

A. Talk with him? Yes. I talked with Ivan Kramer just before we parted or had any trouble.

Q. When did you talk with Ivan Kramer?

A. Back about '58 sometime.

Q. Where was it you talked to him?

A. He came to my place.

Q. What was your conversation with Ivan Kramer up at your house?

A. I can't tell you...we talked about different things.

Q. Did you talk about the weather or talk about him going with your wife?

A. We didn't concern her.

Q. When you brought the divorce proceedings was there a notice served on Ivan Kramer?

A. Yes.

Q. Was he at the first hearing?

A. No, he wasn't there.

Q. Did you charge your wife with committing adultery with Ivan Kramer?

BY W. ALBERT RAMEY, ESQ.: Objected to unless it appears on the record that the divorce was granted on that grounds. If the record is not present at the hearing you will not be able to ask this witness any questions on this line further.

CARL A. BELIN, JR., ESQ., MASTER: The objection on that question was sustained.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Did you obtain a divorce from your wife on the grounds of her conduct with Ivan Kramer?

A. Yes.

BY F. CORTEZ BELL, ESQ.: Those papers in that divorce case are charged to me, but I returned them. Joe Work was the Master, and he has a copy of the report. I would like to ask the Master to examine a copy of Joe Work's report down in the Prothonotary's Office.

CARL A. BELIN, JR., ESQ., MASTER: Is that satisfactory to you Mr. Ramey?

BY W. ALBERT RAMEY, ESQ.: I don't know, I have tried to obtain this report for several months and haven't been able to get it, and I would like to know what is in the report. I assume that Joe Work's copy is an exact copy, but there is a question on it.

CARL A. BELIN, ESQ., MASTER: Where are these original papers?

F. CORTEZ BELL, ESQ.: I am charged with them, but I took them back to Bill Hagerty. They don't have them in the Prothonotary's Office nor the D. A.'s Office. They all say they don't have them.

BY W. ALBERT RAMEY, ESQ. TO MR. HALLMAN:

Q. You say Ivan Kramer came to your house and honked his horn 3 or 4 times a week?

A. Yes.

Q. Where do you live?

A. Sanborn, Houtzdale R. D.

Q. Were you and Ivan friends for a number of years?

A. Not at that time, No.

Q. Had you been friends for years---had you known each other for years, for a period of time?

A. I don't know how long he came there. I know I knew him 5 years before our divorce.

Q. Would he come there at times to see you?

A. No, lots of times I was working.

Q. Those times he was honking his horn 3 or 4 times a week, was he honking for you?

A. No.

Q. Do you know he was not honking for you?

A. No, but I am plenty sure he wasn't.

Q. How did you know it was Ivan's horn?

A. I know his car.

Q. Was it day time or night time?

A. Day time.

Q. You would look out and recognize his car?

A. Sure.

Q. Would you go out?

A. No.

Q. What would they, talk at the car?

A. They either would talk at the car or got in the car and went away. It happened different ways.

Q. Were you objecting to it?

A. Yes.

Q. Did you object to Ivan about that?

A. I had him a notice sent was all.

Q. It was on the records that your wife was going with Kramer in which you obtained a divorce?

A. Yes.

MRS. MARY SHIREY being duly sworn according to law testified as follows:

BY F. CORTEZ BELL, ESQ.:

Q. What is your first name Mrs. Shirey?

A. Mary.

Q. Where do you live?

A. Croft.

Q. How long have you lived down there?

A. 17 years.

Q. Do you know Mrs. Faye Kramer?

A. I do.

Q. How long have you known her?

A. I don't know what month she came down, but she came to my house to stay in May 1958.

Q. Did you see her prior to '58?

A. I saw her once.

Q. Is your daughter Bessie Duke?

A. Yes.

Q. In May of 1958 did she come to your place to stay?

A. She did.

Q. What was her physical condition in May '58?

A. When she came down she had black and blue marks on her arms, neck and face.

Q. Whereabout on her face?

A. On her cheeks and around her eyes.

Q. What about her eyes?

A. They were dark.

Q. Both eyes?

A. Yes.

Q. In addition to both eyes being darkened did you say there were marks...where were the marks on her...what side of her face?

A. Both sides.

Q. Were they bruise marks?

A. I would say they were.

Q. You know what a black and blue mark looks like, would you say they were black and blue marks?

A. I would.

Q. Do you know of any of the trouble between Mr. and Mrs. Kramer to your knowledge?

A. I don't know the man.

Q. Mrs. Shirey, you are here to testify to her physical condition when she came down to your place in '58 is that right?

A. I am.

Q. Was there any other time she came to your place with marks on her?

A. No, no other time I know of.

BY W. ALBERT RAMEY, ESQ.:

Q. Mrs. Shirey where was your daughter then living at that time?

A. She was home. They had been together in town but they both came to my place for a place to stay.

Q. They both came there to stay?

A. They both stayed with me.

Q. And it was when they gave up their rooms in town?

A. Yes.

Q. Mrs. Kramer testified she lived in town from February to May with your daughter?

A. I don't know how long.

Q. Do you know where they went when they left there?

A. The Clearfield Hotel.

Q. Did they live at the Clearfield Hotel all the time?

A. They got another room, but I don't know where.

Q. They left that room and came to your place to live. Is that when she had marks on her?

A. Yes, she had marks when she came there in the first part of May.

Q. Is that when she came to live with your daughter?

A. Yes.

Q. Did they live in Clearfield?

A. Yes, they lived in town.

Q. They left town to come to your place to live, because Mrs. Kramer said your daughter lost work at the Cigar Factory?

A. Yes.

Q. She was sick?

A. Yes.

Q. How long did Mrs. Kramer live at your place?

A. A few days then she was gone a while then she came back.

Q. Was the first time when she had these bruises?

A. Yes, the first time she came to my place.

MR. BLAIR SHIREY being duly sworn according to law testified as follows:

BY F. CORTEZ BELL, ESQ.:

Q. What is your first name?

A. Blair

Q. Are you the husband of the woman who just left the stand?

A. I am.

Q. Do you live at Croft?

A. Yes sir.

Q. How long have you lived at Croft?

A. Seventeen years.

Q. Are you the father of Bessie Duke?

A. I am.

Q. It was testified by your wife that Faye Kramer came down to your home in Croft?

A. That is right.

Q. When did she come?

A. Must have been in May sometime.

Q. May of what year?

A. '58.

Q. Do you know what part of May it was?

A. No I don't.

Q. Were there any marks on her?

A. There was.

Q. Describe what those marks were?

A. The marks were on her neck and eyes--I could see.

Q. On her neck and eyes?

A. Yes.

Q. What was the condition of her eyes?

A. They were marked.

Q. Were they black and blue?

A. Yes.

Q. Were there any other marks that you recall?

A. No.

Q. Where were the marks on her neck?

A. On both sides of her neck.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. Do you remember exactly in May when she came?

A. No I don't.

WILLARD STINER being duly sworn according to law testified as follows:

BY F. CORTEZ BELL, ESQ.:

Q. Willard where do you live?

A. Graham Township along Deer Creek Road.

Q. Do you have a garage along the Deer Creek Road?

A. Yes I do.

Q. Are you the brother of Lyle Stiner?

A. Yes I am.

Q. Did you have a shanty or 2 or 3 room house along Deer Creek Road?

A. Yes I did.

Q. Did you permit your brother to move his things into that house?

A. Yes.

Q. Do you know when that was?

A. In July 1960.

Q. Who stayed in your house when they first came down there?

A. Faye Kramer.

Q. Where did your brother stay?

A. With me.

Q. Where do you live?

A. I live down the road from the garage.

Q. Was there an addition put on that place you have there?

A. Yes there was.

Q. How many rooms?

A. Two extra rooms were built on it.

Q. Who built those rooms on?

A. They had Boss Rougeux and the people around helped to build them on.

Q. Was Rougeux the boss in charge of it?

A. Yes.

Q. Do you know when the two room addition was put on that place?

A. I would say it took place along about the first of September.

Q. September 1960 you mean?

A. Yes.

Q. After the two room addition was added on did your brother stay with you?

A. He stayed for a while then I told him he might as well stay up there as with me.

Q. Do you know when your brother moved up to the house and when the addition was put on?

A. Around the first of August.

Q. It was completed the first of August?

A. Yes.

Q. When did he move in?

A. Around September he went up.

Q. Were the rooms completed when he moved up?

A. Yes.

Q. Do you still own that building?

A. That is right.

Q. Does your brother work for you in the garage?

A. Yes.

Q. As far as you know has your brother continued to live in this house along Deer Creek Road since the first of August 1960?

A. That is right.

Q. Up to that time did he stay with you?

A. Yes.

Q. Are you married?

A. I am married--my wife passed away.

Q. Did he stay with you?

A. Yes.

Q. Do you have a family?

A. Yes.

Q. He stayed with you and your family till the rooms were built on?

A. Yes.

Q. You had no knowledge of the trouble except hearsay is that right?

A. That is right.

BY W. ALBERT RAMEY, ESQ.:

Q. What do you mean Mr. Stiner, when you say he stayed with you. Did he live continually with you?

A. Yes.

Q. Where would he stay at night time?

A. He slept with me.

Q. Do you know what date in July they moved into this shanty on Deer Creek Road?

A. It was around the first or second week . Around the first part of July. When those two rooms were completely built.

Q. The building construction didn't begin before they moved in did it?

A. Before they moved in the two rooms were finished up, but the other part was built on after.

Q. What Judge Bell referred to as the shanty was there when they moved in?

A. Yes.

Q. After they moved in two new rooms were added on to it?

A. Right.

Q. When they moved in, it was July 1960?

A. Yes, not they just she moved in.

Q. When they moved their things in, put it that way?

A. That is right.

Q. When did the construction work for the building of the extra rooms begin?

A. It started in the first part of September and was finished soon. It didn't take long to finish it because there was a bunch and it didn't take long to finish it.

Q. Did the construction work begin September 1960?

A. Yes.

Q. And your brother moved in in August 1960?

A. Yes.

Q. Did your brother move in before the two rooms were added on?

A. No.

Q. You had the two rooms built on in September and your brother moved in in August?

A. That is correct. The rooms were finished in September.

Q. When did your brother move in?

A. After the rooms were put on.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. You stated the rooms weren't started until a month after your brother moved in. Do you mean your brother moved in in August or September?

A. It was October, the month after the rooms were completed my brother moved in.

Q. The month after September your brother moved in?

A. That is correct.

Q. How long did the construction take place?

A. I would say two good weeks and it was finished.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. Your brother has continued to live there and Mrs. Kramer lives there, ever since. Is there anybody else lives there except those two?

A. No, there isn't.

LYLE STINER being duly sworn according to law testified as follows:

BY F. CORTEZ BELL, ESQ.:

Q. How old are you Lyle?

A. 43.

Q. Were you married at one time?

A. Twice.

Q. Lyle what happened to your first wife?

A. She left and went to Wyoming.

Q. Did you have any children?

A. Two.

Q. Where are they?

A. One is married and in Ohio and one is living in Philipsburg with its mother now. She came back.

Q. In other words, the mother is back from Wyoming and he is living with his mother?

A. Yes.

Q. You were married a second time?

A. That is right.

Q. To whom were you married the second time?

A. Grace Hamilton.

Q. Did you have any children to Grace Hamilton?

A. Yes--3.

Q. Is Grace Hamilton here today?

A. Yes she is.

Q. Are you and your second wife still married or divorced?

A. Divorced.

Q. In what year were you divorced?

A. First part of 1961.

Q. Who brought the divorce proceedings, you or your wife?

A. My wife.

Q. And she brought the divorce against you and obtained it in '61 is that correct?

A. Yes around there.

Q. Your wife says your divorce decree was dated June 30, 1961, do you think that is right?

A. It is right.

Q. When did you and your second wife separate?

A. She left a couple times.

Q. When was the last time you and your second wife lived together?

A. The last time it must have been around '59. I am not just sure, I am not very good at remembering.

Q. Where were you living with your second wife?

A. At Clearfield--412 Poplar Avenue.

Q. It has been testified that you are working in Martell's garage down in LeContes Mills, is that right?

A. That is right.

Q. Over what period of time did you work in Martell's garage?

A. When I first lived in Philipsburg I worked for my brother who died. I worked for him up until he died. He has been dead about 3 years, then I went with Martell, and I was with him a year, then I decided to go up to my brother Willard's.

Q. When did you change jobs from Martell's garage in LeContes Mills to your brother Willard's garage in Graham Township?

A. I quit Martell and helped him when building the garage and so on I don't remember the date.

Q. There has been some testimony here about the time you first met Mrs. Kramer?

A. I don't know the exact time. It must have been around the last part of 1959.

Q. Where were you working at that time?

A. Martell's garage.

Q. Was that after you and your wife lived together?

A. Oh yes, I never knew Mrs. Kramer up until then.

Q. Had you ever been out, just the two of you alone, prior to '59?

A. No.

Q. When was it that you and Mrs. Kramer were ever alone together?

A. Anytime she was in my company her girl friend was with her. Her car would break down and I would go out and fix it.

Q. When did you ever call or have arrangements to meet with Mrs. Kramer--just she alone?

A. She was over at the garage was the only time I saw her alone.

Q. Outside of the times you saw her in the garage, did you ever take her out?

A. No I didn't.

Q. Testimony was introduced by Mrs. Kramer that you moved into an apartment in Chester Hill?

A. Yes.

Q. When was that?

A. I don't remember the date.

Q. Do you remember the year?

A. It must have been the first part of '60.

Q. Prior to 1960 when you got the apartment in Chester Hill, did you live any place with Mrs. Kramer?

A. No.

Q. What brought about the arrangement for the apartment in Chester Hill?

A. Her girl friend got sick and couldn't work, her car was broke then, and it cost a lot to keep it running. I told her if she wanted to go to an apartment she could cook and stuff for me, and I would furnish her a way to get to work.

