

DOCKET NO. 174

NUMBER	TERM	YEAR
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96	September	1961
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Edward M. Venesky

VERSUS

Dolores J. Venesky

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

DAVID E. BLAKLEY, ESQ., Greeting:

Know you, that in confidence of your prudence and fidelity we have appointed you, and by these presents do give unto you full power and authority, in pursuance of an order made in our County Court of Common Pleas, for the County of Clearfield, in a certain cause there depending, wherein

EDWARD M. VENESKY

Plaintiff,

and

DOLORES J. VENESKY

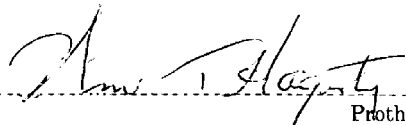
Defendant,

to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the parties.

as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report the same with form of Decree, and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

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

WITNESS, the Hon. John J. Penta, President of our said Court, at Clearfield, the 12th day of December, in the year of our Lord one thousand nine hundred and Sixty-one.


Prothonotary

To the Honorable, the Judge, &c.:

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


COMMISSIONER

No. 96 September Term 1961

EDWARD M. VENESKY

VERSUS

DELORES J. VENESKY

COMMISSION

Cherry
Gleason, Cherry & Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY,
Plaintiff,

-vs-

DOLORES J. VENESKY,
Defendant

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No. 96 SEPTEMBER TERM, 1961

IN DIVORCE

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MASTER'S REPORT

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

I.

SUPPLEMENTAL DOCKET ENTRIES

December 12, 1961	Notice of Master's hearing issued to Constable James Thompson
December 13, 1961	Service of Notice of Master's Hearing on the Defendant by personal service by James Thompson, Constable
January 3, 1962	Wednesday, 10:00 o'clock. Prior to the time for hearing, Attorney for Plaintiff, James A. Gleason requested a continuance of the hearing until 10:00 o'clock A.M. Saturday, January 6, 1962, which was granted. At the time originally scheduled for the hearing, the Defendant, Dolores J. Venesky appeared for the hearing without counsel. She was informed that the hearing was continued to Saturday, January 6th at 10:00 A.M. at which time she could appear.
January 6, 1962	Saturday, 10:00 o'clock A.M. hearing at which time there were present James A. Gleason, attorney for the Plaintiff, Edward M. Venesky, Plaintiff, Edward Venesky, witness for the Plaintiff. The Defendant did not appear at the continued hearing.

II.

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

III.

Cause of divorce: Indignities.

IV.

Findings of fact:

1. The Plaintiff and Defendant were married on April 23, 1949 in Brady Township, Clearfield County, Pennsylvania.

2. The Plaintiff was a resident of Clearfield County during his married life, and now resides in Jefferson County. The Defendant has been a resident of Clearfield County all her life and is still a resident of Clearfield County.

3. Citizenship. The Plaintiff and Defendant are both citizens of the United States, both having been born here.

4. The Plaintiff is thirty-three (33) years of age, and is a machine operator.

5. The Defendant is thirty-one (31) years of age and is employed as a clerk in a Five and Ten cent store.

6. There were two children born as a result of this marriage, to wit, Edward Joseph, age 11, and Deborah Lynn, age 6, both of whom reside with the Defendant.

7. Military Service. The Plaintiff is not a member of the military service of the United States, and the Defendant is not a member of the military service of the United States, she having appeared before the Master and the Constable's return of service of the Master's Hearing showing that she was not a member of the military service at that time.

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

9. Discussion: From the evidence produced, it appeared that the Defendant did constantly go out with another man and entertain the other man in the home of the Plaintiff and Defendant during the time they were living together, but while the Plaintiff was at his employment. It appeared that the

Plaintiff saw another man leaving the home and this was admitted to by the Defendant, and after this the Plaintiff found that it was common knowledge among friends and relatives that she had been seeing another man. The Plaintiff attempted to get the Defendant to stop going with other men and reconcile their marriage, but to no avail, she refusing. It appears without question that the love and affection upon which a marriage is based no longer exists in this case, and that the Plaintiff has suffered indignities at the hands of the Defendant and that under the law of the State of Pennsylvania, the Plaintiff is not bound to undergo such indignities and is entitled to a divorce. The testimony shows a continued and persistent course of conduct on behalf of the Defendant, which establishes grounds for the divorce. The testimony of the Plaintiff was supported by the testimony of a witness who was very familiar with the conduct of the Defendant.

