

DOCKET NO. 175

NUMBER TERM YEAR

99 November 1961

Helen M. Washburn

VERSUS

Earl F. Washburn

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN

:

vs.

: No. 99 November Term, 1961  
: IN DIVORCE

EARL F. WASHBURN

:

N O T I C E

TO CARL E. WALKER, PROTHONOTARY:

The said HELEN M. WASHBURN hereby elects to resume her maiden name, to wit: HELEN M. STEVENS.

DATED: *1st* *January* 2, 1962.

*HeLEN M. Washburn*

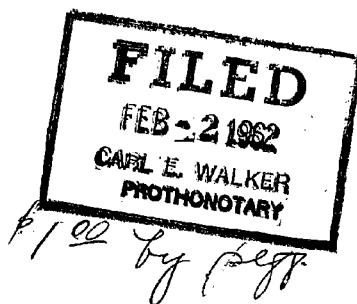
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :  
*2nd* *February*

On this 2nd day of January, 1962, before me the undersigned personally appeared HELEN M. WASHBURN, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Carl E. Walker*

PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1966



Clearfield County, ss:

The Commonwealth of Pennsylvania, to JOSEPH P. WORK, 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

HELEN M. WASHBURN Plaintiff , and

EARL F. WASHBURN Defendant , to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the PARTIES as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report the same with form of Decree and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

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

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 20th day of December, in the year of our Lord one thousand nine hundred and sixty-one

*Wm T. Hagerty*  
Prothonotary

To the Honorable, the Judge, &c.:

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

*Joseph P. Work*   
COMMISSIONER.

No. 99 November Term 1961

Helen M. Washburn

VERSUS

Earl F. Washburn

COMMISSION

John B. Gates Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN : No. 99 November Term, 1961  
vs :  
EARL F. WASHBURN : IN DIVORCE  
: :  
: :

DOCKET ENTRIES

NOVEMBER 17, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

NOW, November 21, 1961 at 9:55 o'clock A.M. served the within Complaint In Divorce on Earl F. Washburn at place of residence, 21½ Wrigley Street, Clearfield, Pa., by handing to him, personally, a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

NOW, December 19, 1961, by motion on the watch-book, Joseph P. Work, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 20th day of December, 1961

Wm T. Hagerty  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN :  
vs : No. 69 November Term, 1961  
EARL F. WASHBURN : IN DIVORCE

COMPLAINT IN DIVORCE

NOW COMES, the Plaintiff, by her attorney, John B. Gates and brings this Complaint in Divorce against the above named Earl F. Washburn, upon a cause of action whereof the following is a statement:

1. The name of the Plaintiff is HELEN M. WASHBURN.
2. The name of the Defendant is EARL F. WASHBURN.
3. The Plaintiff resides at 502 New Street, Clearfield Borough, Pennsylvania.
4. The Plaintiff has resided in the Commonwealth of Pennsylvania for over forty years and has been a bona fide resident of Clearfield County, Pennsylvania, for at least the past ten years.
5. The Defendant is a citizen of the United States of America and resides at 214 Wrigley Street, Lawrence Township, Clearfield County, Pennsylvania.
6. The Plaintiff and Defendant were married on October 21, 1959 by Rev. William J. Brown, Presbyterian minister, Clearfield, Pennsylvania.

7. The Defendant has:

a. Offered such indignities to the person of the Plaintiff, who is the injured and innocent spouse, as to render her condition intolerable and her life burdensome.

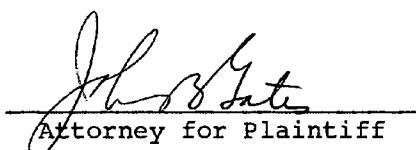
8. No children were born to this marriage.

9. That the Plaintiff and Defendant have entered into no collusive arrangement regarding this action.

10. The only jointly owned property of the parties are wedding gifts in the possession of the Defendant.

11. That neither of the parties, Plaintiff and Defendant has ever applied in this or any other court for a divorce from the other party to the action, or for an annulment.

WHEREFORE, the Plaintiff respectfully prays your Honorable Court that she be granted an absolute divorce, separating herself from the said Earl F. Washburn, the Defendant, as if she had never been married, or as if the said Defendant were naturally dead.

  
\_\_\_\_\_  
Attorney for Plaintiff

COMMONWEALTH O F PENNSYLVANIA :  
: SS :  
COUNTY OF CLEARFIELD :  
:

HELEN M. WASHBURN, 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 her knowledge,  
information and belief.

Helen M Washburn  
Helen M. Washburn

Sworn to and subscribed  
before me this 17  
day of November, 1961

Tom J. Slagerty

PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1992

79 Nov 1961  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. November Term, 1961  
IN DIVORCE

HELEN M. WASHBURN

vs

EARL F. WASHBURN

COMPLAINT

TO WITHIN NAMED DEFENDANT:

You are hereby notified to plead to the within Complaint within twenty (20) days from the date of service hereof.