Q. Do you remember when that was--1960?

A. I don't remember.

Q. Do you know where Mrs. Kramer was working in 1960?

A. At the Cigar Factory.

Q. How did you furnish means for her to get to work?

A. I gave her my car, I have two.

Q. Where were you working in 1960?

A. LeContes Mills.

Q. The apartment you were living in, whose building was that?

A. Kelce's.

Q. How long were you in Kelce's apartment in Chester Hill?

A. I don't know off hand.

Q. Do you have any idea how long you stayed in the apartment?

A. I would say 5 or 6 months something like that.

Q. After you left Chester Hill where did you go to?

A. I went to my brother's.

Q. What did Mrs. Kramer do?

A. She went to the house on Deer Creek Road.

Q. Do you know when you moved from the house on Chester Hill to the Deer Creek Road?

A. Off hand I don't.

Q. When you moved from Chester Hill to Deer Creek Road where did you go to sleep?

A. My brother's.

Q. Do you remember what period of time that was?

A. I couldn't say exactly, I don't know.

Q. Did you afterwards go into the same building where Mrs. Kramer lived?

A. Yes.

Q. When did you do that?

A. We had a bunch of guys who went ahead and built two rooms on, and after the rooms were built on, I moved in.

Q. Do you know when that was?

A. It must have been around October.

Q. 1960?

A. I imagine around that.

Q. Your brother Willard says it was October, 1960?

A. Yes, I just can't remember the dates.

Q. Since October 1960, have you and Mrs. Kramer been occupying the same house on Deer Creek Road?

A. That is right.

Q. Do you have the same bedroom?

A. We have three bedrooms--I have one of my own.

Q. At any time have you had sexual relations with Mrs. Kramer?

A. No.

Q. Either in Chester Hill, Deer Creek Road or any other place?

A. No.

BY W. ALBERT RAMEY, ESQ.,:

Q. Did you occupy this apartment in Chester Hill alone with Mrs. Kramer or was there someone else there?

A. There was no one else there.

Q. You and she occupied the apartment alone?

A. That is right.

Q. Did you continue to occupy the Graham Township building alone?

A. That is right.

Q. Regardless of whether there were two or a dozen rooms here, you and she lived there alone?

A. That is right.

BY W. ALBERT RAMEY, ESQ.: We are going to have to ask the Master for a continuance of this hearing beyond this time, because there are at least two witnesses who we cannot have here today?

CARL A. BELIN, JR., ESQ., MASTER: Can they be here Friday?

W. ALBERT RAMEY, ESQ.: Yes.

CARL A. BELIN, JR., ESQ., MASTER: We will set the next hearing date for Friday.

F. CORTEZ BELL, ESQ.: Can we be informed as to who they are, Albert?

W. ALBERT RAMEY, ESQ.: I would like to do that with you and the Master together.

CARL A. BELIN, JR., ESQ., MASTER: The continuance is granted for Friday.

IVAN KRAMER being duly sworn according to law
testified as follows:

BY W. ALBERT RAMEY, ESQ.:

Q. Your name is Ivan Kramer?

A. Yes.

Q. You are the defendant in this case?

A. Yes.

Q. I understand you are contesting this divorce your wife is seeking for?

A. Yes.

Q. And it is your desire and request that the divorce be not granted, is that correct?

A. Yes.

Q. In support of her testimony seeking this divorce, Mrs. Kramer testified that the trouble began about September, 1957?

A. Yes.

Q. Is that about the time she started to work at the Cigar Factory or did she work before that?

A. No, it was about that time.

Q. Did your troubles begin simultaneously with her beginning to work?

A. Yes.

Q. Was it necessary for her to go to work at that time to meet the financing of the home?

A. No.

Q. Do you know why she went to work?

A. I do not.

Q. What are you employed at Ivan?

A. You mean now---I am employed by Putman & Greene.

Q. Is that a construction company?

A. That is right.

Q. And you are working at their Brookville operation?

A. That is right.

Q. Do you get home daily?

A. Yes.

Q. Prior to your wife leaving you the last time in June 1958, were you employed?

A. No.

Q. You were not then employed?

A. No.

Q. When did you work for the Diamond T Construction Company she talked about?

A. I got laid-off January 9, 1959.

Q. You worked for Diamond T at that time?

A. Yes.

Q. You lost your job for Diamond T in January 1959?

A. That is right.

Q. Were you unemployed for a while?

A. Yes.

Q. Did you later obtain employment?

A. Yes, with Barnyak & Bechtel Construction Company.

Q. What kind of work were you then doing?

A. Running a pan--a pan operator.

Q. Were you a machine operator?

A. Yes.

Q. What kind of work are you now doing for Putman & Greene?

A. I am a pan operator today yet.

Q. What kind of work did you do with Diamond T?

A. Ran dozer, cleaned coal, just whatever there was to do.

Q. From January 1959 following a short period after that you were unemployed; otherwise, have you been regularly employed?

A. Yes sir.

Q. When your wife went to work for the Cigar Factory, was that about the time your trouble began?

A. Yes.

Q. What caused the trouble to begin at that time?

A. She refused to come home from work.

Q. Was she then working in day time or night time?

A. Night time.

Q. Do you know what her hours were?

A. 3:30 to 12:00 or 12:30.

Q. 3:30 in the afternoon to 12:30 at night?

A. Yes.

Q. How far was your home from her place of employment?

A. Eight miles.

Q. How far is the Cigar Factory outside of the Borough of Philipsburg or is it in the Borough of Philipsburg?

A. From the main part of town it is two miles to the Cigar plant.

Q. So it would be 6 miles from your home into Philipsburg and two miles out to the plant?

A. That is right.

Q. How did she get back and forth?

A. I gave her my automobile.

Q. How did you get back and forth to work?

A. I had two automobiles. We had an automobile together in both names and one in my name.

CARL A. BELIN, JR., ESQ., MASTER:

Q. You had two automobiles in the family, one in your name and the other one in joint names?

A. Yes.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. She used the one in joint names?

A. That is right.

Q. You used the other one to get to work?

A. That is right.

Q. She went to work in night time and left the house about 3:00?

A. Some days.

Q. And reported to work at 3:30?

A. That is right.

Q. How long did her night employment last?

A. I don't know when she got laid-off at night.

Q. The last time she left, was she still working at night?

A. Yes.

Q. Do you know when it was she left home the last time?

A. In the fall of '59.

Q. She testified that it was in June of 1959?

A. No that wouldn't be right.

Q. Do you know when it was she left the last time?

A. Yes, it was the first week of September on a Friday night.

Q. How do you mark that?

A. How do I mark it--it was the first week of school.

Q. It was the first week of September on Friday. Why do you say the first week of school?

A. The kids went to school, and when I came home from work, my children were up at my father's, she was gone, and I couldn't find her. I went to Mr. Shirey's and they said they didn't know anything about her.

Q. Are you sure it was the first Friday in September?

A. Yes.

Q. September 1957?

A. Yes it was.

Q. She testified that in September 1959 she moved into an apartment with Mr. Stiner at Chester Hill. Do you know anything about that?

A. No I don't.

Q. You say it was not until September 1959 she left and not in June as she testified?

A. That is right.

Q. You came home from work and found her gone?

A. That is right.

Q. Lets go back now to employment, when you last lived with her she was working at night time?

A. That is right.

Q. How long did she work at night time at the Cigar Factory?

A. That was the only job she held when she lived with me--night shift.

Q. She went to the Cigar Factory in '57 is that right?

A. Yes.

Q. You say she worked at the Cigar Factory two years before she left you?

A. That is right.

Q. During that period of time, is when your troubles arose?

A. That is right.

Q. What was the nature of the troubles that arose?

A. She refused to come home from work at night.

Q. How long after she started working at the Cigar Factory did that condition arise?

A. I suppose a couple months.

Q. Explain what you mean when you say she refused to come home at night time?

A. After she got done working, she would just come home when she felt like it.

Q. When did she come home?

A. About 4:00 or 4:30, and she was done at 12 :30.

Q. And it was only eight miles to your home?

A. That is right.

Q. And she had motor transportation?

A. That is right.

Q. Did she work everyday of the week?

A. Four days a week.

Q. The other three days of the week do you know what her activities were then?

A. No I don't.

Q. Did you work night shift?

A. No sir I worked day shift.

Q. Did you work over the weekends?

A. No.

Q. Was you at home over the weekends?

A. Yes.

Q. Was she at home over the weekends?

A. No.

Q. Speaking of the time beginning September '57 from that time until the final separation which was September '59, during that period of time would you explain what her activities as to going to work, coming home, going out, and so forth?

A. She went to work at 1:00 and she didn't start until 3:30. She got done at 12:00 and wouldn't get home until 4:00. She would be done for the week on Thursday, and she would disappear from Thursday until Monday morning around 4:00 or 5:00.

Q. Were you complaining to her about staying out?

A. Yes.

Q. She testified that you abused her?

A. I did not.

Q. How frequently did this disappearance on the weekends during that two year period come about?

A. Practically every weekend.

Q. How frequently was it she wouldn't come home until 4:00 in the morning?

A. Every night.

Q. In response to the charges she made against you, did you ever strike your wife?

A. No.

Q. Did you ever beat her in any matter?

A. No.

Q. She testified to an occasion about a telephone conversation with a girl friend, and that you beat her after that 10 or 12 times with your hand and fist?

A. I did not.

Q. Do you remember any quarrel concerning a telephone conversation?

A. Yes. The telephone rang and she figured it was for her, and I thought it was for me. I got the telephone and I seen it wasn't for me, and I hung it up! She tried to take the phone from me, and I would not let her have it, and during the scuffle over the phone she got hit with the telephone.

Q. How did she get hit with the telephone?

A. Trying to get it out of my hands and I wouldn't let her have it.

Q. Did you strike her with the phone?

A. If I did I didn't know it. She tried to get it from me and...

Q. As a result did she get a black eye?

A. That is right.

Q. During that telephone affair did you intentionally strike her with your fist or anything else?

A. No.

Q. At any time during your married life did you ever strike her intentionally?

A. No sir, I did not.

Q. She testified that you curse and swear around the children?

A. No sir, I do not.

Q. Did you ever swear in the presence of your children at home or at any other place?

A. Not that I can recall, no.

Q. She said you had some guns and carried them with you all the time and threatened to use them on her?

A. I did not. She said I had two guns, the one I never owned in my life the revolver I never owned in my life, and the pistol I never had shells to fit it. There were guns setting all around the house.

Q. Did you threaten to use the guns on her?

A. I did not.

Q. Did you load the revolver in front of her?

A. I did not.

Q. Did you have any shells with which to use the revolver?

A. I did not.

Q. Mrs. Kramer says that she first left you in February 1958 and was gone for a period of three months. What was the cause for her leaving in February '58?

A. She came in at 6 in the morning and I said that she would have to stop it. She said she was her own boss and left.

Q. Did you tell her to get out or threaten to throw her out?

A. No.

Q. Had you heard about her coming in at 6 o'clock in the morning?

A. Yes.

Q. Were you then employed?

A. No.

Q. Were you there when she took her clothes and left?

A. I was.

Q. Did you try to prevent her from leaving?

A. I didn't.

Q. Did you do anything or threaten her, or tell her if she didn't leave something would happen to her?

A. No.

Q. Who helped her get away from the house?

A. She took the automobile in our joint names and left with it, and she took her clothes out herself.

Q. Do you know where she went?

A. Yes, to the Clearfield Hotel.

Q. Did she tell you where she was going to?

A. No she didn't.

Q. Have you asked her to come back?

A. Yes I have.

Q. Following that occasion you asked her to come back?

A. Yes.

Q. Where did you see her to ask her back?

A. At the hotel.

Q. How long was it before you called upon her and asked her to come back?

A. About a week.

Q. Was there any promise by you or requests made by you that she would come back on certain conditions of any nature?

A. No.

Q. What did she say?

A. She said she didn't want to come back.

Q. How many children did you have then?

A. Three.

Q. What were their ages?

A. 4 years, 7 years and 11 years.

Q. Who was looking after the children then?

A. My father.

Q. Does your father live close by?

A. About a mile away.

Q. Was your mother there also?

A. She is dead.

Q. Your father helped you take care of the children under the circumstances?

A. That is right.

Q. She eventually did return did she not?

A. Yes.

Q. She testified she returned in May '58 after an absence of 3 month, is that right?

A. I don't know what month it was.

Q. But she did return?

A. Yes.

Q. On her own accord or at your request?

A. On her own accord. She called and asked me to come get her, and I went and got her and brought her home.

Q. Where was she?

A. Over here at an apartment on North Street.

Q. That is on West Side?

A. That is right.

Q. You went then and got her?

A. That is right.

Q. How did you treat her then?

A. I treated her fine.

Q. How did you treat her before she left?

A. Fine.

Q. After she returned you treated her with kindness?

A. Yes I did.

Q. How did she treat you when she returned?

A. I can't hardly tell you that. I would ask her something, and if she answered alright and if she didn't alright. When I asked her to do something, she wouldn't do it. She wouldn't take care of the kids, do the dishes or anything. I had all that to do. All she wanted to do was work.

