

DOCKET NO. 174

NUMBER	TERM	YEAR
122	May	1961

Alice Mae McCarty

VERSUS

Allen Edgar McCarty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. <u>121</u> MAY TERM, 1961 IN DIVORCE	
ALICE MAE MCCARTY	
-VS-	
ALLEN EDGAR MCCARTY	
COMPLAINT	
TO WITHIN NAMED DEFENDANT: You are hereby notified to plead to the enclosed Complaint within twenty (20) days from the service hereof.	
By <u>Wm. T. Hammon</u> GLEASON, CHERRY & CHERRY Attorneys for Plaintiff Wm. T. Hammon Law Offices GLEASON, CHERRY & CHERRY 7-10 DAMUS BUILDING DU BOIS, PENNSYLVANIA 109 N. BRADY STREET	

4/26/61

Clearfield County, ss:

The Commonwealth of Pennsylvania, to Irvin Fennell, Esquire

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

Alice Mae McCarty

Plaintiff ,

and Allen Edgar McCarty

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 same with recommended 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
12th day of August, in the year of our Lord one thousand nine hundred and
sixty-three

Carl C. Walker
Prothonotary

To the Honorable, the Judge, &c.:

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

Ervin S. Fennell
COMMISSIONER. 

No. 122 May Term. 19 61

ALICE MAE McCARTY

VERSUS

ALLEN EDGAR McCARTY

COMMISSION

Gléason, Cherry & Cherry Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALICE MAE McCARTY

:

VS

: NO. 122 MAY TERM, 1961

ALLEN EDGAR McCARTY

:

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

MAY 18, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

May 31, 1961, Sheriff's Return, filed:

May 21, 1961, Deputized the Sheriff of Indiana County, Paul W. Jeffries to execute this writ. Charles G. Ammerman, Sheriff.

AND NOW, May 23, 1961, at 9:15 DST served the within Complaint in Divorce on Allen Edgar McCarty by personally handing to him a true and correct copy of the within Complaint and making known to him the contents thereof at the Court House, Indiana, Indiana County, Pennsylvania. So answers, Paul W. Jeffries, Sheriff of Indiana Co., Pa.

NOW, May 20, 1961, deputized the Sheriff of Indiana Co., to serve the within Complaint in Divorce on Allen Edger McCarty.

Now, May 23, 1961, served the within Complaint in Divorce on Allen Edger McCarty by deputizing the Sheriff of Indiana County. The return of service of Paul W. Jeffries, Sheriff of Indiana County is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

August 12, 1963, By Motion on the Watch Book, Irvin Fennell, Esq, is appointed Master to take testimony and report same with recommended form of Decree to the Court. By the Court, John J. Pentz, President Judge.

Certified from the records

this 13th day of August, 1963.



PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALICE MAE McCARTY :
: No. 122 MAY TERM, 1961
-VS- :
: IN DIVORCE
ALLEN EDGAR McCARTY :

COMPLAINT

And now, comes ALICE MAE McCARTY, the above entitled Plaintiff, by her Attorneys, GLEASON, CHERRY & CHERRY, and brings this Complaint in Divorce of which the following is a statement:

1. That the Plaintiff, ALICE MAE McCARTY, is an individual residing at R. D. #1, Luthersburg, Clearfield County, Pennsylvania.
2. That the Defendant, ALLEN EDGAR McCARTY, is an individual residing at R. D. #1, Glen Campbell, Clearfield County, Pennsylvania.
3. That neither the said Plaintiff nor the Defendant is a minor or is incompetent.
4. That both the said Plaintiff and the said Defendant are natural born citizens of the United States.
5. That said Plaintiff and Defendant have resided continuously in the Commonwealth of Pennsylvania since their respective births.
6. That the said Plaintiff and the said Defendant were married in the Borough of Clearfield, County of Clearfield and Commonwealth of Pennsylvania, on June 30, 1925.
7. That there were seven children born as a result of the said marriage, to wit: Edgar McCarty; Dorothy Kellar; Julia Huey; Marie Shiffler; Robert McCarty; Franklin McCarty; and Clifford McCarty; all of whom are emancipated adults, of full age and maintaining separate homes.