JOHN B. GATES, ESQ.  
Attorney for Plaintiff

BY John B. Gates

11/30/61

<b>FILED</b>	
JOHN B. GATES	Attorney at Law
NOV 30 1961	CLEARFIELD, PA.
WM. T. HAGERTY	

# Affidavit of Service

(Billed November 21, 1961)

Helen M. Washburn

vs.

Earl F. Washburn

No. 98 May Term, 1961  
Complaint In Divorce

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

NOW November 21, 1961 at 9:55 o'clock A.M.  
served the within Complaint In Divorce

on Earl F. Washburn

at place of residence, 214 Wrigley Street, Clearfield, Pa.

by handing to him personally

a true and attested copy of the original Complaint In Divorce and made  
known to him the contents thereof.

Sworn to before me this 21st

day of Nov A. D. 19 61

John J. Slagerty  
Prothonotary

Costs. Sheriff Amerman \$9.50  
(Paid By ~~Atty~~ ~~get~~ CK: 6016.

So answers,

Charles G. Amerman  
Charles G. Amerman  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN :  
VS : No. 79 *November* Term, 1961  
EARL F. WASHBURN :  
: IN DIVORCE

MASTER'S NOTICE

TO: Earl F. Washburn  
214 Wrigley Street  
Clearfield, Penna.

You are hereby notified that I have been appointed Master in the divorce action of Helen M. Washburn vs. Earl F. Washburn, in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 79 *Number* Term, 1961, and that I will hold a meeting for the purpose of taking testimony at the office of Smith, Smith & Work, Esqs., 101 North Second Street, Clearfield, Penna., on Wednesday, January 17, at 2 o'clock P.M., when and where you may attend with witnesses, if you so desire.

Joseph P. Work  
Master

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

Now this 21<sup>st</sup> day of December 1961, J.B. Walker, Constable, being duly sworn does dispose and say that on the 27<sup>th</sup> day of December A.D. 1961, at 10 A.M. he did personally serve on Earl F. Washburn, at his residence at 214 Wrigley Street, Lawrence Township, Clearfield County, Pennsylvania, a copy of notice of Master's Hearing in a case of divorce of Helen M. Washburn vs. Earl F. Washburn.

BY \_\_\_\_\_

So Answers

J.B. Walker  
J.B. Walker  
Constable

Sworn and subscribed  
by me this 27<sup>th</sup> day  
of December , 1961.

R P Teal  
Justice of the Peace

My Commission Expires First  
Monday in January 1962

See  
1500

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD PENNSYLVANIA

HELEN M. WASHEURN

VS.

EARL F. WASHBURN

MASTER'S NOTICE

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

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN  
VS

No. 99 November Term, 1961

EARL F. WASHBURN

IN DIVORCE

MASTER'S NOTICE

TO: Helen M. Washburn  
c/o John B. Gates, Esq.  
County National Bank Building  
Clearfield, Pennsylvania

You are hereby notified that I have been appointed Master in the divorce action of Helen M. Washburn vs. Earl F. Washburn, in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 99 November Term, 1961, and that I will hold a meeting for the purpose of taking testimony at the office of Smith, Smith & Work, Esqs., 101 North Second Street, Clearfield, Penna., on Wednesday, January 17, at 2 o'clock P.M., when and where you may attend with witnesses, if you so desire.

Joseph P. Work  
Master

Now the 19 day of December, 1961, service is hereby accepted on behalf of the Plaintiff.

JOHN B. GATES

BY John B. Gates  
Attorney for the Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD, PENNSYLVANIA

HELEN M. WASHBURN

VS.

EARL F. WASHBURN

MASTER'S NOTICE

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN : No. 99 November Term, 1961  
VS. : IN DIVORCE  
EARL F. WASHBURN :

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

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

S C H E D U L E

1. The Complaint in Divorce: Presented and filed on November 17, 1961.

2. Service of the Complaint: Service of the Complaint was made upon the Defendant by the Sheriff of Clearfield County handing to him a true and attested copy of the Complaint on November 21, 1961, at 9:55 o'clock A.M. at place of residence, 214 Wrigley Street, Clearfield, Pennsylvania.

3. Appointment of Master: Joseph P. Work was appointed Master on December 20, 1961.

4. Date and Place Fixed for Hearing: Hearing on this case was scheduled and took place at 2:00 P.M. on January 17, 1961, at the office of the Master, 101 North Second Street, Clearfield, Pennsylvania. The Defendant did not appear in person or by counsel at the time and place scheduled for hearing.