Q. Work where?

A. At the factory.

Q. Was she still then working at night time or day time?

A. Yes she was.

Q. During that period of time was there any other men in the picture to your knowledge?

A. Not to my knowledge there wasn't.

Q. She said she stayed there only a month until June 1959. What happened during the period of that month?

A. That was when she started leaving Thursday night and come back Monday. She refused to stay home, and I told her that we couldn't have that, and she left again.

Q. Did you have any quarrels with her other than her leaving and staying out?

A. I did not.

Q. Were there any men in the picture to your knowledge at that time?

A. Not that I know of.

Q. She testified to a man coming in a truck and blowing his horn and you yelled at him. Can you explain that?

A. That is something I don't know anything about.

Q. Mrs. Kramer says that your troubles were not brought about by her, but rather by you going around with Mrs. Hallman. Will you explain that?

A. Yes I had seen Mrs. Hallman, and I did take her places. I would stop there at the house and see her, him and the kids all at the same time.

Q. Were the Kramers and Hallmans friends?

A. Yes we were.

Q. Did you ever tell her that you were going out with Mrs. Hallman?

A. No I didn't.

Q. Did you ever tell her you ever committed adultery or had sexual relations with Mrs. Hallman?

A. No.

Q. Did you ever have sexual relations with Mrs. Hallman?

A. No.

Q. Did you ever do anything to cause your wife to believe you had sexual relations with Mrs. Hallman?

A. Not to my knowledge, no.

Q. Were your relations with Mrs. Hallman purely social?

A. Yes.

Q. She says that because you were going out with Mrs. Hallman is the reason she left in June 1959 for the last time, did she say that was why she was leaving then?

A. She didn't tell me why she was leaving.

Q. On the occasion of her leaving June '59 were you home-- you say it was in September she left?

A. No I wasn't. I was working.

Q. The children were at school, were they not?

A. Yes.

Q. It was the first week of school?

A. Yes.

Q. You did not know she was leaving?

A. No,

Q. Did you threaten her at that time if she didn't leave?

A. No.

Q. At that time was there any quarrel, other than purely domestic matters?

A. No.

Q. Why did your children stay up at your father's and not at home?

A. Because sometimes I work night shift and don't get home till 4:00 and can't get up in the morning to get them off. When it is bad weather I leave them there, because they can just run across the field to school.

Q. How far is the school from your father's?

A. About 250 feet.

Q. How far from your home?

A. About one and one-fourth mile.

Q. Do they stay up there on weekends as well?

A. They come home on weekends.

Q. Did you cook and wash for them then?

A. I did.

Q. How long did that last?

A. Until I heard she went to live with Lyle, then I took Betty with me to cook and clean house.

Q. Then did the children come home?

A. They did.

Q. By Betty you mean Mrs. Hallman, who is divorced?

A. That is right.

Q. And Mrs. Hallman has been there in the home looking after the children ever since?

A. That is right.

Q. How long has that been?

A. One and one-half years.

Q. Up until the time Mrs. Hallman came were you both mother and father to the children?

A. That is right.

Q. Who else occupied the house besides you, Betty and the children?

A. Betty's daughter.

Q. And how old is she?

A. Around 18 or 19.

Q. Is she a school girl or employed?

A. Employed now.

Q. She lives in your house with her mother and your children and you?

A. That is right.

Q. Mrs. Kramer testified that she frequently went there to her home to see the children and that you refused to let her see the children. Can you explain that?

A. I did not refuse to let her see the children.

Q. When she left in February and was gone for a period of three months, during that period of time did she return at any time to see the children?

A. Not at the home she wouldn't.

Q. You think she did go to your father's house once?

A. Yes, I was there one day for dinner when she came in.

Q. During that three month period she saw the children only one time, and that was at the father's place?

A. To the best of my knowledge, yes.

Q. During that time she was working at Philipsburg the record shows she was living at Clearfield?

A. Yes.

Q. How far is Clearfield from the factory in Philipsburg?

A. In the neighborhood of 20 miles.

Q. Is Wallaceton between the two?

A. Yes.

Q. Did she go through Wallaceton or go by Wallaceton on her way to work while living in Clearfield?

A. Yes.

Q. During that time she only seen the children once?

A. Yes to the best of my knowledge.

Q. In June '59 did she come to your house or the father's house to see the children?

A. To my home.

Q. The Wallaceton house?

A. Yes.

Q. How frequently did she come to see the children?

A. Once.

Q. Just one time?

A. A year ago last fall.

Q. Were you at home that day?

A. I was.

Q. Did you refuse to let her see the children?

A. Yes..

Q. Where did she see them?

A. In the back yard where they were playing.

Q. A year ago last fall?

A. Yes.

Q. Was Mrs. Hallman there keeping house for you at that time?

A. I don't remember.

Q. But she did see the children?

A. Yes she did.

Q. Did you at any time do anything to interfere with her visiting the children?

A. No.

Q. Do you know any other times she has made any attempt during that period of time from June '59 up till this date to see the children?

A. Not to my knowledge.

Q. Either at your home or your father's home?

A. Not to my knowledge.

Q. Did she ever make any attempt to see them up at your father's house?

A. I couldn't say. I wasn't there. I worked in day time.

Q. If she had come there would your father have refused her?

A. He would not.

Q. Whenever she was working at the factory and living at home and using the car owned jointly by the two of you, and you say she had only 8 miles to travel, did you ever make a check on the speedometer?

A. Yes.

Q. How frequently did you do this?

A. For a week every morning.

Q. Was there more than the required milage to work and back on the speedometer?

A. Yes.

Q. How much more?

A. It averaged between 40 and 60 miles.

Q. Did you bring that up to her--did you ask her why there was so much milage on the speedometer?

A. I did.

Q. What did she say?

A. She would say, "Are you trying to keep track of me".

Q. Did you ask her why it was there?

A. Yes.

Q. What did she say?

A. She wouldn't tell me.

Q. In your wife's absence now, who cooks and looks after the children?

A. Betty.

Q. By "Betty" you mean Mrs. Hallman?

A. Yes.

Q. Who washes the clothes?

A. Betty.

Q. Who irons their clothes?

A. Betty.

Q. When referring to "Betty" you are referring to Mrs. Hallman, is that correct?

A. Yes.

Q. Does she have her own room in your home?

A. Yes she has.

Q. Who occupies that room with her?

A. Her daughter.

Q. You have a room of your own?

A. That is right.

Q. How large is your home?

A. There is 5 rooms furnished down stairs and a room up stairs.

Q. How many bedrooms?

A. Three bedrooms.

Q. You occupy one, Mrs. Hallman and her daughter occupies one, and the girls occupy the third one, is that correct?

A. Yes.

Q. She testified that when she returned in May of '59 you were mean to the kids?

A. That is not true.

Q. Do you treat your children with meanness?

A. I treat them the best any kids could be treated.

Q. She said you did not allow them to call her mother?

A. I did not.

Q. Is there anything to that?

A. No.

Q. Do you deny you ever told the children not to call her mother?

A. I do.

Q. She said you told them to call her "tramp" is that correct?

A. That is not.

Q. Has your wife ever sent presents to her children, either at Christmas time or for their birthday---any greeting cards or anything of that nature?

A. One greeting card one Christmas time...

Q. To you?

A. My daughters.

Q. One card addressed to all your daughters?

A. That is right.

Q. Did she ever give them any gifts?

A. 2.

Q. On what occasions?

A. On Darla Jean and Laree's birthdays.

Q. When was that?

A. Back in '59.

Q. Did she remember their birthdays in either '60, '61, or '62?

A. No.

Q. Did she remember them at Christmas time?

A. No.

Q. When did you work at night time?

A. I haven't worked night time from '59 till last June.

Q. Since last June have you worked night time?

A. I worked both shifts.

Q. Did you do anything to prevent your wife from coming there and seeing your children while you were absent from the house?

A. No I didn't.

Q. Did you do anything to prevent her from coming to see the children when you were present in the house?

A. No.

Q. Mrs. Kramer testified that she has some household possessions which were given to her, or both of you, or however the record might appear, but she said she bought a Singer Sewing Machine with money of her own, will you explain that?

A. She wanted a new sewing machine and her and I came in and looked at it. We made a couple payments--not with her money, but mine, and I had to borrow money to pay for it after she left.

Q. You bought this sewing machine on a payment plan?

A. That is right.

Q. You only made a couple payments on it?

A. That is right.

Q. And you made them?

A. That is right.

Q. Is it paid off now?

A. It is.

Q. Who made the other payments?

A. I borrowed money and paid it off.

Q. In whose name was it purchased?

A. Ivan Kramer.

Q. She said she has a bedroom suit and that her mother gave it to her?

A. Her mother gave it to the two girls. Her mother said if I came down and got it--the bedroom suit--she would give it to the girls, and I went and got it.

Q. By the girls who do you mean?

A. Darla Jean and Laree.

Q. She mentioned a roaster her mother gave her?

A. Her mother gave it to the both of us.

Q. On what occasion?

A. Her mother didn't want it any more, and she said if I took it out of there I could have it.

Q. So you went and got it?

A. Yes.

Q. Was it given specifically to your wife?

A. She didn't say which one it was specifically for.

Q. She also testified about a cedar chest and some other things, what about them?

A. A cedar chest is the only thing of hers that is there, she got it before our marriage.

Q. Do you withhold that from her?

A. I do not.

Q. Can she get it?

A. She can get it any time she comes after it.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. Were you ever a member of the armed forces?

A. Yes.

Q. During what war was that?

A. During World War II.

Q. When were you discharged?

A. In February '45.

Q. Were you in the Army?

A. Yes.

Q. Did you have an honorable discharge?

A. An honorable discharge--yes.

QUESTIONING BY W. ALBERT RAMEY, ESQ., CONTINUED:

Q. Your wife said she went back home for four days in June 1958, and every night you were out, and that you admitted you were with Mrs. Hallman.

A. That wasn't June '58 that was September '59.

Q. She came back for four days?

A. That is right.

Q. In September '59?

A. That is right.

Q. Were you at home or out?

A. I was up at my father's.

Q. Why were you up there?

A. There was nobody home. She was working.

Q. Was she working day or night?

A. Night shift.

Q. She wasn't at home either then?

A. No.

Q. Was the children up there then?

A. Yes.

BY CORTEZ BELL, ESQ.:

Q. Ivan, lets get straightened out when you were working. When did you quit work for the Diamond T Construction Company?

A. I was laid-off January 9, 1958.

Q. '58 or '59?

A. It was '58.

Q. You just told Mr. Ramey '58 then changed it to '59. I want to make sure which it was?

A. It was '58.

Q. How long had you worked for Diamond T?

A. About 5 years.

Q. How much of the time did you work in '57?

A. I worked all the time.

Q. Were you laid-off during '57 at all?

A. No.

Q. How long were you employed from January 9, 1958 until you got another job?

A. About 4 months.

Q. And that job was with Barnyak & Bechtel over at Penfield?

A. That is right.

Q. That would be then in March or April of 1958?

A. In there sometime.

Q. How long did you work for Barnyak & Bechtel?

A. Until October I believe.

Q. Of 1958?

A. 1958.

Q. Then did you stop working for Barnyak & Bechtel?

A. That is right.

Q. How long was it before you got your next employment?

A. The day before Christmas.

Q. What year?

A. '58.

Q. Who was that with?

A. Putman & Greene.

Q. That is December 23, 1958?

A. Yes.

Q. Have you worked steady for Putman & Greene since that time?

A. Not steady, but I stayed with the same company.

Q. How much did you work in January '59?

A. I worked steady up till the fall of '59.

Q. Then what?

A. I was laid-off.

Q. Do you remember when in the fall that was?

A. A couple weeks before rabbit season.

Q. How long were you laid-off then?

A. Till June.

Q. You were not working then a couple of weeks before rabbit season. When is rabbit season?

A. The first week of November.

Q. From November '59 until when were you not working?

A. Until June.

Q. June 1960?

A. That is right.

Q. Then did you go back to work for Barnyak & Bechtel?

A. I went back to work for Putman & Greene.

Q. Did you work from June 1960 till when?

A. I was laid-off about 6 months. In August I was laid-off a couple weeks, then I went back to work and am still working.

Q. You were laid-off from October 29 till June 1960, laid-off in August a few weeks and have you been working continuously for Putman & Greene since August 1960 till the present time?

A. Yes.

Q. What sort of work do you do in the winter time?

A. Run pan--pan operator.

Q. At the time we asked for counsel fees in this divorce case did you say you were not working?

A. I did not.

Q. Were you working at that time?

A. I was.

Q. To go back again, you heard your wife's testimony of accusing you of having sexual relationship with Mrs. Shimmel is that true or untrue?

A. Untrue.

Q. When did you first start going up to Hallman's?

A. We all went up there for one whole winter.

Q. What do you mean by "we all"?

A. Faye, the kids and I.

Q. That was from the fall of '57 to '58? How often did you go up to Hallman's?

A. Practically every Saturday night.

Q. Did you take a trip with Mrs. Hallman up to Connecticut?

A. Yes.

Q. When was that?

A. '59.

Q. What time in '59?

A. I don't know when it was.

Q. In the spring, winter, fall or summer?

A. In the fall.

Q. Then it was in the fall of 1959. Did you and your wife have an argument about you going up to...

A. We were separated at the time.

Q. Didn't you go back together again sometime after that... when was the last you and your wife lived together as man and wife?

A. The first Friday in September 1959.

Q. Was it after that you went to Connecticut with Mrs. Hallman?

A. No it wasn't, it was when she was gone before. It was one of the times she left me before that. She left me three times.