8. That the said Defendant, contrary to his marriage vows and the laws of this Commonwealth, has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

9. That said action is not collusive.

10. That there has been no prior action for divorce or annulment of the marriage between the parties hereto in this or any other jurisdiction.

WHEREFORE, Plaintiff prays that a divorce a vinculo matrimonii be entered in her favor and against the said defendant.

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By  _____

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, ALICE MAE McCARTY, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct and that the same is not made out of levity or by collusion between herself 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.

Alice Mae McCarty

Sworn to and subscribed before me this 15th day of May, 1961.

Josephine M. Cherry
Notary Public
My Commission expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.	
No. 122 May Term, 1961	
ALICE MAE MCCARTY, PLAINTIFF	
v.	
ALLEN EDGAR MCCARTY, DEFENDANT	
Master's Report and Decree	
Master's fee	\$85.00
<div>LAW OFFICES ROBERT V. MAINE 228 DuBois Deposit National Bank Building DuBois, Pennsylvania</div>	

Handwritten notes:
9/11/61
Alice Mae McCarty
Allen Edgar McCarty
10/11/61
10/11/61

In the Court of Common Pleas of Elfd County, Pa.

Alice, Mae McCarty

No 122 May Term 1961

vs

Allen Edger McCarty

Complaint In Divorce

(Sheriff, s Return)

Now, May 20, 1961 deputized the Sheriff of Indiana County to serve the within Complaint in Divorce on Allen Edger McCarty.

Now, May 23, 1961 served the within Complaint In Divorce on Allen Edger McCarty by deputizing the Sheriff of Indiana County. The return of service of Paul W. Jeffries, Sheriff Of Indiana County is hereto attached and made part of this return of service.

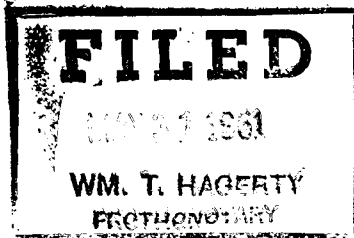
Costs Sheriff Ammerman \$6.00
Sheriff Of Indiana County. \$10.60
(Paid by Attyys G.C.C.)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 31st
day of May 1961 A.D.

Wm T Hagerty Y
Prothonotary.



Know all men by these presents, That I, Charles G. Ammerman

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of Indiana
County, Paul W. Jeffries to execute this writ; this deputation being made at the

request and risk of the Plaintiff.

Given under my hand and seal this 20th day of May

A. D. 1961.

Charles G. Ammerman
Sheriff.

And now May 23, 1961. at 9:15 A. M. (DST) served the within Complaint in Divorce on Allen Edger McCarty by personally handing to him a true and correct copy of the within Complaint and making known to him the contents thereof at the Court House, Indiana, Indiana County, Pennsylvania.

Sworn and subscribed to before
me this 24 day of May 1961

Ronald A. Johnston
Prothonotary

So answers:

Paul H. Jeffries
Sheriff of Indiana Co, Pa.

Costs \$10.60 Paid

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALICE MAE McCARTY

-vs-

ALLEN EDGAR McCARTY

:
: No. 122, MAY TERM, 1961
:
:
: IN DIVORCE

MASTER'S NOTICE

TO:

Alice Mae McCarty
Allen Edgar McCarty

You are hereby notified that I have been appointed Master in the divorce action of Alice Mae McCarty, Plaintiff, v. Allen Edgar McCarty, Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 122, May Term, 1961, and that I will hold a hearing for the purpose of taking testimony in the said case on Friday, October 4, 1963 at 2:00 p.m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, when and where you may attend with witnesses, if you so desire.

Ervin S. Fennell Jr.

Ervin S. Fennell, Jr.

Master

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF INDIANA : SS.
:

On this, the 16th day of September, 1963, before me, the undersigned officer, personally appeared JACK MCGREGOR, who, being duly sworn according to law, deposes and says that he served the above named Defendant, ALLEN EDGAR McCARTY, with the above notice, by making the contents thereof known to him and giving him a copy of the same at West Street, Rossiter, Pennsylvania, at or about the hour of 11:15 A. M., on September 16, 1963; that he knew the Defendant to be the person so served, deriving his information from the said Defendant; that at the time of service thereof, the said Defendant was not in the Military Service of the United States, being a civilian and residing at West Street, Rossiter, Pennsylvania (boarding and living with Harry Zinzella).