5. Notice of Master's Hearing: Notice of Master's Hearing was served on the Defendant by Constable J. B. Walker handing to him proper notice thereof on December 27, 1961, at 10 A.M. at 214 Wrigley Street, Clearfield, Pennsylvania.

6. Master's Hearing: Held at the time and place aforesaid. John B. Gates, Esq., appeared for the Plaintiff. The Plaintiff appeared in person and with the following witnesses:- Mrs. Lois Peters and Mrs. Ruth Bussard. The Defendant did not appear and was not represented by counsel.

CAUSE OF DIVORCE

Indignities to the Person.

FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married by a Presbyterian Minister in October 21, 1959 in Clearfield, Pennsylvania.

2. Residence and Citizenship: The Plaintiff and Defendant are citizens of the United States. At the time of the hearing, the Plaintiff was residing at 502 New Street, Clearfield, Clearfield County, Pennsylvania, and the Defendant was residing at 214 Wrigley Street, Lawrence Township, Clearfield County, Pennsylvania.

3. Ages and Occupation: The Plaintiff is 50 years old and is employed part time at the Captain's Table and part time at Goldies Mid-Way. The Defendant is 42 years of age and is unemployed.

4. Children: None

5. Armed Forces: The Defendant is not a member of any branch of the Armed Forces of the United States of America.

6. Findings on the Merits: The grounds for divorce alleged in the Complaint were Indignities to the Person:

(a). Commencing on or about the time of the October 21, 1959, up to and including September 1, 1961 , Plaintiff has been subject to a course of treatment by the Defendant

which was humiliating and which manifested settled hate and estrangement toward the Plaintiff

(b). Although the Plaintiff for a good cause separated herself from the marital domicile in 1961, the conduct of the Defendant continues to be a course of humiliation and embarrassment to her, and manifests a continuing hate and estrangement.

(c). The Defendant has for a period of one year not only kept the company of members of the opposite sex, but such conduct began on the date of his marriage.

(d). The general course of Defendant's conduct toward the Plaintiff has been degrading and humiliating, and has affected the Plaintiff's mental and physical well-being.

(e). The conduct of the Defendant was more than sufficient to lead to suspicions of promiscuous behavior and his other general conduct was such as to be indicative of a settled hate and estrangement on his part toward the Plaintiff.

(f). The Plaintiff has at all times been a good and faithful wife.

(g). The conduct of the Defendant has not been condoned by the wife Plaintiff and she has ceased to live with the Defendant because of such conduct.

(h). This divorce proceeding was not the result of collusion between the Plaintiff and the Defendant.

DISCUSSION

The Plaintiff and her witnesses have testified to a course of conduct on the part of the Defendant husband in this case which began approximately at the time of the couples marriage on October 21, 1959 and continued up to and including July, 1961, in which month the Plaintiff testified that she left the common habitation of the Defendant and herself because she could no longer stand the indignities which were heaped upon her. The Plaintiff and her witnesses all testify to a course of conduct which course of conduct was evidence of a settled hate and estrangement on the part of the Defendant toward the Plaintiff. It is equally clear from the testimony from the Plaintiff and her witnesses that the Defendant has not been concerned with the shame and humiliation which his conduct has brought upon the Plaintiff. The Master was very favorably impressed with the testimony of the Plaintiff and her witnesses, especially the testimony of Mrs. Peters who is in no way related to the Plaintiff and whose creditability is completely unimpeached.

While it is true under the law of Pennsylvania that drunkenness as such is no cause for divorce, it is true, however, that such conduct coupled with other factors and extending over a period of time may amount to indignities. It is the opinion of the Master that the Plaintiff has averred and proved by competent, clear and convincing evidence a course of conduct based upon indignities to the person from the time of the couples marriage until the present date. The Defendant husband has brought such shame and humiliation upon the Plaintiff so as to render her condition intolerable and her life burdensome.

There is ample evidence and the records support the finding that from the time of the couples marriage the Defendant has

(1). So consorted with members of the opposite sex as to raise grave suspicions of promiscuous behavior.

(2). Brought shame and disrepute upon the Plaintiff by his behavior with members of the opposite sex and his course of conduct toward the Plaintiff.

(3). Caused the Plaintiff shame and humiliation and physical suffering because of his conduct.

So that the record may reflect the complete basis of the Master's opinion herein, it is felt necessary that some discussion be made of the fact that the Plaintiffs testimony establishes four reconciliations with the Defendant over the period of their married life. It should first be stated that while this may be considered to be some evidence of condonation, nevertheless, the effect of condonation bound with indignities to the person or a charge of cruel and barbarous treatment differs widely from that in condonation of adultery. For example, in the latter charge, a condonation is sufficient to create a defense on the charge. Whereas, in the first class of cases it is merely a factor to consider along with all the other creditable evidence given to determine whether or not a cause of divorce on the grounds of indignities has been made out. It has been stated that the law of Pennsylvania is that a reconciliation is considered a conditional thing in which case if fresh acts of indignities are committed after a reconciliation, they revive all former offenses even though the fresh acts in themselves are not sufficient to warrant a divorce - DiSTEFANO VS. DiSTEFANO, 152 Pa. Superior 115, (1943).