Q. When did you go with Mrs. Hallman to Connecticut?

A. In the fall of '59 I think.

Q. You testified that you lived with your wife as man and wife the last time till Friday of September '59. The trip to Connecticut was that before the first Friday of September '59 or afterwards?

A. That was before.

Q. How long were you up in Connecticut?

A. From Friday night to Monday morning.

Q. Did your wife know where you were going?

A. She had no reason to.

Q. Weren't you living together?

A. No.

Q. You said she left the first Friday in September and this was before the first Friday of September?

A. She was only with me four days that time.

Q. In other words you went to Connecticut with Mr. Hallman while you and your wife were not living together.

A. That is right.

Q. When did you say the last time was you and together prior to these four days?

A. What?

Q. When was the last time prior to September '59 you and your wife lived together?

A. In June I believe, I couldn't say for sure. I couldn't be positive.

Q. In June '59?

A. Yes.

Q. How long did you live together in June of '59?

A. About a month.

Q. So you lived together from May till June if your dates are correct?

A. That is right.

Q. Is that all you lived together in '59?

A. No she left me in February.

Q. Did you say she left in February '59?

A. Yes.

Q. Up until February '59 you and your wife lived together continuously since your marriage, until February '59?

A. Yes.

Q. Did you make a call on me while I was attorney for Clair Hallman about naming you in the divorce case?

A. I did.

Q. Did you say you wanted to marry Mrs. Hallman?

A. I did not.

Q. Did you say your name was used in the divorce case with Mrs. Hallman so you and Mrs. Hallman could get married?

A. I did not.

Q. You said she could never be married, is that why you called my office?

A. I did not.

Q. You were working or not working in '57?

A. I was working.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. You lived with your wife during the year 1959?

A. No.

Q. You stated that in February '59 she left, did you mean '58 by that?

A. Yes I must have meant that.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Your wife testified that the first time she left you was in '58, which year was it '58 or '59?

A. '58.

Q. You also mean it was June '58?

A. '58.

Q. You also mean it was September '58 she stayed for a four day period?

A. That is right.

Q. Do you testify that the four day period you were living together in May or June and in February it was '58 instead of '59?

A. Yes.

Q. That is what your wife testified to isn't it?

A. I don't know.

Q. Didn't you hear her here today?

A. I heard her.

Q. When did you make the trip to Connecticut. That would be the fall of '58 or '59?

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. Did you testify this occurred prior to the separation of you and your wife?

A. Yes.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. You told us here on cross-examination that your wife left in September '59 that should be '58 shouldn't it? You testified to the first Friday of September '59, was it the first Friday of September, and if so, what year, '58 or '59?

A. It must have been '58. I couldn't be positive on it.

Q. You testified here that you were laid-off from Diamond T January 9, '58, was that in '58 or '57?

A. '58.

Q. When did your wife go to work for the Cigar Factory?

A. That I couldn't tell you.

Q. Tell me to your best recollection?

A. Right after I was laid-off.

Q. That is what I am maintaining. When was that?

A. Could be the last of January or the first of February.

Q. Didn't you testify your wife went to work with the General Cigar Factory in '57?

A. She went once and quit.

Q. Did she go to work for the Cigar Factory the first time because you weren't working?

A. No.

Q. Why did she go to work for the Cigar Factory?

A. I don't know.

Q. Weren't you perfectly willing for her to go to work because you were laid-off?

A. Yes, she wanted to work.

Q. Were you complaining about her working at the General Cigar Factory?

A. Yes.

Q. While you were laid-off were you complaining about it?

A. Yes.

BY CARL A. BELIN, JR., ESQ., MASTER:

C. The record shows that Mrs. Kramer first began work for the Cigar Factory in '57, that has been established direct. We are talking about a period after '57. She began working in 1957.

BY W. ALBERT RAMEY, ESQ.,:

C. His testimony is that he worked for Diamond T in '57.

BY F. CORTEZ BELL, ESQ.:

C. I have a right to cross examine the witness.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Didn't you just say she went to work when you were laid-off?

A. The last time, yes.

Q. She quit and went back to work after you got laid-off?

A. Yes.

Q. That would be in January '58?

A. Yes.

Q. How long did she work at the Cigar Factory

A. Just a few months.

Q. Would that be two months?

A. Could be two months--could be three months.

Q. Did you have any discussion about her going to work for the Cigar Factory?

A. Yes, I didn't want her to work and...

Q. Didn't you buy another automobile so she could go to work and put it in both your names?

A. No I did not.

Q. Didn't you get the automobile about the time she went to work?

A. No I did not.

Q. How long did you have it before?

A. About a year.

Q. Who did you get it from?

A. Millions in Philipsburg.

Q. What kind of car is it?

A. A '53 Chevy.

Q. That was in both your names?

A. That is right.

Q. Why did you buy the second car?

A. The same reason why I have one now I guess. I got a very good buy on it, and I bought it.

Q. You bought it from Millions?

A. Yes.

Q. When?

A. I don't know.

Q. What is your best judgment as to when you bought it?

A. September of '57, I believe.

Q. Can you tell me when in '57?

A. No I can't.

Q. Could it have been in September '57 you bought the vehicle?

A. That I don't know.

Q. Now a minute ago or on direct-examination you said that your wife was on the night shift, was she on the night shift in '57?

A. Yes, she has always worked night shift to my knowledge.

Q. When did she start this not coming home every night when working night shift?

A. Just a short while after she started work, in '58.

Q. When did she start not coming home on the weekend till Monday?

A. That was the second time she left me.

Q. When was that?

A. It must have been in June.

Q. June of what year?

A. '58.

Q. You said a minute ago in direct-examination by Mr. Ramey, he asked you how you got along during this four days she was with you, and you said that was when she started not coming home on the weekends?

A. What was the question again?

Q. You testified to Mr. Ramey that when your wife returned she didn't come home from Thursday till Monday?

A. That was when she come back for the month to stay.

Q. Was it the month or the four day period?

A. The month.

Q. That was in June '58?

A. Yes.

Q. Prior to that she always came home on the weekends hasn't she?

A. Yes.

Q. The start of her not coming home over the weekends began then in June '58 the month she was home with you, are you sure of that time?

A. What?

Q. The time that your wife started not coming home on the weekends was in June '58?

A. Yes, I believe.

Q. Were you going up to Mrs. Hallman's prior to ~~the time~~ by yourself?

A. I wouldn't say I was just going up.

Q. Did you go up and blow the horn, and Mrs. Hallman would drive off?

A. Yes, the kids were out, and I would blow the horn.

Q. Did you go up to Mrs. Hallman's and take her out prior to June '58?

A. No.

Q. You said you didn't go up to Clair Hallman's house and take Clair Hallman's wife out prior to June '58?

A. No.

Q. When was this trip to Connecticut again?

A. In the fall of '58.

Q. You said that was prior to your wife being home with you the last four days?

A. That is right.

Q. Did you argue or have any dispute with your wife about your going up and taking Mrs. Hallman out?

A. No.

Q. Didn't you know that Clair Hallman was having trouble with his wife about her going out with you?

A. Yes.

Q. When did you know that?

A. I knew it for quite a while.

Q. How long is quite a while?

A. A couple years.

Q. How long is a couple years--in '57?

A. In the fall of '57 or '58.

Q. It was in the fall of '57 that you knew Clair didn't like you taking his wife out?

A. No, I didn't take her out then.

Q. When was it you found out that Clair Hallman didn't like your taking his wife out. I asked and you said the fall of '57, now when was it?

A. It must have been in '59.

Q. Who told you that Clair Hallman didn't like it?

A. He had a notice sent to me.

Q. Did that come from our office?

A. I believe it did.

Q. Did the notice say we were trying to get the Hallmans together?

A. No.

Q. You continued to go up and take Mrs. Hallman out after you got the notice didn't you?

A. Yes.

Q. You went up and blew the horn, and she came out and got in your car didn't she?

A. No.

Q. After you got the notice, did you go to the Hallman's house?

A. Yes.

Q. Was Mr. Hallman there?

A. Yes.

Q. You mean to tell me that you came up and went in the Hallman's house after you got the notice signed by the husband to stay away?

A. I didn't say in the house.

Q. Did you go up to the front door and get Mrs. Hallman and leave?

A. Yes.

Q. How many days a week did you take Mrs. Hallman on these trips?

A. Maybe once or twice.

Q. When did you start doing that?

A. In the summer of '58 or '59.

Q. Which is it?

A. It was in the summer.

Q. Do you say that you went up to take Mrs. Hallman out some summer, but you don't know if it was '57, '58 or '59 or what year, is that what you mean?

A. No.

Q. What do you mean then?

A. Summer of '58.

Q. Lets go to something else for a moment, when did Mrs. Hallman come to keep house for you in Wallaceton?

A. In the fall of '60.

Q. Can you fix a definite date on that?

A. No I can't.

Q. Will you deny that she was living with you at the time the divorce decree was granted?

A. Yes.

Q. The divorce decree was in March, 1960. You say she moved in with you in the fall of 1960--when do you say Mrs. Hallman moved in with you?

A. In the fall of '60.

Q. Can you be any more definite than that?

A. No.

Q. You say you have three bedrooms in that house?

A. That is right.

Q. Who occupies the bedrooms?

A. I occupy one, Bessie and her daughter occupies another one, and my daughter in the other one.

Q. Where does your boy sleep?

A. He sleeps with me when he comes down over the weekend.

Q. Where does he sleep during the week?

A. With his grandfather.

Q. How old is the boy?

A. 8.

Q. How long has he been staying with his grandfather?

A. When she left in February '58.

Q. Wasn't she there in June '58?

A. We brought him down when she would come back and took him back again when she left.

Q. You also was asked about any Christmas or birthday cards. Were there any birthday presents brought to the house and did you return them?

A. There wasn't any brought to my house.

Q. Did you ever return any birthday presents?

A. Yes.

Q. Why?

A. No particular reason. I was trying to get her back to live with me.

Q. When did you return these birthday presents?

A. '58.

Q. How many times did you return the birthday presents?

A. Once.

Q. Who did you return them to?

A. Mr. Shirey over here.

Q. What was that?

A. A 39¢ necklace, a 39¢ bracelet, and a 29¢ plastic machine gun.

Q. I suppose the necklace and machine gun were for two different people?

A. Yes, my son Randy got the machine gun.

Q. Were they given at the same time or different times?

A. At the same time.

Q. When was that?

A. In '58 sometime.

Q. When did you return them to Shireys?

A. I don't know..

Q. Did you return them before you and your wife separated the last time or not?

A. Yes.

Q. You testified that it was the first Friday of September, 1958--so it would be before the first Friday of September, '58, would that be right?

A. Yes.

Q. Why did you return them?

A. I tried to get her back to live with me.

Q. Well, she did come back for four days in September, is that right?

A. Yes.

Q. Didn't you return some out to Shireys?

A. Yes.

Q. How many presents did you return out at the Deer Creek Road?

A. Two 5¢ packs of M & M's , and five sticks of bubble gum.

Q. When did you return them?

A. '59.

Q. Do you know the time in '59?

A. A week before Chirstmas.

Q. Was there any other time you returned presen~~c~~ children?

A. No.

Q. Your wife testified of you returning them three times, could you have returned them some more as you recall?

A. I did not.

Q. Why did you return them a week before Christmas in '59?

A. I felt my kids were too good for a 5¢ Christmas gift.

Q. What did you do with the presents, did you throw them in the door?

A. I did not. I handed them to her. I handed them to this man in the corner.

Q. I am not talking about Mr. Shirey, I am talking about returning them on Deer Creek Road--what did you say when you went to return the gift?

A. I said "I am returning this" and walked off.

Q. You didn't say because it was too cheap?

A. No.

Q. What are your wages now?

A. Average.

Q. What is average?

A. If I worked my regular hours a week, that is about \$200.00.

Q. Is that take home pay?

A. Yes.

Q. Do you deny that you denied your wife to see the children when she came to the door and told her she couldn't see them?

A. I did not.

Q. She testified in direct-examination about seeing the children in the yard a couple times, did she ever come to the door to see the children?

A. No.

Q. Do you deny that?

A. Yes.

Q. Would you have left her in if you had seen her?

A. Yes.

Q. Lets go on here a minute to the sewing machine. Do you deny that your wife paid anything on that sewing machine?

A. Yes.

Q. And you say that the cedar chest she can pick up any time?

A. Yes.

Q. Did she ever ask you for it?

A. She did not.

Q. How about the roaster?

A. She can have it if she likes.

Q. If she came out tonight to get it, would you give it to her?

A. She can come out tonight if she wants to come.

Q. Did you say you made all the payments on that sewing machine?

A. I did.

Q. You deny that you made any reference to any truck that drove by there in Wallaceton?

A. Yes.

Q. You say you knew where she went--did you follow her?

A. No I didn't.

Q. How did you know she came into the Clearfield Hotel?

A. That was where Bessie Duke was living at the time.

Q. Then you are assuming she lived at the Clearfield Hotel?

A. About a week later I came in to see.

Q. Did you find her living there?

A. Yes.

Q. You say she did get a black eye when struggling with the telephone?

A. Yes.

Q. When was that?

A. The first time she came back to me in June.

Q. That would be in June of '58?

A. Yes.

Q. Did you accuse her of having some man call her?

A. No I didn't.

Q. Why did you fight over the telephone?

A. She figured it was her call, and I thought it was mine.

Q. Was it customary at your house when she lived there to fight over the telephone and to come to blows?

A. We didn't come to blows.

Q. Did your wife come back in '58 on the assumption you would stay away from Mrs. Hallman?

A. No.

Q. Did you promise to stay away from her?

A. No.

Q. Which eye did she get blacked?

A. I don't know now.

Q. Did she get both of them blacked?

A. No.

Q. Can you account for any marks on her neck?

A. No.

Q. Any marks on the side of her face?

A. No.

Q. You testified in direct-examination that you never struck your wife intentionally?

A. That is right.

Q. Did you ever strike her, outside of this telephone struggle?

A. No.

Q. You also testified that you didn't know she was leaving you. Lets go back to February '58. Did you ever tell her to get out?