Sworn to and subscribed before me this 16th day of September, 1963.

Jack McGregor
Vera Miller
Notary Public

My Commission expires

ROBERT V. MAINE
DU BOIS
PENNSYLVANIA

VERA MILLER, Notary Public
INDIANA, INDIANA COUNTY, PENNA.
My Commission Expires Feb. 1, 1965

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALICE MAE McCARTY

-vs-

ALLEN EDGAR McCARTY

:
: No. 122, MAY TERM, 1961
:

:
: IN DIVORCE
:

MASTER'S NOTICE

TO:

Alice Mae McCarty
Allen Edgar McCarty

You are hereby notified that I have been appointed Master in the divorce action of Alice Mae McCarty, Plaintiff, v. Allen Edgar McCarty, Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 122, May Term, 1961, and that I will hold a hearing for the purpose of taking testimony in the said case on Friday, October 4, 1963 at 2:00 p.m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, when and where you may attend with witnesses, if you so desire.

Ervin S. Fennell, Jr.
Ervin S. Fennell, Jr.
Master

Answer accepted Sept 16, 1963
J. R. Allen
Allen Edgar McCarty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALICE MAE McCARTY,
Plaintiff

v.

ALLEN EDGAR McCARTY,
Defendant

:
:
:
:
:
:
:

No. 122 May Term, 1961

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

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

SCHEDULE

1. Complaint in Divorce: Complaint filed May 18, 1961. One copy certified to the Sheriff.
2. Service: The Sheriff's return, included in this report, states that on May 20, 1961 the Sheriff of Clearfield County deputized the Sheriff of Indiana County to serve the Complaint in Divorce upon the defendant. The return of the Sheriff of Indiana County shows service of the Complaint in Divorce on the defendant on May 23, 1961. The return of service of the Sheriff of Indiana County is included in this report.
3. Appointment of Master: Ervin S. Fennell, Jr. was appointed Master on August 12, 1963.
4. Date and Place fixed for Hearing: The Master's hearing was scheduled for Friday, October 4, 1963 at 2:00 p. m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania.
5. Notice of Master's Hearing: Service of notice of Master's hearing was made upon the defendant on September 16, 1963 by personally handing to him a copy of the Master's notice, as will appear from the affidavit of service of the deputy constable, which is included in this report. Service of the Master's notice upon the plaintiff was accepted by James A. Gleason, attorney for the plaintiff, on September 16, 1963.

6. Master's Hearing: The Master's hearing was held at the time and place aforesaid. James A. Gleason appeared as attorney for the plaintiff, who appeared in person. Also appearing to testify on behalf of the plaintiff was Clifford McCarty, her son. The defendant did not appear in person nor was he represented by counsel. Testimony was taken in question and answer form.

CAUSE OF DIVORCE

Indignities

FINDINGS OF FACT

1. Marriage: The plaintiff and defendant were married June 30, 1925 in Clearfield, Pennsylvania.

2. Residence and Citizenship: Both the plaintiff and the defendant are natural born citizens of the United States and have continuously resided in the State of Pennsylvania all of their lives. During their marriage the plaintiff and defendant lived at numerous addresses in Clearfield, Indiana and Elk Counties. The present residence of the plaintiff is Luthersburg, Clearfield County, Pennsylvania and the present residence of the defendant is Rossiter, Indiana County, Pennsylvania.

3. Ages and Occupations: The age of the plaintiff is 57 and she is unemployed. The age of the defendant is 63 and he also is unemployed.

4. Children: Seven children were born to this marriage, namely, Edgar McCarty, age 35, who lives in Luthersburg, Pennsylvania, Dorothy Kellar, age 33, who resides in North Tonawanda, New York, Julia Huey, age 31, who lives in Rochester Mills, Pennsylvania, Marie Shiffler, age 30, who lives in Altoona, Pennsylvania, Robert McCarty, age 29, who lives in Tonawanda, New York, Franklin McCarty, age 25, who lives in North Tonawanda, New York, and Clifford McCarty, age 23, who lives with the plaintiff in Luthersburg, Pennsylvania.