Reconciliation is merely a factor to consider in determining whether the conduct both before and after was such as to make the marital status intolerable - NIXON VS. NIXON, 329 Pa. 256.

It is the opinion of the Master that considering all the evidence here produced and assigning the proper weight to each of the matters alluded that the conduct of the husband amounts

to a course of conduct amounting to indignities. It is now the law of Pennsylvania that conduct by a respondent with respect to members of the opposite sex, even though it is not sufficient testimony to support a charge of adultery, may be considered a form of personal indignities to the innocent and injured spouse rendering his or her condition intolerable and life burdensome -

LOWE VS. LOWE, 148 Pa. Superior 439, (1942), ; WICK VS. WICK, 352 Pa. 25, (1945); WILSON VS. WILSON, 163 Pa. Superior 546, (1949)

The Defendant's course of conduct has been such as to demonstrate a settled hate and estrangement for Plaintiff wife, and that conduct has made her life intolerable and burdensome.

This course of conduct amounts to indignities - DAVIS VS. DAVIS, 180 Pa. Superior 404, (1956).

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.
2. Defendant is guilty of indignities to the person of the Plaintiff, rendering her condition intolerable and life burdensome, contrary to Subsection 1(f) of the Act of May 2, 1929, P.L. 1237, Section 10, 21 P.S. 10.
3. The proceedings conform to the rules of court and requirements of law.
4. Plaintiff is an innocent and injured spouse.
5. This divorce proceeding was not the result of collusion between the Plaintiff and Defendant.
6. Plaintiff has proved cause for divorce based on the grounds of indignities to the person.

RECOMMENDATION

The Master recommends a Decree granting Helen M. Washburn a divorce a vincullo matrimonii from Earl F. Washburn; form of Decree is attached hereto.

Respectfully submitted,



Joseph P. Ward  
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXX

HELEN M. WASHBURN } Of NOVEMBER Term, 19 61  
VERSUS } No. 99  
EARL F. WASHBURN }

DIVORCE

And Now, the 24<sup>th</sup> day of January 1962, the  
report of the Master is acknowledged. We approve his findings and recommendations; except  
as to \_\_\_\_\_

We, therefore, DECREE that Helen M. Washburn be  
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-  
tracted between himself and Earl F. Washburn.

Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of  
said marriage, shall cease and determine, and each of them shall be at liberty to marry again as  
though they had never been heretofore married, except that \_\_\_\_\_

The Prothonotary is directed to pay the Court costs, including Master's fees, as noted herein, out of the deposits received and then remit the balance to the libellant. No Decree  
to issue until the costs be fully paid. We do further award to the said Helen M.

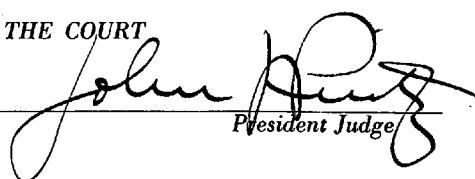
Washburn <sup>his</sup> costs expended in this action.

ATTEST

BY THE COURT

Prothonotary

President Judge

  
John D. Pugh

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

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

*Libellant*

*VERSUS*

*Respondent*

**DECREE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HELEN M. WASHBURN : No. 99 November Term, 1962  
VS. :  
EARL F. WASHBURN : In Divorce

TESTIMONY TAKEN AT HEARING BEFORE THE  
MASTER, JOSEPH P. WORK, ESQ. ON  
WEDNESDAY, JANUARY 17, 1962, AT 2 P.M.  
AT THE OFFICE OF SMITH, SMITH & WORK  
101 NORTH SECOND STREET, CLEARFIELD, PA.

APPEARANCES: Helen M. Washburn, the Plaintiff, Mrs. Ruth Bussard and Mrs. Lois Peters, witnesses for the Plaintiff, and John B. Gates, Esq. attorney for the Plaintiff. Earl Washburn, the Defendant, being served by personal service on the 27th day of December, 1961, does not appear in person or by counsel.