A. I did not.

Q. Did you ever make any threats against her that you would kill her?

A. No.

Q. Either in February '58, June '58, or September '58?

A. No.

Q. You knew she was leaving in February '58?

A. Yes.

Q. Did she leave in her own car--the one the two of you had?

A. Yes.

Q. Did you get it back or did she get it back?

A. I got it back.

Q. How did you get it back?

A. I asked her for it, and she left it at the factory for me to pick up.

Q. Where did she leave it for you to pick up?

A. In the parking lot at the Cigar Factory in Philipsburg.

Q. And you took it?

A. I went and picked it up.

Q. When she came back in June '58 did you know she was leaving at that time?

A. No.

Q. Were you working in June '58?

A. Yes.

Q. Who were you working for at that time?

A. Barnyak & Bechtel.

Q. You went to work for Barnyak & Bechtel in April '58, is that correct?

A. Yes.

Q. Your wife left while you were not home?

A. Yes.

Q. When your wife left in September '58, did you know she was leaving then?

A. No.

Q. Where

Q. /Were you at that time?

A. Working.

Q. You talked about Mrs. Hallman's daughter being there, when did she come?

A. In February '61.

Q. So from when Mrs. Hallman came in the fall of 1960 until February 1961, Mrs. Hallman was keeping house for you in Wallacetown herself, and no one else was there but you and your children?

A. Me and my children, yes.

Q. Your boy wasn't there then?

A. No.

Q. Why wasn't your boy there?

A. I would leave him with my father so he could go to school in bad weather.

Q. Isn't that true of all your children?

A. No it isn't, that one there gets picked up in front of the door.

Q. You mean they pick your daughter up in front of the door right now?

A. Yes, they pick my daughter up in front of the door right now.

Q. Don't your son go to the same school your daughter goes to?

A. No.

Q. Didn't your daughter go to that same school when she was that age?

A. No, there wasn't any school in Wallacetown when she was that age.

Q. Is there a school in Wallacetown now?

A. Yes.

Q. Why is your son with your father and your daughter at home?

A. Because my son has a $1\frac{1}{2}$ mile walk to school from home. She doesn't go to school in Wallacetown, she goes to Pleasant Hill, and the bus picks her up.

Q. Wouldn't the bus pick your son up too?

A. No.

Q. They take the kids to Pleasant Hill, and he goes to Wallacetown?

A. That is right.

Q. You testified under oath that your wife is free to come to your home and see the children at any time, is that correct?

A. Yes it is.

BY W. ALBERT RAMEY, ESQ.,:

Q. Did you get that car back that was in your joint names?

A. Yes.

Q. Where is that car now?

A. Setting out home.

Q. You still have it?

A. Yes.

Q. Who purchased it?

A. I did.

Q. Do you have two cars now?

A. I have a good many cars out there now, but I am not running it. I wouldn't ask her for the license and she wouldn't ask me for it.

Q. It is unlicensed?

A. That is right.

Q. Those birthday presents you returned in '58 to the Shirey residence, were those all returned one in the same time?

A. Yes.

Q. Were they all given to the children one in the same time?

A. Yes.

Q. Were the birthdays all at the same time?

A. It was not.

Q. What were these birthday presents you returned to the Shireys?

A. It was a necklace, bracelet and machine gun.

Q. You say 29¢ and 39¢ things?

A. Yes.

Q. Did she give them to the children at different times?

A. She gave them to my father to give to them on their respective birthdays.

Q. We are talking about birthday presents--were they birthday presents or just ordinary presents?

A. They couldn't have been, because their birthdays are at different times. One in the summer and one in the fall.

Q. Were they just ordinary presents?

A. Yes.

Q. Just cheap presents?

A. Yes.

Q. Did you return them to Shireys?

A. Yes.

Q. Because you thought they were too cheap to give?

A. That is right.

Q. When your wife left the house, did she do any damage to the property?

A. Yes she did.

Q. What leaving was that? The first, second or third time?

A. The second time she left.

Q. The second leaving?

A. Yes.

Q. That would be in June '58?

A. Yes.

Q. What damage did she do?

A. She smashed the windows out of the cupboard, smashed my peanut butter and pickles.

Q. What do you mean she smashed your peanut butter and pickles?

A. She throwed it up against the cupboard and smashed the jar.

Q. What did she do now, explain it?

A. Well it was dinner time, I had the dinner prepared, and she smashed my peanut butter against the cupboard doors, broke my cupboard windows, my pickles and ruined my dinner. Then she went outside and threw stones through the front door glass.

Q. What did she break, the window glass in the front door, was there any other glass broken?

A. Yes, the one in the bedroom.

Q. Was that all the glass she broke?

A. She broke the glass in the cupboard doors, the front door glass and the bedroom.

Q. Had you prepared the meal?

A. I did.

Q. Was she there when this meal was prepared?

A. No she wasn't.

Q. Tell us about it?

A. If I remember right, she came back for something after she left. I think it was my army pictures. I refused to let her have my army pictures, and she got mad and smashed things up.

Q. That was after she left, and she returned later and did that to the premises?

A. That is right.

Q. Why did she want your army picture?

A. I don't know.

Q. What made you say that is what made her mad, because you wouldn't give her your army picture?

A. Because I went to take my army picture out of the album, and that is when she started. She wouldn't give it to me, and I took it from her.

BY F. CORTEZ BELL, ESQ.:

Q. Do you realize that you testified under oath five minutes ago that you were at work when she left?

A. Yes, I just got through saying she came back after something.

Q. How soon did she come back?

A. Maybe a few days or a week.

Q. What time did she come back?

A. Dinner time.

Q. Noon or evening?

A. Noon.

Q. How long was she there?

A. Maybe 15 minutes.

Q. Did you have a fight?

A. No sir.

Q. You say your wife threw a stone through the windows-- through the glass in the front door, smashed the peanut butter, and tried to get your picture. Did she do anything else?

A. That is all.

Q. Did you object to your wife buying presents for the children at any time?

A. Yes, I thought I would get her back with me.

Q. How did you figure that?

A. I thought maybe she would think enough of the kids to come back to them.

Q. Didn't you testify that it was too cheap for a birthday present?

A. I think that was cheap, don't you?

Q. Now you say it wasn't a birthday gift. Do you object to your wife giving a gun for your son, a necklace and bracelet for your daughters?

A. No.

Q. You didn't give them back because they were cheap did you?

A. No.

Q. Why did you use that reason that it was too cheap for a birthday present?

A. I don't know.

Q. Either it was well-intended or too cheap for a birthday present?

A. I guess it was well-intended the way she looked at it.

Q. You said you returned the presents because they were too cheap. Isn't it true you didn't want the children to receive any presents from their mother?

A. It could have been.

DARLA JEAN KRAMER being duly sworn according to law testified as follows:

BY W. ALBERT RAMEY, ESQ.:

Q. Are you the daughter of Mr. and Mrs. Kramer?

A. Yes.

Q. How old are you?

A. 13.

Q. Where do you go to school?

A. Philipsburg.

Q. What class are you in?

A. Eighth grade.

Q. You go to Philipsburg Jr. High in the eighth grade?

A. Yes.

Q. Where do you live?

A. Wallaceton.

Q. In whose house in Wallaceton?

A. My dad's house.

Q. Who lives in that house with you?

A. Dad, myself, Bessie and her daughter.

Q. Who is Bessie?

A. Mrs. Hallman.

Q. Mrs. Hallman and Mrs. Hallman's daughter?

A. Yes.

Q. Do any of your brothers and sisters live there with you?

A. Just over the weekends.

Q. Where do they live during the week?

A. At my grandfather's.

Q. Is your grandfather's house a distance from your house?

A. About a mile.

Q. Does your brother and sister go to school?

A. Yes.

Q. What grades?

A. My sister is in sixth grade and my brother is in third grade.

Q. How far is the school house from your grandfather's house?

A. It is right across the field. If you walk you go up the road and across the field.

Q. About how far, a city block here in town, 2 city blocks, or how far?

A. About that far.

Q. When your mother was living at the home do you remember the incidents at various times that took place in the home when your mother and father lived together?

A. Yes.

Q. You do?

A. Yes.

Q. Do you remember an occasion to the telephone incident that has been testified to here?

A. Yes.

Q. Tell us about it?

A. Well, the phone rang and they both raced to see who got to the phone first. My dad grabbed it first, and she was in the road and the phone hit her in the eye.

Q. Were you in the same room when this happened?

A. Yes.

Q. You were there watching while this took place?

A. Yes.

Q. Did you see the phone strike your mother?

A. It was kind of fast.

Q. Did your father strike your mother with the phone intentionally?

A. No.

Q. You didn't know who the call was from did you?

A. No.

Q. After your father got the phone and your mother was hit in the eye from the struggle for the phone, what did your father do?

A. He hurried up and hung the phone up.

Q. He hung it up, then what happened?

A. They both left the phone, then a car came up the road real slow, and my dad went out and it went real fast. It looked like it was going to stop at my house.

Q. During the telephone incident, did your father strike your mother 10 or 12 times?

A. No.

Q. Did he strike her any time?

A. No.

Q. He hung up the receiver?

A. Yes.

Q. Did you ever see your father strike your mother?

A. No.

Q. Did he ever beat her up.

A. No.

Q. Following the telephone incident a car came up the road. How long afterwards was that?

A. Not very long.

Q. What happened to this car?

A. It came up the road real slow like it was going to stop then dad went out the front door and it went real fast.

Q. Do you have any idea when all this was?

A. No.

Q. Were there any other telephone calls that came and your mother answered the phone for?

A. No, I don't remember.

Q. As a result of that did your mother get a black eye?

A. Yes.

Q. Was there any other part of her body hurt as a result of that?

A. No.

Q. How ~~long~~ did your father treat your mother in the house?

A. He was nice to her.

Q. He was nice to her?

A. Yes.

Q. Did he ever curse and swear around the house?

A. No.

Q. What do you mean he was nice to her?

A. He treated her nice.

Q. Did he give her any cause to leave home to your knowledge?

A. Not that I know of.

Q. Do you know why your mother left home?

A. No.

Q. Did she come and go several times?

A. Yes.

Q. The last year or so your mother was at home, was she employed?

A. I don't know, I think she was.

Q. Did she go to Philipsburg?

A. I think so, I am not sure.

Q. Was she home at night or worked at night?

A. She worked at night.

Q. You said you were not sure?

A. I think she did work at night.

Q. Was she home at night?

A. No.

Q. She wasn't home?

A. No.

Q. Was she home over the weekends?

A. That would be the last year or so before she left there the last time, she started going away and I wouldn't see her over the weekends at all.

Q. She wasn't there in the evenings was she?

A. No.

Q. As far as you know she was working somewhere?

A. Yes.

Q. Did you hear her coming home in the evenings or night time?

A. Sometimes I would hear her, she would come home, put her hair up and play the radio after she came home from work.

Q. Do you know what time that would be?

A. It was early in the morning, I think about 3 o'clock or sometime around there.

Q. How could you know what time it was?

A. Once I got up and it was 3:30 when she came in.

Q. When she did come in she would play the radio. Would that waken you?

A. Sometimes.

Q. On one occasion you got up, why?

A. I just got up.

Q. And it was 3:30?

A. Yes, I went out and talked to her.

Q. Did you ever know about her coming in in the day time?

A. Yes, sometimes I was awake when she would come in, and it was after daylight.

Q. And she would be gone over the weekends too?

A. Yes.

Q. When gone over the weekends would she come home Monday morning?

A. Monday mornings she would come home.

Q. Darla, do you recall any occasion of your mother breaking things around the house?

A. Yes.

Q. Do you know when it was?

A. No I don't remember.

Q. Was she living there at the time, or did she just return?

A. No, she was living out some place and came home for something.

Q. Was that in the winter or summer or when?

A. In the summer time.

Q. Do you know what...what did she do when she came home on that occasion?

A. She came home and gathered up the old books that and she got out the family album to get dad's and he wouldn't give them to her, and that is started breaking stuff.

Q. What stuff?

A. The catsup, peanut butter, pickles...

Q. Were they in glass jars?

A. Yes.

Q. And the jars would break?

A. Yes.

Q. Did she break the glass in anything else?

A. Some dishes were broken.

Q. Was the glass in the cupboard broken?

A. Yes.

Q. Any windows broken?

A. Yes. When she left she picked up some stones and threw through our bedroom window and through some windows in the door.

You

Q. /are telling this under oath and your father didn't tell you what to say?

A. No.

Q. Is this the same you told me when you first came to my office?

A. Yes.

Q. During the long time your mother has been away, did she ever come back to see you?

A. Yes.

Q. When and how often have you seen your mother before today since she left?

A. I only remember seeing her twice.

Q. Where was that?

A. One night I was staying at my grandfather's, and I was upstairs getting ready for bed, and she came. One day at school she came to the school and took me to my grandfather's for lunch.