V.

Conclusions of Law;

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

The parties are properly before the Court. The Plaintiff is presently a resident of Jefferson County, Pennsylvania, but the Defendant resides in Clearfield County, wherein proper service was made of the complaint and notice of Master's hearing.

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

VI.

Recommendation:


The Master finds that the evidence of the Complaint

relating to the indignities to the person are sustained, and recommends that the prayer of the Plaintiff be granted, and that a decree be entered by the Honorable Court divorcing Edward M. Venesky, Plaintiff, and Dolores J. Venesky, Defendant, from the bonds of matrimony now subsisting between them.

VII.

Suggested form of decree:

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



David E. Blakley, Esquire
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

EDWARD M. VENESKY,	}	Of	SEPTEMBER	Term, 19 61	
Plaintiff		No.	96		
VERSUS					
DOLORES J. VENESKY					
Defendant					

DIVORCE

And Now, the 16th day of January 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Edward M. Venesky be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ ^{himself} and Dolores J. Venesky.
Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of
said marriage, shall cease and determine, and each of them shall be at liberty to marry again as
though they had never been heretofore married, except that _____

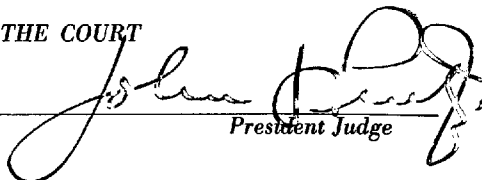
The Prothonotary is directed to pay the Court costs, including Master's fees, as not-
ed herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said _____

Edward M. Venesky ^{his} ~~her~~ costs expended in this action.

ATTEST

Prothonotary

BY THE COURT


President Judge

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

No. 96, SEPTEMBER Term 1961

EDWARD M. VENESKY
Libellant

VERSUS

DOLORES J. VENESKY
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY,
Plaintiff

-vs-

DOLORES J. VENESKY
Defendant.

:
:
:
: No. 96 SEPTEMBER TERM, 1961
:
: IN DIVORCE
:

CONSTABLE'S RETURN

NOW, December 13, 1961 at 2:45 o'clock, P.M.
E.S.T., served Dolores J. Venesky, Defendant above, at her
place of employment, to wit, McCrory's Five and Ten Cent Store,
DuBois, Pennsylvania, with a copy of the foregoing notice of
Master's hearing by handing the same to and leaving with her
personally, and making known to her the contents thereof.

And further, that at the time of said service, the said
Dolores J. Venesky was not a member of the military service of
the United States.

So answers,

John A. Thompson
Constable.

Sworn to and subscribed before me
this 13 day of December, 1961.

Mrs. Grace W. Egan

MRS. GRACE W. EGAN, Notary Public
CLEARFIELD COUNTY, PA.
My Commission Expires Sept. 30, 1962

Constable's Costs.

\$3.50

Paid by Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY,
Plaintiff

-vs-

DOLORES J. VENESKY,
Defendant.

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No. 96 SEPTEMBER TERM, 1961

IN DIVORCE

MASTER'S NOTICE

TO: DOLORES J. VENESKY, Defendant

TO: James A. Gleason, Esq., Attorney for Plaintiff

You are hereby notified that the undersigned has been appointed Master in the above entitled divorce action, for the purpose of taking testimony and reporting the same, together with suggested form of decree, to the Court. For the purpose of carrying out said duties, the Master will hold a hearing in his offices, Suite 216 DuBois Deposit National Bank Building, DuBois, Pennsylvania, on Wednesday, January 3, 1962 at 10:00 o'clock A.M., E.S.T., when and where you may appear along with witnesses, if you so desire.