HELEN M. WASHBURN, being duly sworn, testified as follows:

BY MR. GATES:

Q. Your name is?

A. Helen M. Washburn.

Q. Mrs. Washburn are you the Plaintiff in this Divorce Proceeding?

A. Yes.

Q. What is the name of your husband?

A. Earl Washburn.

Q. Is he the defendant in this proceeding?

A. Yes.

Q. How old are you?

A. 50.

Q. How old is the defendant?

A. 42.

Q. Mrs. Washburn what is your occupation?

A. Waitress.

Q. Where do you work?

A. Part time at the Captains Table and part time at Goldies Mid-Way.

Q. What is the present occupation of your husband?

A. As far as I know he is unemployed.

Q. Mrs. Washburn how long have you lived in the Commonwealth of Pennsylvania?

A. All my life.

Q. How long have you lived in Clearfield County?

A. All my life.

Q. Were there any children born to this marriage?

A. No.

Q. Mrs. Washburn when were you and your husband married?

A. October 21, 1959.

Q. By whom were you married?

A. Reverend Brown, Presbyterian Minister, in the Presbyterian Church.

Q. Is that Presbyterian church in Clearfield?

A. In Clearfield.

Q. Mrs. Washburn is your husband a civilian or is he in the armed forces?

A. He is a civilian.

Q. After your marriage where did you go to live?

A. 214 Wrigley Street in Lawrence Township.

Q. How long did you live there?

A. 21 months.

Q. Would that be until July?

A. The first week in July, 1961.

Q. What happened at that time?

A. I left my husband.

Q. Where did you go?

A. 502 New Street, Clearfield Borough.

Q. Are you still living at 502 New Street?

A. No. I moved December 30th to 105 North Fifth Street.

Q. Is that in the Borough?

A. That is in the Borough.

Q. Mrs. Washburn is my understanding that you and your husband own no property together, is that right?

A. That is correct.

Q. I also note in the Complaint which was filed and served on your husband that you have alledged that he has committed various indignities to your person?

A. That is correct.

Q. Have you ever applied for a divorce before this?

A. No.

Q. Had you ever been married prior to this?

A. No.

Q. Had your husband ever been married before?

A. Yes he was.

Q. How did that marriage terminate?

A. His first wife died.

Q. After you were married, Mrs. Washburn, how did things go along?

A. Well, not so good.

Q. What happened?

A. He started to drink and run around.

Q. Was your husband employed when you were married?

A. Yes. He was employed by Joe Marrara, a distributor.

Q. How long did he work for Mr. Marrara?

A. It couldn't have been any more than four or five months, then he left there and went to work for Barney Graham driving truck and hauling coal.

Q. And then where did he go?

A. He lost his job there, then in the spring of 1960 he started to work at the Clearfielder as a bartender.

Q. What was the itinerary of your husband when he was working?

A. Well, when he was working at the Clearfielder he would get up in the morning around 10 or 10:30, leave go down to the Clearfielder and he would be gone all day until around 4:30 or 5:00 and he would come back, get his supper then he would go to work, the bar was suppose to close at 2 and he would be back maybe around 3, and I don't know what he was doing in that time.

Q. In what condition did he appear when he got home at 3:00 a.m. in the morning?

A. Well, he had been drinking.

Q. Would he be drinking or would he be visibly intoxicated?

A. Well, sometimes he would be intoxicated and other times he would just be drinking, but he would know what he was doing and all.

Q. Did you and your husband eat together?

A. Not when we were first married. I would get the meal ready then I would eat and he would eat, we didn't eat together for at least two months.

Q. Why wouldn't he eat with you?

A. Well, he wore false teeth and he claimed he couldn't eat with them in, so he said that was the reason why he wouldn't eat with me, because he took his teeth out to eat.

Q. Did you make any statement to him about it?

A. I told him it didn't make any difference to me for I wanted us to eat together.

Q. When he wouldn't eat with you would he take his plate away from the table?

A. No, he would go in to the living room and he would sit down at the table then and eat.

Q. At the time he was working at the Clearfielder, did he make any effort to take you out?

A. No. After we were married we didn't go anywhere, he wouldn't take me anyplace.

Q. Did he go himself?

A. When he wanted to go, he went.

Q. Did you ever question him about taking you out or going places together?

A. Yes I did.

Q. What did he say?

A. He said if you want to go anywhere you can go yourself.

Q. Did you ever confront him about him staying out and coming home intoxicated?

A. Yes.

Q. Did he make any reply to that?

A. One time I asked him why he was drinking; was it something I had done and he said, I don't think I have long

to live, then he said, I am going to have a good time while I am here, I am going to do what I please and you can do as you please.

Q. As a result of that answer did you go to see his doctor?

A. Yes I went to the doctor and I asked him. I said, I want to know exactly what is wrong with him, and he said why Helen there is nothing wrong, nothing seriously wrong with him.

Q. Did the doctor tell you that his trouble was due to his drinking?

A. When I told him about his drinking he said well I didn't know that, that is the reason why I am getting no results with his treatment

Q. Did you ever see your husband out with anybody?

A. Yes I did, in the summer of 1960 I had a relative in the hospital and so I was out to see her and when I was starting back I met his car, in it were him another fellow and two girls going out Turnpike Avenue.