5. Armed Forces: Neither the plaintiff nor the defendant is a member of any branch of the armed forces.

6. Findings on the Merits:

(a) The uncontradicted testimony offered by the plaintiff and corroborated by

the plaintiff's son, indicated that the defendant totally disregarded his duties and responsibilities as a husband. Plaintiff testified that he was a poor provider, never had steady employment, that the parties and their children lived in more than one hundred places during the course of their married life, that the defendant stated that it was easier to move than it was to pay rent, that he spent any money which he did acquire on liquor, that he frequently drank to excess, that he used vile and abusive language in the presence of the plaintiff and the children and that he continually made unjust and untrue accusations about the plaintiff's going out with other men and conducting herself improperly with them. Because of this intolerable set of circumstances, the parties separated about three years ago and they have not cohabited since that time.

(b) The plaintiff was a good and dutiful wife.

(c) There is no evidence of collusion.

DISCUSSION

In the opinion of the Master the charge of indignities was amply established by the testimony of the plaintiff. The conduct of the defendant was completely incompatible with the conduct ordinarily expected of a husband and such conduct clearly rendered the plaintiff's condition intolerable and life burdensome. Any continuation of the marital relationship under these circumstances would be intolerable.

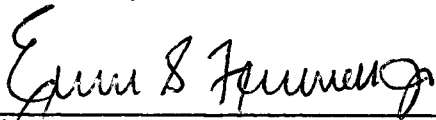
CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.
2. The 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, and (23 P. S. 10) as amended and supplemented.
3. The proceedings conform to the rules of Court and the requirements of the law.
4. The plaintiff is an injured and innocent spouse.

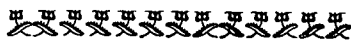
RECOMMENDATION

The Master recommends a Decree granting Alice Mae McCarty a divorce
a vinculo matrimonii from Allen Edgar McCarty, a form of Decree being hereto attached.

Respectfully submitted,


Master

In the Court of Common Pleas of Clearfield County, Pennsylvania



ALICE MAE McCARTY,	}	Of	May	Term, 19 61	
Plaintiff		No.	122		
VERSUS					
ALLEN EDGAR McCARTY,					
Defendant					

DIVORCE

And Now, the 14th day of Oct 1963, the report of the Master is acknowledged. We approve his findings and recommendations; ~~except as to~~ _____

We, therefore, DECREE that ALICE MAE McCARTY be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~himself~~ herself and ALLEN EDGAR McCARTY. 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 Master a fee of \$85.00 his ~~her~~ costs expended in this action.

ATTEST

Prothonotary

BY THE COURT

John [Signature]
President Judge

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

No. _____ Term 19____

Libellant

VERSUS

Respondent

DECREE

Attorney

MRS. ALICE MAE McCARTY being produced and sworn testifies as follows:

BY MR. GLEASON:

Q. What is your full name?

A. Alice Mae McCarty.

Q. Are you married?

A. Yes, I was married to Allen Edgar McCarty at Clearfield on June 30, 1925.

Q. Where were you living at the time of your marriage and after that?

A. We lived in Clearfield County, Indiana County and Elk County but while we were together we never stayed any one place for any length of time. Part of the time we had to live with his parents because we did not have enough money to live on.

Q. What is your present residence?

A. Luthersburg, Clearfield County, Pennsylvania.

Q. What is the residence of your husband?

A. Rossiter, Indiana County, Pennsylvania.

Q. How long have you been separated?

A. About three years.

Q. How long have you lived in Pennsylvania?

A. All of my life.

Q. How long has your husband lived in Pennsylvania?

A. All of his life.

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

A. Yes, we are.

Q. In how many dwellings did you live during the time you were together?

A. I imagine it must have been a hundred different places.

Q. What is your age and occupation?

A. I am 57 years of age and was formerly a housekeeper. I am not keeping house at the present time because I am unable to do so.

Q. What is your husbands age and occupation?

A. He is 63 years of age and has no occupation that I know of.

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

A. Edgar McCarty who lives in Luthersburg, he is 35; Dorothy Kellar who in lives in North Tonawanda, New York, she is 33; Julia Huey who in lives in Rochester Mills, INdiana County, Pennsylvania, she is 31; Marie Shiffler who lives in Altoona, she is 30; Robert McCarty who lives in Tonawanda, New York , he is 29; Franklin McCarty who lives in North Tonawanda, New York, he is 25; and Clifford McCarty who lives at home, he is 23.