David E. Blakley, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY : NO. 96 September Term, 1961
VS. :
DOLores J. VENESKY : In Divorce

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

SEPTEMBER 18, 1961, COMPLAINT IN DIVORCE filed: One copy
CERTIFIED to the Attorney:

Constable's Return filed October 9, 1961,

NOW, October 5th, 1961, at 11:30 A.M. E.D.S.T. served DOLORES
J. VENESKY, at her place of employment to wit, McGrory's Five and
Ten Cent Store, DuBois, Pennsylvania, with a true and attested
copy of the within Complaint In Divorce No. 96 September Term,
1961, by handing the same to and leaving with her personally and
making known to her the contents thereof. So answers, James
Thompson, Constable.

December 12, 1961, by motion on the Watch-book, David Blakley,
Esq., is appointed Master to take the testimony and report the
same with form of Decree. John J. Pentz, President Judge.

Certified From the record this 12th day of December, A. D., 1961.

Wm. C. Hagerly
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY, :
Plaintiff, :
-vs- : No. 96 SEPTEMBER TERM, 1961
DOLORES J. VENESKY, :
Defendant. : IN DIVORCE

(CONSTABLE'S RETURN)

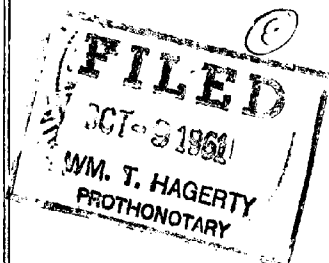
Now, October 5th, 1961, at 11:30 A.M., E.D.S.T., served
DOLORES J. VENESKY, at her place of employment, to wit, McCrory's
Five and Ten Cent Store, DuBois, Pennsylvania, with a true and
attested copy of the within Complaint in Divorce No. 96 September
Term, 1961, by handing the same to and leaving with her, per-
sonally, and making known to her the contents thereof.

So answers,

Constable James Thompson

Sworn to and subscribed before me this 5th day of
October, 1961.

James Thompson
Notary Public
My Commission expires Jan. 7, 1963.



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 75 September Term, 1961
IN DIVORCE

EDWARD M. VENESKY,
Plaintiff

-vs-

DOLORES J. VENESKY,
Defendant.

COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By

LAW OFFICES
GLEASON, CHERRY & CHERRY
710 DARTS BUILDING
DU BOIS, PENNSYLVANIA

109 N. BRADY STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD M. VENESKY, :
Plaintiff; :
-vs- : No. 96 SEPTEMBER TERM, 1961
: IN DIVORCE.
DOLORES J. VENESKY, :
Defendant. :

COMPLAINT

Now comes EDWARD M. VENESKY, Plaintiff above named, and brings this Complaint in Divorce against his wife, DOLORES J. VENESKY, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is EDWARD M. VENESKY and the name of the Defendant is DOLORES J. VENESKY.
2. That both parties are adults and competent.
3. That the said Plaintiff and Defendant were married on April 23, 1949, in Brady Township, Clearfield County, Pennsylvania.
4. That at the time of the said marriage, the Plaintiff and Defendant were natural born citizens of the United States, said Plaintiff having resided in the Commonwealth of Pennsylvania all of his life.
5. That the present residence of the Plaintiff is DeLancey, Jefferson County, Pennsylvania; and the present residence of the Defendant is R. D. #1 Luthersburg, Clearfield County, Pennsylvania.
6. That there were two children born as a result of said marriage, to wit, EDWARD JOSEPH, age 11; and DEBORAH LYNN, age 6, both of whom have always resided with said Defendant.
7. That no prior divorce action has been instituted by either party.
8. That in violation of her marriage vows and the laws of this Commonwealth, the said Defendant has offered such indigni-

ties to the person of the Plaintiff as to render his condition intolerable and life burdensome.

9. This action is not brought out of collusion.

WHEREFORE, the Plaintiff prays that he be freed and separated from the bonds of matrimony heretofore contracted between him and the said Defendant and be granted a decree in divorce a vinculo matrimonii dissolving the bonds of the said marriage.

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By Wm. L. J.

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, EDWARD M. VENESKY, 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 and that the same is not made out of levity or by collusion between himself and the said Defendant for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in the complaint.

Edward M. Venesky

Sworn to and subscribed before me this 16th day of
September, 1961.