Q. Where were these girls sitting?

A. The one with him was setting very close to him in the front seat.

Q. Where was the other girl?

A. In the back with this other man.

Q. Did you know who the girls and the other man were?

A. Yes.

Q. Who were the girls?

A. The one girl in the front with my husband was a Rhone girl and the one in the back seat was a..it slipped my mind.

Q. Who was the man?

A. Jack Connors.

Q. You say that was in the summer of 1960.

A. Yes.

Q. Do you know or can you place that time any more definite than that?

A. No, it was in August.

Q. The first part of August?

A. Yes, it was fair week.

Q. Did you confront your husband about this latter on that day?

A. Yes I did. He came home at ten o'clock that night and I told him I had saw him being with a girl and he said I wasn't with a girl, there was another man in the car and she was with him. I said, I saw no other man.

Q. Did he still continue to deny he was out with this girl?

A. Yes he did.

Q. What was the name of the girl who was in the front seat with him?

A. Rhone.

Q. Mrs. Washburn I believe you told me one time that you had a dog, is that correct?

A. That is correct.

Q. When did you get this dog?

A. Well, I got it in the first week of July, 1961, and I went to the house, I don't know just exactly what date it was, and I got the dog and brought him out to the Captains Table where I work and that evening when I quit work I went out to get into my car and Earl was there and undertook to take the dog, grabbed him by the harness and the dog started to choke, I was holding the rope on my finger and he took his knife out of his pocket cuttthe rope andcut my finger. Of course, at that time I dropped the dog, he grabbed the dog put him in his car and took off. My finger was bleeding so bad I had to go back into the rest-room at the Captains Table.

Q. You stated you went back into the Captains Table?

A. Yes. I went into the Captains Table and a lady in there fixed up my finger.

Q. Now, at what time of the day was this?

A. That was at 4:00.

Q. In the afternoon?

A. Yes, in the afternoon.

Q. Was there any other people there who saw this?

A. Yes there were people in the restaurant.

Q. Did they see it?

A. Yes, but I didn't know who they were.

Q. Did you subsequently get the dog?

A. Yes, later on in that week he brought the dog to me.

Q. Mrs. Washburn was it necessary for you to go to work to supplement the income of your husband when you were married?

A. Well, when we were first married I worked at Cowdrick's Drug Store and I quit working there and he was very angry about it so then I went to work at Christmas time at Penny's and then I got sick over the worry and everything and I was in the hospital. In October the 3rd, 1961, I started to work at the Captain's Table and he never gave me any money for my clothes, doctor bills, or nothing. I had to make my own money.

Q. Was it necessary for you to pay for cars which your husband purchased?

A. Well, he first got a truck, and I wrote the check out to pay for the title and the tax that was on it. Well, then he got a car a month later and at first I told him not to get it for he wasn't working and I wasn't going to pay for it. Well, in the meantime I had gone up to my sisters and he wrote a check from my checkbook and got the car.

Q. Did that come out of your checking account?

A. Yes.

Q. Was that done without your permission?

A. Without my permission, yes.

Q. Incidentally, did anything ever happen to the car he bought?

A. The new car he only had it three weeks, he went out and didn't come home all night and I was worried. I called the hospital, to see if he was in a wreck, he wasn't listed as a patient, so he came home the next morning at 7:00 a.m. with the car smashed.

Q. Did you question him about it?

A. I questioned him about it when he came home and he was drunk and accused him of being out with some other woman and he denied it.

Q. Did anything happen which would increase your suspicions about his running around?

A. In about three weeks later the same thing happened again he went out and stayed all night and I had a telephone call while he was out, I answered the phone and I heard the operator tell this party about paying for the call and then this lady asked for my husband. Then I said what do you want him for, well then this lady got really confused and then she said her husband wanted to talk to him, so Earl was laying across the bed and he got up and he said, what do you want, and, of course, I don't know what she said. He stood there a little bit and he said I don't know what your talking about and then he hung up the phone. Then I said now you can't tell me you were

not out with somebody. He said, well anybody can call me, my name is in the phone book. Pay for a call and I said, you must think I am awful dumb.

Q. Did this incident happen later then?

A. Yes, about three weeks later he was out again.

Q. Did you receive a call at that time?

A. No.

Q. I believe you stated your husband never took you out did you happen at one time to go on a vacation?

A. Yes. In the summer of 1960. He wanted to take a trip to Texas and he said to me about going to the bank and getting some money and which I did, and he said he was going to borrow some money and I said how much are you going to get and he said around three hundred dollars. Well, this was about a week before the vacation and he wouldn't tell me how much he got, during that time he was a big shot around town he was running around drinking, treating everybody and well, we went to Texas. There was one day he went out left me in the motel room all day without anything to eat and he came back about 5:30 or 6:00 and took me to a home of a friend he was going to see and left me there with this lady and I didn't even know her and him and this man took off and that was the last I saw him until about 12:00 that night.