Q. Did she ever come to your home in Wallacetown?

A. Where my father is living now--yes. I remember once.

Q. Did she see you then?

A. Yes.

Q. Did she talk with you?

A. Yes, just a little bit.

Q. Where were you?

A. I was in the room and Randy ran in and told me she was out there. I went to the door and talked with her.

Q. Was your father there then?

A. Yes.

Q. What did your father do?

A. My grandmother was with her, and my father came out and made us give the dollar back to her that she gave us.

Q. Your mother's mother?

A. Yes.

Q. Your father made you give it back?

A. Yes.

Q. Did your father interfere with your mother visiting your children?

A. No.

Q. Did she endeavor to come in the house?

A. No.

Q. You all went out and talked with her?

A. Yes.

Q. Was it the back yard or front yard?

A. The back yard.

Q. Do you have any idea when that was?

A. I don't remember.

Q. What grade were you in then?

A. Sixth or seventh.

Q. It would be a year or two ago then, is that right?

A. Yes.

Q. Have you seen her since?

A. No.

Q. Does your father have his own room in the

A. Yes.

Q. Who sleeps with him?

A. No one, just my brother on the weekend

Q. You and your sister have your own room

A. Over the weekends, and through the week I sleep by myself.

Q. Through the week by yourself, and your sister comes over the weekend and she sleeps with you?

A. Yes.

Q. Who sleeps in the other room?

A. Betty and her daughter.

Q. Before Betty's daughter came there to live, who slept in that room?

A. She slept by herself.

Q. You had your own room and she had her own room, and your dad had his own room?

A. Yes.

Q. Who looks after the house?

A. Betty.

Q. Who washes the clothes and irons the clothes?

A. Betty.

Q. Who cooks the meals?

A. Betty.

Q. Is she good to you children?

A. Yes.

BY F. CORTEZ BELL, ESQ.:

Q. Darla, you were 9 years old when your mother left, is that right?

A. Yes.

Q. What you testified to is mostly things that happened back in '58?

A. Yes.

Q. How long have your brother and sister lived up at your grandfather's?

A. I don't know.

Q. Just to your best recollection how long?

A. About a year.

Q. Is there anybody at your grandfather's except your brother, sister and grandfather?

A. No.

Q. How old is your grandfather?

A. I don't know.

Q. There is no other woman except your sister there?

A. No.

Q. How old is she?

A. 11.

Q. Do you remember what month this telephone fight was?

A. No.

Q. Did you see it?

A. Yes.

Q. Did you see the phone strike your mother?

A. Well, yes.

Q. What do you mean "well yes"?

A. Yes.

Q. Did you see any mark on her eye after the struggle was over?

A. Right away it was red and later on it was black.

Q. Which eye was it?

A. I think it was her right one, but I am not sure.

Q. Did you see any marks on her neck later on?

A. No.

Q. Did you say your father hung the phone up?

A. Yes.

Q. Did your mother get to talk to whoever was calling?

A. No. She just said "hello" in the receiver.

Q. Who had the receiver in his hand?

A. My dad.

Q. Who had the other end of the phone--the end you hear with?

A. She had her mouth up to it and so did he.

Q. Was there any other conversation said into the phone besides "hello" that you heard?

A. I don't think.

Q. How long did the telephone incident last?

A. Not very long.

Q. A few seconds do you think?

A. Yes.

Q. Did they get along alright before that?

A. They just had a few quarrels.

Q. Did you hear them?

A. I don't remember.

Q. What were they quarreling about, Mrs. Hallman?

A. No.

Q. Did you hear her name mentioned before she came to keep house?

A. No.

Q. You say you never saw your father strike your mother except when the episode over the telephone?

A. No.

Q. You were in to talk with Mr. Ramey how many times?

A. One.

Q. Who was with you?

A. My dad.

Q. Have you talked with your father and Mrs. Hallman out home?

A. No.

Q. When did you say that you heard your mother coming in in the morning?

A. That was when she was working at the Cigar Factory.

Q. What year or what month?

A. I don't remember.

Q. Do you remember when it was that she first didn't come home from Friday until Monday?

A. I think it was after she started working at the Cigar Factory too.

Q. In other words, your mother was back there for a month it is testified in June '58, do you remember that month?

A. Yes.

Q. Did your mother stay away over the weekends before that?

A. I don't remember--I think it was after though.

Q. You say she came in one morning and someone started a radio about 3:30 in the morning. Who started the radio?

A. She did, she played the radio while putting up her hair for the next day.

Q. Did you know your mother was leaving?

A. No.

Q. Did you know she was gone?

A. No.

Q. When she left in June '58 where were you?

A. I was at school. I think it was on a Friday.

Q. You came home, and did you have any notice or note that your mother had gone?

A. Yes, there was a note on the table.

Q. What did it say?

A. I don't know I just read part of it and went to my grandfather's. It told she left.

Q. What did the part you read say?

A. It said, "Ivan, I am going away again...". That is all I read and ran to my grandfather's.

Q. You took it to your grandfather's?

A. No.

Q. What about your grandfather's?

A. I went up there and stayed.

Q. Did your father see it?

A. I don't know.

Q. Did you tell him about it?

A. No.

Q. Did you tell anyone about the note?

A. I think I mentioned it to my sister and Betty a couple times.

Q. You have no idea where that note is now?

A. No.

Q. You have no idea what was in the note except what you said?

A. No.

Q. "Ivan, I am leaving..." Was there more writing on the note?

A. Yes.

Q. Did you read it?

A. No. I didn't stop to read it, I just ran.

Q. Why did you run?

A. I don't know.

Q. This time your mother came back, what time of day did she come back?

A. I don't know it was after lunch in the afternoon.

Q. Who all was there with you?

A. My sister, my brother and myself.

Q. Was there an argument and fight between your father and mother at that time?

A. Just over the picture.

Q. Was there any dishes or jars broken before they got in the argument over the picture?

A. No.

Q. Did they get in an argument over the picture?

A. Yes.

Q. What argument did you hear?

A. She got the album and took her pictures out then started taking his pictures out. She asked him for them, and he said no, and she got mad and threw stuff.

Q. She threw things did she?

A. Yes.

Q. What did you see her throw?

A. Catsup, pickles and peanut butter.

Q. Did you see her throw stones through the front door?

A. Yes.

Q. Anything more?

A. No.

Q. Did you see her throw the stone through the window in your room?

A. Yes.

Q. The time at your grandfather's, was that your mother's mother or your father's mother that came then?

A. My mother's mother.

Q. Do you know how long ago that was?

A. No.

Q. She is not living now is she?

A. Yes--I think.

Q. Did your mother come in the house then?

A. No.

Q. Have you ever talked to your mother in the house since she left?

A. No.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. Darla, you realize what is involved here don't you. I mean today we are here to decide the status of your mother's and father's marriage. You understand the seriousness of this, and you realize that the outcome of this might depend on what you said here today, and you realize that you were under oath and everything you said here today was true as you saw it?

A. Yes.

Q. One thing I want to ask you about this telephone affair. As I understand it you said there was a race for the telephone, is that correct?

A. Yes.

Q. As I understand it did your father win the race to the telephone?

A. Yes, he got there first.

Q. But did you say there was a struggle over the phone then?

A. Kinda, yes.

Q. Was anybody knocked down?

A. No, they were both standing.

Q. Was your mother thrown back?

A. No.

Q. In other words there was a struggle for the phone, but she wasn't thrown off balance?

A. No.

BY F. CORTEZ BELL, ESQ., TO IVAN R. KRAMER:

Q. Have you had sexual relations with Mrs. Hallman?

BY W. ALBERT RAMEY: I object to that. That has been asked before. Oh I guess it doesn't matter...I withdraw the objection.

A. What relations?

Q. Sexual Relations?

A. No.

HEARING RECESSED AND CONVENED FRIDAY, MARCH 2, AT 9:30 A.M.

BY F. CORTEZ BELL, ESQ.: We offer the testimony taken before Joe Work in the divorce of Clair Hallman vs. Bessie Hallman for the purpose of contradiction of the testimony herein offered. Particularly as to Ivan Kramer coming to the home and blowing his horn, a period of time when he started coming to the home of the Hallmans.

BY CARL A. BELIN, JR., ESQ., MASTER: Who is the testimony by, Judge?

BY F. CORTEZ BELL, ESQ.: By the neighbors up around the Hallmans, the two oldest daughters and son.

CARL A. BELIN, JR., ESQ., MASTER: Do you object to that Mr. Ramey?

BY W. ALBERT RAMEY, ESQ.: I object to the offer, first because the testimony is not available for examination, the same being moved from the Prothonotary's Office in charge of the office of Bell, Silberblatt & Swoope and every effort to obtain the same has been made, and it is found to be unavailable. For the second reason that we have had no opportunity therefore to examine that testimony; and for the third reason that Ivan Kramer, party defendant, hereto, was not a party to that proceeding. He was not at the hearing before the Master in that case, and it could have no affect upon him.

CARL A. BELIN, JR., ESQ., MASTER: Objection sustained.

BY F. CORTEZ BELL, ESQ.: In answer to the objection, the return in that case was delivered to Mr. Hagerty, all of which facts counsel has been informed of for one year.

MRS. GRACE LIPPERT CALLED TO THE STAND BY W. ALBERT RAMEY.

BY F. CORTEZ BELL, ESQ.: What is the purpose of Mrs. Lippert's testimony?

BY W. ALBERT RAMEY, ESQ.: It is showed by this witness that she had been to the Graham Township property where Mrs. Kramer is now residing and her son has been there and the conditions as she found them to be. Also to testify to the effect that Lyle Stiner is her ex-husband and as to his pertinacities as she knew them to be as his wife.

BY F. CORTEZ BELL, ESQ.: I object. Testimony in this case up to date shows that Mrs. Kramer and Lyle Stiner were not acquainted with each other prior to the separation of Ivan Kramer and Faye Kramer; therefore, any testimony of Mrs. Lippert would be more or less subsequent to the separation of the parties upon which the divorce is based.

CARL A. BELIN, JR., ESQ., MASTER: I sustain the objection as to this part of the testimony that deals with the pertinacities prior to the separation. Do you have any objection to the testimony of evidence as to the visits to the Graham Township property?

BY F. CORTEZ BELL, ESQ.: Yes, I say it is irrelevant and has no bearing on the divorce.

CARL A. BELIN, JR. ESQ., MASTER: I overrule the objection with the part dealing with Mrs. Lippert going to the house in Graham Township.

BY F. CORTEZ BELL, ESQ.: She cannot testify on what someone else told her, just her own knowledge.

GRACE OLIVE LIPPERT being duly sworn according to law testified as follows:

BY W. ALBERT RAMEY, ESQ.:

Q. What is your first name?

A. Grace Olive Lippert.

Q. How old a person are you?

A. 31.

Q. Where do you now reside?

A. 221 Nichols Street, Clearfield, Penna.

Q. Who is your husband?

A. Earl R. Lippert, Jr.

Q. Were you formerly married to Lyle Orvis Stiner?

A. Yes.

Q. When you were married to him where did you reside?

A. Three places---do you want the three?

Q. Yes.

A. Hillsdale, Bald Hill beside his mother in a two room house, and East End, 408 Sixth Street, and 412 Poplar Avenue.

Q. When did you divorce Lyle Stiner?

A. June 30, 1960.

Q. What year?

A. 1960, or 1961, excuse me.

Q. Last summer you became divorced?

A. That is right. June of last summer.

Q. When did you separate from Lyle ?

A. December 27, 1958.

Q. How many children did you have to Stiner?

A. Three.

Q. After your separation will you state whether or not any of your children visited with their father?

A. Yes, Dennis Lee and Ida Mae both went to see their father.

Q. How old is Dennis Lee?

A. 12 on April 20.

Q. How old is the other one?

A. Ida Mae is 7.

Q. Where did Dennis Lee visit his father?

A. I don't really know the first place. He used to visit his father at Philipsburg, but I was never to the apartment. He came up to get them I didn't take them.

Q. Do you know when that was?

A. I would say the first part of the year or last part of the year of 1959, I am not certain on that though.

Q. You had knowledge of their whereabouts at the time didn't you?

A. Yes, he said he had an apartment in Philipsburg and was taking them to visit, and I thought if he loved them enough he should take care of them and not let them get in wrong.

Q. You trusted them to his care?

A. That is right. I think he loved them.

Q. Who came for them at that time?

A. I am not suppose to say hearsay. I couldn't take my child's word, is that right?

Q. Do you know who took them from your home to the apartment or who came and got them--did he come and get them?

A. That is right.

Q. Do you know who brought them back?

A. He did.

Q. How long were they gone on that occasion?

A. Most of the time he would take them for the weekend.

Q. Did this happen more than once--taking them to the Chester Hill apartment?

A. Yes.

Q. How frequently did they go to the Chester Hill apartment?

A. I don't know. Several weekends I guess. He wanted to give

me a little freedom too. I admired him for it. I had them all week and he took them on weekends so I could have some freedom.

Q. Did you ever see anybody in the car when he brought them or took them away?

A. Someone, but I couldn't say who.

Q. Was it a man or woman?

A. A woman.

Q. At that time did you know Mrs. Kramer?

A. I never held conversation with her.

Q. Do you know her now?

A. Yes.

Q. Do you know whether it was the same woman across the table that was in the car?

A. It was dark when he brought them back and got them, I couldn't swear to it.

Q. Did you ever go to the Deer Creek Road residence?

A. Yes I took them.

Q. You took them there once?

A. Several times.

Q. Several times?

A. Yes.

Q. Who was there at the Deer Creek Road residence when you took them?

A. Well, their dad came to the car. A couple times Mrs. Kramer came out to show Dennis Lee the pets, because he didn't have them at home.