Q. Are either you or your husband a member of the Armed Forces of the United States?

A. No.

Q. When did you first start having trouble with your husband?

A. From the very beginning. When I married him he told me he was working at a mine in Big Run but I found out after we were married that he was not working and was borrowing money at the Big Run Bank to live on. After we were married he took me to his mother and fathers home where he was living at that time and did not look for work until about September.

Q.. Did your husband have steady employment during the time you lived together?

A. No, he never did. He had a job on a firm which could have been a lifelong job had he stayed, but he was never

content to stay on a job for any length of time, usually a month or so or less.

Q. Then you moved quite often?

A. Yes, it seemed that I no sooner had the house clean that we moved into that we would be moving out again.

Q. What was the reason?

A. He always thought it was simpler to move than to pay rent.

Q. You said that you had to live with his parents, how much of the time was that?

A. Appoximately one-third of the time, that we had to go and live with them. They even tried to make him take a job but he just didn't seem to care.

Q. How were you and your family provided for?

A. We went weeks at a time without even having meat in the house. We never had adquate clothing and I just prayed from day to day that we would have something to live on.

Q. Do you know what he did with what money he did make?

A. It seemed that every time we would get any money, even a relief check, he would go out and spend it on drink.

Q. Did he come home intoxicated?

A. Oh yes as often as he was able to afford it.

Q. How would he act when he came home intoxicated?

A. Usually he was very quarrelsome, sometimes he even had a gun and ran around the house threatening everyone with it.

Q. What sort of language did he use towards you?

A. It was so abusive I would not repeat it.

Q. Did he use this language in front of the children?

A. Yes

Q. How did he behave towards the children?

A. He never seemed to care for them after they were about two years of age.

Q. How did you support the family?

A. Well I worked when I could and the children picked up some money whenever they could find the work.

Q. Would he try to obtain any money from the children?

A. Yes, he would even go to the place where they worked and try to collect what was due to them.

Q. Did he ever go away and leave you alone?

A. Yes. He went away on two different times. One time he stayed a month and didn't send one cent home to buy food or clothing.

Q. Did your children earn very much?

A. No, they were just children, and their earnings were very small.

Q. Did you do what you could to keep the family together?

A. Yes, I stayed with him in spite of my poverty to keep the family together until my children grew up.

Q. Did he ever accuse you unjustly of going out with other men?

A. Oh yes, he always did that. He even told the children that I was going out with other men.

Q. Was that true?

A. It certainly was not.

Q. Did the children understand what was going on?

A. Yes, they all knew how it was from the time they could understand English.

Q. You mentioned Public Assistance, did you have to go on assistance?

A. Yes, we had to go on assistance we had nothing else to live on.

Q. Has this affected you in any way?

A. Yes, I became very upset and nervous. I never knew what was going to happen next or where we would be next and I was awfully concerned about my children.

Q. Do you feel better now that you have applied for a Divorce?

A. I still feel very nervous but hope I feel better if the Divorce is granted.

Q. Have you lived with your husband since your separation?

A. No, I have not.

Q. Is there any collusion or agreement between yourself and your husband with reference to this Divorce?

A. No, there is not.

Q. When your husband accused you of going out with other men did he accuse you of any improper conduct?

A. Oh yes, he accused me of that repeatedly, in front of the children and to them directly. I couldn't even go out to the neighbors but that he made the same accusations every time. He just did everything possible, without any excuse or reason, to run me down that way.

Alice Mae McCarty

MR. CLIFFORD McCARTY being produced and sworn testifies as follows:

BY MR. GLEASON:

Q. What is your full name?

A. Clifford McCarty.

Q. Are you related to Mrs. McCarty, the Plaintiff, in this action?

A. Yes, I am.

Q. You are her son?

A. Right.

Q. What is your age?

A. 23

Q. Where do you reside?

A. Post Office Box 53, Luthersburg, Pa.

Q. How long have you lived in Luthersburg?

A. About two years.

Q. Will you tell us what you know about any differences or any troubles your mother had with your father?

A. Well, I've known all my life that my father couldn't keep a job and he just wouldn't work and provide for his family and he just didn't seem to agree on anything.