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

NO. 96, SEPTEMBER TERM, 1961

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

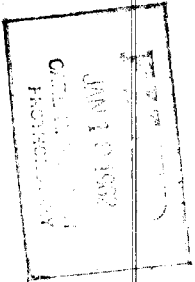
IN DIVORCE

EDWARD M. VENESKY,
Plaintiff

VS

DOLORES J. VENESKY
Defendant

MASTER'S REPORT



COSTS:

Master's fee \$85.00
Constable's
fee (paid by
master) 3.50
\$88.50

LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.

*Service accepted & Trial
Waived This 8th day of January, 1962
Gleason Cherry & Cherry
by Edward V. Cherry*

EDWARD M. VENESKY being duly sworn testifies as follows:

BY MR. GLEASON:

Q. What is your name?

A. Edward M. Venesky.

Q. What is your age?

A. I am 33 years of age.

Q. How long have you lived in Pennsylvania?

A. I have lived in Pennsylvania all of my life.

Q. What is your occupation?

A. I am a machine operator.

Q. What is your wife's name?

A. Dolores J. Venesky.

Q. What is her age?

A. She is 31.

Q. How long has she lived in Pennsylvania?

A. All of her life.

Q. What is her occupation?

A. Housewife.

Q. Where do you live?

A. Adrian, Pennsylvania.

Q. Is that in Jefferson County?

A. Yes.

Q. Where does your wife live?

A. At R.D. 1, Luthersburg, Brady Township, Clearfield County, Pennsylvania.

Q. When were you married?

A. April 23, 1949.

Q. How many children were born as a result of this

marriage, what are their ages, and are they residing with you or their mother?

A. Edward Joseph, age 11; and Deborah Lynn, age 6, both of whom are living with their mother.

Q. Are you or your wife in the armed services of the United States?

A. No.

Q. Did you live in Helvetia, Pennsylvania?

A. Yes, before February.

Q. But you're not living there now?

A. No, I'm living with my parents in Adrian.

Q. That is also in Jefferson County?

A. Yes.

Q. I believe that neither you nor your wife are in the armed services?

A. No.

Q. Are you both native born citizens of the United States?

A. Yes.

Q. When did you and your wife first start having difficulties?

A. It started when I went to Cleveland to work.

Q. What happened?

A. I came back early in the morning around September 24th, I believe it was about 2:15 A.M. and when I arrived home I saw a man coming out of the house and my wife was standing at the door.

Q. Did you say anything to this man?

A. No, he was out of the house when I saw him.

Q. Did you say anything to her?

A. Yes, I said, "Is he the reason why you didn't want me to go back to work at Rockwell in DuBois?"

Q. Did you do anything further about this?

A. Yes, we talked about it quite awhile and I finally had her agree to write a letter to him asking him not to come back.

Q. Did you find anything around the house indicating that she had been going with this man?

A. Yes, I found a letter in the house a week or two afterwards.

Q. Where did you find it?

A. Among my wife's toilet articles. I also found a telephone bill with calls to Fredonia where he was working.

Q. Did you hear about this time that she had been going out with someone else?

A. Yes, I guess the husband is the last one to hear it.

Q. From whom did you hear it?

A. Well, it seemed to be general knowledge among my friends.

Q. Did your wife start drinking after your marriage?

A. Yes, she started drinking about 1952.

Q. Did she drink before the marriage?

A. No, just occassionally.

Q. Had she gone out with any other man before?

A. Yes. We had a party for her uncle who was home from the service and my wife went out with this other woman's husband. She was drinking and I was trying to get her home, but

she was very difficult to get along with. When she didn't come back I went home. Later on I had a call and got her mother and went down to this man's place, she was out sleeping on the lawn.

Q. What time was this?

A. It was about 10:00 o'clock on a Sunday. That is 10:00 o'clock A.M.

Q. When did your marriage first start going wrong?

A. When I went to Cleveland. I could tell every weekend when I was coming back that I wasn't welcome, and there was nothing between us but quarrels and bickering. She told me she disliked me and acted as though she hated me.