Q. Show him the what?

A. Pets--chickens, rabbits, cats...

Q. Who was there at the Deer Creek Road residence when you took them there?

A. Well, their dad usually came and got them. I seen Mrs. Kramer there a few times.

Q. When was the last time you took them to the Deer Creek Road residence?

A. The last time I took them down there--that was to take Dennis Lee to get the clothes she bought him. She bought him some clothes for school.

Q. I am asking you when was the last time?

A. After school started--late September.

Q. What year?

A. Last year '61.

Q. 1961?

A. Yes.

Q. Did they go there over the weekend?

A. Yes, in fact he took them for Christmas.

Q. When you went there in the fall of last year was there an addition built on to the property?

A. In the back as I could see there was some addition.

Q. Was that addition there when you were there before on other occasions?

A. I wouldn't swear to it, I was never in the back of the building, but I couldn't say it was completed. Maybe it was started, but I wouldn't say completed.

Q. When you took the children there the first time was there any addition on the building?

A. No I don't recall it.

Q. Do you know when this addition was started on that building?

A. I really don't know. I do know they were trying to build some on when they tried to get my children last year. They tried to take them from me.

Q. Talking about the addition, tell us what you know, when it was there or when it was not there?

A. I couldn't swear to the time when they started the addition. I do know that later on an addition was added on, but it wasn't there when I took Dennis Lee down in July for a visit.

Q. July of what year?

A. Last year.

Q. Of 1961?

A. That is right.

Q. Was there an addition built on then?

A. Not as I could see.

Q. Did you say the addition was built on the last time you were there?

A. Yes.

Q. As far as you know if there is an addition, it was put on between July '61 and the fall of '61?

A. Yes.

A. Yes.

Q. What caused them to put that on do you know?

A. No, I don't know why.

Q. Do you recall of any proceedings pending at that time in which you were involved?

A. Yes, they were trying to get my children.

Q. When was that?

A. Last July, August and September.

Q. Did they succeed in getting your children?

A. No.

Q. Was there a hearing in Court on that?

A. Yes, my son and I were present.

Q. When was that hearing, do you know?

A. There were two hearings--the last one was in the last part of September or the middle of September, and one in August, but I don't recall the times of those hearings.

Q. One in August and one in September?

A. Yes.

Q. Of 1961?

A. Yes.

Q. That was last summer?

A. That is right.

Q. Would you state whether or not at that hearing Mr. Stiner, your ex-husband, stated who he was living with and who would look after the children?

BY F. CORTEZ BELL, ESQ.:

Q. You are talking about a hearing, what hearing?

A. Last August or September.

Q. That is your divorce hearing isn't it?

A. Oh no, that hearing was concerning the custody of the children.

BY CARL A. BELIN, JR., ESQ., MASTER:

Q. You are talking about a hearing in and around you did testify August and September, is that

A. There were two, one he wanted me and Dennis That was for the custody of the children no

BY W. ALBERT RAMEY, ESQ.:

Q. At that hearing did it appear if your husband was given the children, who would occupy the house?

A. Mrs. Kramer. She was to take care of them.

Q. Did your husband say whether or not Mrs. Kramer was living there?

A. I don't recall of him saying that. He said they were going to be married. I don't recall if he said she was living there.

Q. Did the matter come before the Judge since this divorce between the Kramers has instituted?

A. I don't know when she filed her divorce.

Q. When was the last time you were before the Judge?

A. In September last year, 1961.

Q. Did that result in a Court Order being made as to who should have the children?

A. Yes.

Q. To whom was the custody of the children awarded?

A. Myself.

Q. As plaintiff in a divorce case against your husband did you testify...

BY F. CORTEZ BELL, ESQ.: Objection, she is not a party to this suit either.

CARL A. BELIN, JR., ESQ., MASTER: Sustain objection.

BY W. ALBERT RAMEY, ESQ.:

Q. Will you state when living with your husband and had baby sitters come to the house did he undertake to have sexual relations with these baby sitters?

BY F. CORTEZ BELL, ESQ.: I object, Lyle Stiner is not a party to this proceeding.

BY W. ALBERT RAMEY, ESQ.: This testimony is proposed to be introduced for the purpose of showing by this witness who is the ex-wife of Lyle Stiner, that he was sexy, and that he would not let his wife or baby sitters who came to their home alone in a sexual manner, and that he endeavored to have sexual relations with the baby sitters.

BY F. CORTEZ BELL, ESQ.: Renew my same objection.

CARL A. BELIN, JR., ESQ., MASTER: Objection sustained.

BY F. CORTEZ BELL, ESQ.:

Q. When did you and Mr. Lippert get married?

A. August 27, 1961.

Q. When was your divorce granted?

A. June 30, 1961.

Q. '61 or '60?

A. '61.

Q. Do you remember calling Morris Silberblatt up on the phone after Mr. Stiner came to see me about getting the children, and you complained to him about representing Mr. Stiner while representing you?

A. I didn't complain.

Q. Did you make a statement?

A. I was in the office that day.

Q. Has a habeas corpus been brought to...

A. Judge Bell now lets get one thing clear. I don't know about this hearing. I thought that when you went before the Judge...

Q. Did you ever have a hearing of coming before the Judge for custody of the children?

A. Yes.

Q. Before whom?

A. Judge Bell, or I mean Judge Pentz.

Q. When was that?

A. There were two hearings, one I didn't have Dennis Lee, and he said we would have to come back next month.

Q. When was your hearing?

A. August or September, I don't recall.

Q. Did you have a hearing before the Juvenile Court on a petition that you were living with Mr. Lippert and not being married?

A. No, not that I recall.

Q. You did get married after your divorce was stated--you and Mr. Lippert--didn't you?

A. Sure.

Q. How old are your daughters?

A. She is 7.

Q. Don't you have more than one?

A. The other daughter, she is 17 months.

Q. Did the girl say she wanted to go with the father before Judge Pentz?

A. She never appeared before Judge Pentz.

Q. Did she tell Mr. Kane and he told you?

BY W. ALBERT RAMEY, ESQ.: I am going to object to any further cross-examination on this line. In the first place it has no relationship to this divorce case.

CARL A. BELIN, JR., ESQ., MASTER: Sustained.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Are you aware of what the records in the Prothonotary's Office show as to who your children want to live with, you or their father?

A. No.

Q. You do trust your husband. You said you admired him a few minutes ago?

A. I do admire him.

Q. Did you call him last night and ask him to pay the doctor bill for your boy?

A. Yes. I felt Dennis Lee shouldn't come in here. He is awful nervous. Look at him now, he is ready to bawl.

Q. I am not arguing, just trying to be fair. You asked your husband to pay the doctor bill to see if the physician thought Dennis Lee should come to this hearing?

A. Yes.

Q. Did your husband tell you he would pay it?

A. Yes.

Q. You felt it was alright to let the children go with your husband for weekends?

A. Yes.

Q. As far as the time when he had an apartment over in Chester Hill or Philipsburg, you were never in the apartment?

A. No, I was never inside his house.

Q. Then you don't know anything about the sleeping arrangements or anything, do you?

A. No.

Q. The only thing you comply with is that Mrs. Kramer was in the automobile when he came to pick them up?

A. That is all.

Q. When did he move then to Deer Creek Road?

A. I don't know.

Q. To your best judgment?

A. There was one full year my children didn't have contact with him.

Q. I am not interested in that. You are here to testify to what you saw in Deer Creek Road, and I am trying to see when he moved there?

BY W. ALBERT RAMEY, ESQ.: Objection--how would she know?

BY CORTEZ BELL, ESQ.: She witnessed about when Dennis went there, and we intend to ask her when her husband moved there.

CARL A. BELIN, JR., ESQ., MASTER: I overrule that objection.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Do you know when your husband moved down to Deer Creek Road?

A. No, I really don't know.

Q. When was the first time you knew he moved to Deer Creek Road?

A. When he told Ida Mae and Dennis Lee he was living there. I don't recall when it was.

Q. Do you remember the year?

A. No, I only know that not the past Christmas, but the Christmas before that they stayed there from Monday to Thursday night.

BY W. ALBERT RAMEY, ESQ.: Christmas, 1960?

A. Yes.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. When was it you took the children down yourself to Deer Creek Road and knew they were living there?

A. Last past summer.

Q. That would be the summer of '61?

A. I guess so.

Q. When was the first time in the past last summer?

A. I don't know.

Q. When was the first time, what part of the summer?

A. I don't know.

Q. How many times were they down there last summer?

A. Three or four times.

Q. Were you ever in the house on Deer Creek Road last summer?

A. No.

Q. Did you say that the first time you were there the addition was there, was it not?

A. That I couldn't say.

Q. Was there any difference in the appearance from the first time till the last time?

A. Yes.

Q. When did you notice the change in the appearance of the house?

A. When Dennis Lee went down to get his clothes Mrs. Kramer bought for him.

Q. When was that?

A. After school started.

BY W. ALBERT RAMEY, ESQ.:

Q. After school started in '61?

A. That is right.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. You didn't notice any difference in the appearance of the house on the Deer Creek Road till after school started in the fall of '61, is that correct?

A. That is correct.

Q. Do you know when after school started?

A. In the month of September.

Q. You testified to Mr. Ramey that you saw Mrs. Kramer there on some occasions, if not all?

A. That is right.

Q. And you have never been in that house?

A. Never. She came outside.

Q. You still have enough respect for your husband that you are willing to send the children down to stay with him over weekends, is that correct?

A. Yes.

BY W. ALBERT RAMEY, ESQ: We offer into evidence the divorce proceeding in the case of Grace Olive Stiner vs. Lyle Orvis Stiner, filed to No. 108 February Term, 1960, including the testimony taken that day in particular respect to testimony on page 7 and to testimony on pages 5, 7 and 13, each having to do with the questions having to do with the sexual ~~pertinacities~~ of Lyle Stiner.

BY F. CORTEZ BELL, ESQ.: We object to the testimony for the same reason Mr. Ramey objected to the Hallman proceeding. The ex-husband, Mr. Stiner, is not a party to the proceeding.

BY W. ALBERT RAMEY, ESQ.: Mr. Stiner was there, he was a party to the proceeding.

BY F. CORTEZ BELL, ESQ.: Mrs. Kramer was not a party to the law suit and the same reason would apply to Mr. Stiner in this suit as would apply to Mr. Kramer in the Hallman divorce case.

BY W. ALBERT RAMEY, ESQ.: There is a vast difference. Mr. Kramer was not a party to the Hallman divorce and Mr. Stiner was a party to the Stiner divorce.

BY CARL A. BELIN, JR., ESQ., MASTER: Does either of the counsel have a case to offer?

No case to offer.

BY CARL A. BELIN, JR., ESQ., MASTER: On this divorce proceeding I am going to sustain the objection on that.

BY F. CORTEZ BELL, ESQ., TO MRS. LIPPERT:

Q. We ask you, I think you testified your divorce was obtained, when was the hearing?

A. What hearing--divorce hearing. Sometime in April.

Q. What year Mrs. Lippert?

A. 1961.

Q. I asked you a minute ago and you testified about a hearing before Judge Pentz. You had a previous order on your husband, Lyle Stiner, for support and then at that time you asked for a rehearing last August or September?

A. Sure.

Q. That was a desertion and non-support hearing in which you were before Judge Pentz?

A. It was a hearing in custody of the children.

Q. Custody wasn't brought up, it was a rehearing on desertion and non-support.

DENNIS LEE STINER being duly sworn according to law testified as follows:

BY W. ALBERT RAMEY, ESQ.:

Q. Dennis, do you go to school?

A. Yes.

Q. Where do you go to school?

A. Third Ward.

Q. In Clearfield?

A. Yes.

Q. How old are you?

A. I'll be 12 in April.

Q. What grade are you in?

A. Sixth.

Q. Sixth grade?

A. Yes.

Q. Doing pretty well, aren't you?

A. Yes.

Q. Who is your teacher?

A. Mrs. Buchannan.

Q. Do you like your teacher?

A. Yes.

Q. Do you visit your father from time to time--you do know your father Mr. Stiner don't you?

A. Yes.

Q. Do you visit him from time to time--do you see him now and then?

A. Yes.

Q. Did you ever see him when he lived in an apartment over at Chester Hill or Philipsburg?

A. Yes.

Q. How did you get over there?

A. He came over after us, and he would take us over.

Q. Who do you mean by "us"?

A. Me and my sister.

Q. Was anybody else with him when he would come over and take you over there?

A. Yes.

Q. Who?

A. Faye.

Q. By Faye you mean Mrs. Kramer sitting here?

A. Yes.

Q. Would he come in a car and take you, and was Mrs. Kramer with him when he come?

A. Once in a while.

Q. Would you go over to the Chester Hill apartment and stay there over the weekend?

A. Yes.

Q. Did you go over Saturday and come back Monday or what?

A. We would usually go over Saturday and come back Monday night.

Q. Do you like it over that way?

A. Yes.

Q. Do you like living in an apartment? It is kind of different isn't it?

A. Yes.

Q. Was the apartment large or small?

A. It had three rooms.

Q. What were the rooms?

A. Living room, kitchen and bedroom.

Q. Who went over, you and your sister?

A. Yes.

Q. Did you and your sister stay there at night time?

A. Yes.

Q. Where did you and your sister sleep at night time?

A. We slept in the living room.

Q. On a couch or something?

A. He had a couch you could make into a bed. A roll-away bed.

Q. He had both a couch and a roll-away bed?

A. He had a couch you made into a bed.

Q. And that is where you and your sister slept?

A. Yes.

Q. Was it a good bed?

A. I didn't mind it.

Q. There was a bedroom also wasn't there?

A. Yes.

Q. Was there a bed in that room?

A. Yes.

Q. Who slept in there?

A. I guess Dad did.

Q. Anybody else?

A. I don't know.

Q. Was Mrs. Kramer there?

A. Yes.

Q. Did she stay in that bedroom too?

A. I don't know.

Q. Where did you tell me Mrs. Kramer slept?

A. She stayed in there I guess.

Q. In the bedroom?

A. Yes.

Q. What do you mean "I guess"?

A. She stayed in there.

Q. She stayed in the bedroom. If you and your sister slept in the living room there is only one other room to sleep in isn't there?