Q. The woman who was there at that house, did she try to find your husband?

A. She tried to find him and couldn't get track of him anywhere.

Q. Did your husband give you any apologizes?

A. No, no he did not.

Q. Did your husband ever at a later date admit to you that he was running around?

A. Yes, after I left him this last time.

Q. When was that?

A. 1961 in September I heard he was going out and I asked him then and he said yes, I am taking a girl out.

Q. And he admitted that to you?

A. Yes, he said to me I have to have my satisfaction which you won't give me.

Q. Did you ever deny your husband any satisfaction?

A. No I never did.

Q. Did you tend to be a good housewife?

A. Yes.

Q. Did you get his meals?

A. Yes sir.

Q. Is there any agreement between you and your husband relating to this divorce in that the testimony you are giving here today is false or made up?

A. No.

Q. When did you live with your husband last?

A. The first week in July.

Q. Was that in 1961?

A. Yes.

Q. You did state several times during this testimony that you have left your husband, and you have left him more than one time?

A. Yes, four times.

Q. Did you go back to your husband?

A. Yes. I thought I would go back and try to make a go of it.

Q. Did your husband make any promises to you?

A. Yes he did.

Q. What were those promises?

A. He promised that he would straighten up and he would quit drinking, get work and take the responsibilities of a husband.

Q. Incidentally, did your husband take the responsibilities of keeping a job and doing work that he had?

A. No he didn't.

Q. Would you tell the Master what happened on occasions?

A. He had a truck and he had a coal business. People would call on the phone and we wouldn't answer it. I would answer it and if someone would ask for him he wouldn't talk to them. One incident Mr. Hershey called and wanted to talk to him and Earl was in bed, I called him and told him Mr. Hershey wanted to talk to him. He said, I'm not talking to him, if he wants to order some coal, I'm not getting him any coal, and which he didn't.

Q. You stated you had separated several times, you stated your husband made various promises?

A. Yes.

Q. Did he keep these promises?

A. No.

Q. How did this activity affect your health?

A. Well, I couldn't eat, I didn't sleep so as a result my nerves broke down and that is what put me in the hospital.

Q. You were admitted to the hospital?

A. Yes.

Q. How long were you in the hospital?

A. I was in the hospital six days.

Q. When was that?

A. That was in February of 1961.

Q. Did your husband pay for your hospital care?

A. He had hospitalization, but he didn't pay any office calls, or any treatment after I came home from the hospital.

Q. Were you under the care of a doctor?

A. Yes.

Q. What was the doctor's name?

A. Dr. Aughenbaugh.

Q. Incidentally, what was the name of the doctor your husband went to?

A. Dr. Aughenbaugh.

Q. Was that the doctor you consulted concerning your husband?

A. Yes.

Q. Have you ever had your husband arrested for desertion?

A. No.

MRS. RUTH BUSSARD, being duly sworn, testified as follows:

BY MR. GATES:

Q. Your name is Mrs. Ruth Bussard?

A. That is right.

Q. Are you related to Helen Washburn?

A. I am her sister.

Q. Do you know Earl Washburn?

A. I have known them since about two weeks before their marriage.

Q. Did you ever have an opportunity to visit in their home when they lived together?

A. I have been in their home several times.

Q. In your opinion was your sister a good and dutiful wife?

A. She certainly was.

Q. Mrs. Bussard you know Earl Washburn, is that right?

A. That is right.

Q. Have you ever seen him out with women outside of his wife?

A. I saw him one Sunday evening about 12:00 p.m. up at the hot dog stand between Clearfield and Curwensville and he had another woman in the car with him.

Q. Where was this woman sitting?

A. She was sitting in the front seat very close.

Q. You are sure it was Earl?

A. I am perfectly sure.

Q. Are you sure this woman was not his wife?

A. Certainly.

Q. Do you know who was the cause of the separation of your sister and her husband, whose fault it was?

A. Well in my opinion, it was his own fault. She did everything in her power to make their marriage work and he just wouldn't co-operate, so it comes to the place where they separated.

Q. Do you know of any agreement between your sister and her husband to the purpose of getting this divorce?

A. No, I don't.

MRSE LOIS PETERS, being duly sworn, testified as follows:

BY MR. GATES:

Q. Your name is Mrs. Lois Peters?

A. That's right.

Q. Where do you live?

A. 411 East Locust Street.

Q. Incidentally, where does Mrs. Bussard live, do you know?

A. 626 State Street, Curwensville.

Q. Do you know Earl Washburn?

A. Yes I do.

Q. Do you know Mrs. Washburn?

A. Yes I do.

Q. How long have you known Mrs. Washburn?

A. Nine or ten years.

Q. Did Mrs. Washburn ever come to stay at your place at

any time during which she was married to Earl?