Q. What year would this be?

A. Oh, I would say it would be about September, 1959.

Q. When did you finally separate?

A. About the middle of November, 1959. I found as I was coming home that she would always be out. She then left and went to her mother's place and we haven't lived together since. I stayed over for awhile and finally went back to my parents. That would be the last of January or the first of February.

Q. Did your wife make any attempt to make a reconciliation?

A. No, she did not.

Q. Have you lived together since that time?

A. No, we have not.

Q. Did you try to keep the home together?

A. Even after I found her with this other man I still tried to save our married life, but it was impossible.

Q. And what did all this lead to?

A. Continuous quarreling and bickering and she made it plain that she did not care for me anymore both by her talk and by her actions.

Q. Did she do it at home or in public?

A. Both.

Q. Would you explain what you mean?

A. Well she would shut me off with short answers when I tried to talk, would make sarcastic references, talk about a divorce and generally show her dislike for me.

Q. Did this occur very often during the latter part of your married life?

A. Yes. Continuously.

Q. How did you feel about it?

A. Well, I supposed I'd feel like any other husband whose wife treated him the way she treated me. We just didn't seem to have any married life at all, she wasn't interested in it and refused to accept the responsibilities of a wife.

Q. Is there any collusion in this case or agreement for the purpose of getting a divorce?

A. No. There is not.

Q. How did all this react on you?

A. It made me feel very upset and, of course, depressed. Also, after working hard all week I did not feel this was a proper welcome for a husband.

Q. Did her attitude improve as time went by?

A. No, it became worse and worse and finally so bad we couldn't live together anymore. It seemed like a deliberate course of conduct aimed at me for her own reasons.

- 6 -

Q. Are either you or your wife an incompetent?

A. No.

Q. Has any previous action in divorce ever been instituted between the present parties?

A. No.

EDWARD VENESKY being duly sworn testifies as follows:

BY MR. GLEASON:

Q. What is your name?

A. Edward Venesky.

Q. Where do you live?

A. In Adrian, Jefferson County, Pennsylvania.

Q. What is your age?

A. I am 69.

Q. Are you related to the Plaintiff?

A. Yes, I am his father.

Q. How long have you known his wife?

A. I would say about a year before they were married.

Q. Mr. Venesky, what was your husband's attitude towards his marriage?

A. He was a good husband, he was a hard worker and did everything he could to make his marriage a success.

Q. How did he feel towards his wife?

A. I know that he was very much in love with her.

Q. What was her general attitude towards him?

A. At first they seemed to get along very well but shortly she began drinking, then her attitude changed.

Q. In what way?

A. Everytime that I would see them at our house she would be very rude towards him. She was always talking about a divorce.

Q. Would she do this in front of other people?

A. Yes.

Q. What was her general attitude on these occasions?

A. Well, I would say that she would be very rude, mean and mad. In fact every time she came over she seemed to be

always mad.

Q. What sort of language did she use?

A. She thought nothing of cursing and swearing.

Q. How did he take it?

A. He stood more than I could.

Q. Did you hear of her going around with other men?

A. No, just what Ed told me, and he didn't tell me until some time after he knew it. He wasn't much of a one to complain.

Q. Did you hear of her going around yourself?

A. No, but then we lived about twenty miles from where they were living and I wouldn't know their friends and acquaintances.

Q. Did you have an idea at this time that something was wrong?

A. Yes, the way she acted. In fact she never would give him a good or polite answer.

Q. Was she doing much drinking?

A. Yes, I would say that almost everytime she came up ^{we} to see us and/would be drinking, she usually had more.

Q. Did you ever see her drunk?

A. Yes, I did.

Q. Is Ed living with you now?

A. Yes, he is. After she left he stayed at their place for awhile and then finally came back to live with us.

Q. Did this have any effect on Ed?

A. Yes he seemed quite upset and nervous.

Q. To your knowledge, did he give her any cause or reason to act in the manner in which she did?

A. No, he certainly did not.

Q. Is there any collusion in this case, that is, any agreement between the parties for the purpose of getting a divorce? In other words, is what you say about her true and correct?

A. Yes, it certainly is, and I know that he took much more than I would have ever taken. Her general attitude seemed to be that she was just trying to hurt him as much as she could and I can say that she never treated him that I could ever see as a wife should.