A. Yes.

Q. Where did Mrs. Kramer and Mr. Stiner sleep?

A. They slept in the bedroom.

Q. Both in the same bed?

A. I don't know.

Q. There was only one bed in that room wasn't there?

A. I am not sure about that.

Q. Sometimes after they moved out of the apartment in Chester Hill did you visit them down along the Deer Creek Road?

A. Yes.

Q. How often did you visit them down there?

A. Lots of times.

Q. Did your sister always go too?

A. Last summer she was in Michigan and Mother took me down there.

Q. Your mother took you down?

A. Yes.

Q. Did your father ever come get you and take you down there?

A. Yes.

Q. Who came with him then?

A. Faye.

Q. Do you mean Mrs. Kramer?

A. Yes.

Q. Would the both of them bring you back?

A. Yes.

Q. How many rooms were there in that building?

A. At that time it was in the summer and while I was down there they were building more rooms on to it.

Q. Was that last summer?

A. In 1961 I think.

Q. Last summer after school was over or before school was over?

A. After school was over.

Q. You stayed there how many times?

A. I don't know.

Q. Just over weekends?

A. We went down when we would have school off on certain holidays we would go down to stay till we had to go back to school.

Q. Did you go down early last summer while school was on, or was school over?

A. After school was over.

Q. When you first went down were they building on to the place or were you down there a while then they later started building rooms on to it?

A. I was down there the whole summer. They didn't start building on until I was down there a week or two.

Q. After you were there a week or two they started building rooms on?

A. Yes.

Q. That was last summer?

A. Yes.

Q. The rooms weren't occupied then when you first went ^o they weren't finished were they?

A. No.

Q. How many rooms were there before they started to build new rooms?

A. One.

Q. One what?

A. Just one room.

Q. One room or one bedroom, what do you mean?

A. Just one room.

Q. Where did you sleep when you were there?

A. Me and my sister slept in one part on a couch and he slept in the other part. It would be just like over at Chester Hill and Philipsburg.

Q. Was there a bed in the room too?

A. Yes.

Q. Who slept in there?

A. Faye and Dad.

Q. By Faye you mean Mrs. Kramer?

A. Yes.

Q. After school started did you go down there again?

A. Yes one Christmas.

Q. You went down last Christmas did you?

A. Yes.

Q. Were the extra rooms on the building?

A. Yes.

Q. They were completed?

A. Yes.

Q. Were they furnished?

A. Yes.

Q. When you were down before last Christmas were the rooms furnished--by furnished I mean furniture in them?

A. The one was and they weren't quite through with the other two.

Q. What?

A. The room was furnished and the other two weren't finished yet.

Q. The time you went down before last Christmas they weren't finished?

A. There was two furnished and the other one was unfurnished.

Q. What was in the two that were furnished--you mean the whole house consisted of four rooms and the two unfurnished rooms were just added on is that what you mean?

A. They got one of the furnished and the other two they didn't get them furnished yet.

Q. Oh, they added on three rooms did they?

A. Yes.

Q. One of those rooms was furnished and the other two were not furnished?

A. Yes.

Q. What was in the room that was furnished?

A. There was a bed, a closet not exactly a closet but where you put your clothes in, it was not a wardrobe, but something like that, and there was Christmas stuff in that room. That was all.

BY F. CORTEZ BELL, ESQ.:

Q. Dennis, you are 11 now are you?

A. Yes.

Q. Do you like your Dad?

A. Yes.

Q. Did you at any time you ever went do visit your Dad after your Dad and Mother separated did you see your Dad and Mrs. Kramer in the same bed together? Do you remember, Son?

A. Yes.

Q. Which is it that you did or you didn't?

BY CARL A. BELIN, JR., ESQ., MASTER: Tell the truth, just what you saw Dennis.

A. Yes, once.

Q. When was that?

A. I can't remember.

Q. Do you remember whether it was at Philipsburg or Deer Creek Road?

A. It was down on Deer Creek Road.

Q. Do you remember when this once was?

A. No.

Q. Was it at Christmas time or was school over and was it during your summer vacation?

A. It was before summer vacation.

Q. Before school stopped last year?

A. Before I went down.

Q. You saw them in bed together on the Deer Creek Road, now I am asking before school stopped last year before your summer vacation or before school started this year?

CARL A. BELIN, JR., ESQ., MASTER: What do you mean Judge, are you referring to summer '60 or what?

BY F. CORTEZ BELL, ESQ.: I said before school stopped, that would be the spring of '61 is what I am asking him.

A. I can't remember.

Q. Do you remember whether it was day time or night time? Can you remember, son? Was it during the day time or night time--was it dark or light?

CARL A. BELIN, JR., ESQ., MASTER: Don't be afraid to answer Dennis, just tell what you remember.

A. I guess it was at night.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. Aren't you sure? Had you gone to bed yet?

A. Yes.

Q. Was your sister there with you at that time?

A. It wasn't in the summer, it was before summer and she wasn't there.

Q. She wasn't with you?

A. No.

Q. And where were you sleeping, Dennis?

A. Before they built the other three rooms on when I was down there in the summer, I slept on the couch.

Q. Was that over at Philipsburg or down on Deer Creek Road? I am talking about the Deer Creek Road, this was down on the Deer Creek Road?

A. Yes.

Q. And you were sleeping on a couch you say?

A. Yes, until they got the other three rooms and bedroom built on.

Q. Was there a roll-away bed there too? That is a bed that folds up?

A. Not then.

Q. Do you remember how long you stayed before school was out? Was it just over a weekend before school was out?

A. Yes. I think once in a while over holidays, and I went down over weekends.

Q. How long did you stay at a time?

A. Three or four days.

Q. You and your sister both or just you?

A. Both of us once in a while, and other times just me.

Q. And this time you saw your Father and Mrs. Kramer in a bed together you were just by yourself?

A. Yes.

Q. In all of the times you have testified to is that the only time you ever actually saw them in bed together-- just once, or more than once?

A. Once.

Q. Did you say one time or more than one time?

A. Just once.

CARL A. BELIN, JR., ESQ., MASTER: Tell us, don't be afraid. We want to know what you know. Would you tell us now Judge Bell asked you did you see your father and Mrs. Kramer in a bed together more than once?

A. Yes.

QUESTIONING BY F. CORTEZ BELL, ESQ., CONTINUED:

Q. How many times Dennis?

A. I don't know.

Q. Were they all down on the Deer Creek Road?

A. Yes.

Q. So you didn't see them in Philipsburg together at all?

A. No.

Q. Do you know your Uncle Willard?

A. Yes.

Q. Did you ever sleep up at his house?

A. Yes.

Q. Does your sister sleep up at Willard's?

A. No.

Q. When did you sleep up at Uncle Willard's?

A. I didn't sleep there too often. It would just be over night.

Q. That is what I mean, but was that after your father moved from Philipsburg down there?

A. He was living down at Deer Creek Road then.

Q. How much of the time did you stay up at Uncle Willard's then?

A. In the day time I went down to play and stayed there once or twice.

Q. In day time you stayed on Deer Creek Road and then up at Willard's at night?

A. Not every night.

Q. How many nights did you sleep up at Uncle Willard's?

A. Once or twice I guess.

Q. If I understand your testimony correctly, sometimes you slept at the house down on Deer Creek Road and other times you slept up at Uncle Willard's, is that right?

A. I only stayed down there a couple times.

Q. A couple times?

A. Yes.

Q. Did you get up these nights you saw your father and Mrs. Kramer in bed?

A. No.

Q. Were they in the same room you were in?

A. Yes.

Q. Where was your father sleeping those nights?

A. Down on Deer Creek Road.

Q. Yes, but where was your father sleeping?

A. In the bed.

Q. Was he sleeping in the same room you were?

A. Yes.

Q. On what kind of bed?

A. The same bed.

Q. Were you and your father sleeping in the same bed?

A. No.

Q. You said your father was sleeping in the same room. Is there another bed in the room besides the one you were sleeping in?

A. Yes.

Q. Is that the bed your father was sleeping in?

A. Yes.

Q. That is down on the Deer Creek Road?

A. Yes.

Q. Did you waken up during the night?

A. No.

Q. Did you see Mrs. Kramer go to bed with your father in that bed?

A. Yes.

Q. You did?

A. Yes.

Q. That happened several times?

A. I only seen it a couple times.

Q. The time you saw your father and Mrs. Kramer in the same bed together it was always in the same room you were sleeping in, is that what you mean?

A. Yes.

Q. Was that before or after the addition was put on down on the Deer Creek Road?

A. Before.

BY W. ALBERT RAMEY, ESQ.:

Q. At that time there was just the one bedroom?

A. Yes.

Q. You slept in that same room they called a bedroom?

A. Yes.

BY W. ALBERT RAMEY, ESQ.: We offer into evidence papers marked Defendant's Exhibit (1), which proposes to be a Sales Contract for a sewing machine purchased in the name of Ivan Kramer of Wallaceton, Pennsylvania, and receipts for payments made thereon in the name of Ivan Kramer.

BY CARL A. BELIN, JR., ESQ., MASTER TO DENNIS STINER:

Q. Dennis you realize that the testimony you have given will have an affect on this proceedings--a very serious affect. Do you understand that?

A. Yes.

Q. In other words we are all counting on you that you have told us the truth?

A. Yes.

Q. Has everything you have given us today been the truth to the best of your ability?

A. Yes, that is all I know.

BY F. CORTEZ BELL, ESQ.: As far as the offer of defendant's evidence, first of all the contract and all receipts are not signed by any one. We have no objection, but will comment on it.

CARL A. BELIN, JR., ESQ., MASTER: Defendant's Exhibit (1) is accepted into evidence.

RAYMOND FOLMAR, witness, being called by F. Cortez Bell, Esq. and being duly sworn according to law.

BY W. ALBERT RAMEY, ESQ.: I call for the purpose of this witness' testimony.

BY F. CORTEZ BELL, ESQ.: The purpose of the witness is to testify that he regularly went into the home on Deer Creek Road, both day and night, and that he found two separate bedrooms and had gone into the bedroom of Lyle Stiner, and he was sleeping alone.

BY W. ALBERT RAMEY, ESQ.: That is objected to. It is not rebuttal to anything we have offered. The only witness you can call is something more rebuttable. It will rebut the testimony just offered of Dennis. That still doesn't rebut Dennis' testimony, that he seen Stiner sleeping in bed alone.

BY F. CORTEZ BELL, ESQ.: We will offer witness that he has frequently gone in day and night and went into the bedroom of Lyle Stiner and woke him.

BY W. ALBERT RAMEY, ESQ.: Objected to as not being rebuttal, and does not have any relationship to this case. It should have been presented as evidence in chief.

CARL A. BELIN, JR., ESQ., MASTER: Sustain objection.

BY F. CORTEZ BELL, ESQ., TO LYLE STINER, who has already been sworn according to law.

Q. Lyle when you were on the witness stand I think I asked you if you ever had sexual relations with Mrs. Faye Kramer, and you said "no"...

BY W. ALBERT RAMEY, ESQ.: Objected to--repetition.

CARL A. BELIN, JR., ESQ., MASTER: Sustained.

BY F. CORTEZ BELL, ESQ.:

Q. Did you hear your son testify a few minutes ago?

A. Yes I did.

Q. Did you and Mrs. Kramer down on the Deer Creek Road ever sleep in the same bed. Can you account for your son making such a statement?

BY W. ALBERT RAMEY, ESQ.: Objected to.

BY F. CORTEZ BELL, ESQ.: On what grounds?

BY W. ALBERT RAMEY, ESQ.: His son made a statement of what he seen. How can he account for what his son seen?

BY F. CORTEZ BELL, ESQ.: He has a right to give information.

CARL A. BELIN, JR., ESQ., MASTER: I believe I am going to overrule the objection.

A. In the first place he was put to bed everynight before I ever made any effort to go to bed, because I worked in the garage everynight until 9 or 10 o'clock and sometimes later. I have witnesses to prove I am there until 9 or 10 o'clock.

Q. Did you ever sleep in the same bed with Mrs. Kramer?

A. No I did not.

BY F. CORTEZ BELL, ESQ. TO MRS. KRAMER, who has already been sworn according to law.

Q. Mrs. Kramer, you heard Dennis Stiner testify that you and Lyle Stiner occupied the same bed down on the Deer Creek Road. Did you ever sleep in the bed with Lyle Stiner?

A. No I did not.

I, Sandra R. Pry, do hereby certify that this is
a true and correct transcript of the testimony
taken before the Master, Carl A. Belin, Jr.

Sandra R. Pry