A. Yes she did.

Q. When was that to the best of your knowledge?

A. In the spring of 1961.

Q. Under what circumstances did she come to your place?

A. She was all upset, she had been crying. We sat down and I said what is the matter and she said I took my clothes and left Earl again. She said he is drinking and I haven't seen him in about two days. I said, Helen you have go to get yourself under control and I asked her if she had anything to eat and she hadn't had anything to eat all day. I made her eat and she said can I stay here tonight and I said your room is upstairs and I gave her a pill to help her sleep, she hadn't rested I could tell. I put her up in her room, I went to bed. I had relatives in the house at the time, my husband and my brother were on a trip and about 2:00 in the morning bang came the door and I went down. It was Earl, he was very intoxicated and wanted to know if Helen was there, her car was out front. I said yes she was, I said she is sleeping and she is sick and I said for him to come back in the morning when he was sober and he insisted upon talking to her that night and I said Earl my sister-in-law and children are up stairs and I don't want to disturb them and he coaxed me and coaxed me so I went up and shook Helen and told her that Earl was down there and wants to talk to her and she was vague like from being sleeping from the medicine and she said she didn't want to see him at all so I went back down and told Earl that Helen didn't want to see him and he said well I am going to take her clothes out of the car, and if she doesn't come with me now, she will never come back and I said just a minute I was sort of alarmed of him taking her clothes and threatening not to let her come back. I went up and told Helen Earl was down there and I was going to bring him up to talk to her. So I took him up and I went back to my room and he was there about three or four minutes and she went home with him. I didn't think much of the action in my house, but I didn't want to cause any trouble.

Q. Was he intoxicated at the time?

A. Very intoxicated, I tried to talk him into coming back in the morning when he was able to talk.

Q. You stated you knew Earl for sometime, is that correct?

A. Yes.

Q. Mrs. Peters, have you ever seen Earl out with another woman?

A. Yes I have.

Q. On how many occasions?

A. Two times.

Q. Would you state for the record when these occasions were?

A. The first time I believe was the end of October, 1961, and I did see him the second time on the 14th of November.

Q. Where did you see him the first time?

A. On Third and Cherry Streets.

Q. Was there a woman with him?

A. Yes, there was another woman.

Q. In the car or walking with him?

A. They were in the car.

Q. What time of the day was this?

A. About 8:30.

Q. In the evening?

A. Yes.

Q. Was she sitting in the front?

A. Yes, she was in the front seat. Earl is quite small and she took up most of the seat.

Q. Was she sitting close to him?

A. Very close.

Q. You are sure it was Earl that you saw?

A. Yes, it was Earl.

Q. It wasn't Mrs. Washburn?

A. No, it wasn't Helen, this woman was larger than Helen.

Q. Where was the second time you saw them?

A. At Nichol Street Bridge.

Q. Was that in the day or night?

A. That was at night.

Q. What time?

A. About 8:00.

Q. Was he in a car or walking?

A. He was in his car.

Q. Was there anybody with him at that time?

A. There was a woman with him.

Q. Was she sitting in the front or rear seat?

A. In the front seat.

Q. Where they close together or were they separated?

A.. They were very close together.

Q. You were sure it was Earl?

A. I am positive.

Q. Was the woman with him his wife?

A. No, it wasn't Helen.

Q. Do you know of any arrangement or agreement between the parties for the purposes of getting this divorce?

A. No.

Q. Did you ever visit their home?

A. Yes I have.

Q. In your opinion what type of a housewife was Helen?

A. I would say immaculate.

MRS. WASHBURN RECALLED:

BY JOHN GATES:

Q. Did Earl ever make any threats toward you?

A. Yes, after I left him he said to me, if I ever see you out with another man, he said, you won't live, you or the other man, I have a gun and I know how to use it.

Q. Have you ever gone out with anybody?

A. No I haven't.

Hand of app  
Exhibit  
from my  
wife and my  
son

Lap-over Margin

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSY-  
LVANIA NO. 99 November Term,  
1961, In Divorce

HELEN M. WASHBURN

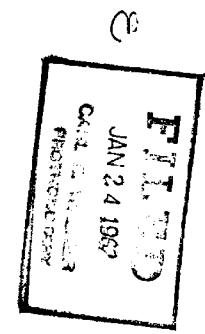
VS.

EARL F. WASHBURN

MASTER'S REPORT

Uncontested

Master's Fee \$85.00  
Costs 3.00



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