Q. From the time that you were a child up to the time that your mother and father separated did you live at many different places?

A. Yes, we did, dozens and dozens of places, we were never long at one place.

Q. How were you fixed as far as food and clothing was concerned?

A. We just lived from day to day and never had much of either.

Q. Did you ever hear any quarrels between your mother and father?

A. Oh yes, many many times.

Q. What about?

A. Mostly about his failure to provide a proper home.

Q. Did you ever hear your father call your mother names in front of the children?

A. Yes, I did.

Q. Very often?

A. Yes, he was always doing that.

Q. During this time was your father drinking at all?

A. Well, it went on even after he quit drinking, in fact it seemed to get worse after he quit drinking.

Q. Now during part of the time did you remember having to live with his people?

A. Well, I was a little too young then but I remember hearing them talk about how they used to have to go back to my Grandpaps all the time for a couple of weeks then move out and in again and so on.

Q. How did you folks manage to live when you weren't on relief or living with his folks?

A. Well he worked in the coal mines, but he didn't get along with any of the bosses on the job and was always fighting with them and he'd lose his job.

Q. What's the longest period of the time that he ever held one job?

A. As far as I can remember is six months.

Q. Did your mother have to work?

A. Well she started working in 1955 or 1956 somewhere around there when he was out of work.

Q. Did you have to work?

A. Yes, I worked.

Q. Where did you work?

A. Wissingers Ford Market, Altoona.

Q. And before that where did you work?

A. Well, I quit school up there.

Q. How old were you when you went to work for Wissingers?

A. Sixteen

Q. Did you say you quit school?

A. Yes, I got working papers and quit school.

Q. How far were you in school at the time?

A. Sophomore in High School.

Q. Why did you quit?

A. Dad wanted me to quit and send money home and things like that. We all had to quit as soon as we were old enough.

Q. In other words all of the children had to work?

A. Yes, that's right.

Q. Did your father ever try and take any money from you?

A. Yes, he used to write to our bosses and say we were short a weeks pay and if he didn't send it he would direct the bosses to attach my pay.

Q. Do you recall in your childhood how many different homes you lived in?

A. Oh, I couldn't even tell you. Dad and us just moved around like a bunch of gypsies, I'd say.

Q. Your mother has testified that she would no sooner get the house cleaned up to live in and you would move out.

A. That's correct.

Q. And, that was better than paying rent?

A. Yes.

Q. Then there were times when you did not have fair clothes?

A. Most of the time.

Q. And was due to the fact that your Dad was not working, is that correct?

A. That is correct.

Q. Did he show any love and affection for his children?

A. No, he didn't. He was always fighting with us at every little thing we did. We weren't allowed to do this and that and we had to be in bed every night at 8:00.

Q. How about your mother?

A. Well, she had to go along with him to keep from arguing.

Q. Did she get out much?

A. No, she didn't. She stayed home all the time.

Q. Did you know whether or not she was worried about your family?

A. Oh, yes she was worried. She asked where in the world the money was going to come from, for flour and stuff like that, for bread, and they would always get in an argument.

Q. Did that happen very often?

A. Yes, all the time.

Q. In other words you grew up in it?

A. Yes

Q. Throughout all this did your mother do her best to keep the home together?

A. Yes, she did. She stuck with the kids.

Q. Then she didn't give him any reason to act the way he did?

A. No, she didn't.

Q. Do you know of any collusion in this cause or agreement between your mother and father to get a divorce?

A. No.

Q. The facts you have stated are true and correct?

A. Yes, they are.

Q. Have you noticed any change in your mother since she has left your father?

A. Well, she seems happy now and content.

Q. How long have they been separated?

A. I was in the service in Fort Belmore, Virginia that was in the latter part of 1960 and the early part of 1961. I think it was in the early part of January, 1961. I don't know exactly.

Q. About two and one-half years?

A. Yes, I'd say about two and one-half years.

Q. And as far as you know they haven't lived together since?

A. No, they haven't.

Clifford McCarty
Alice Mae McCarty