

7

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>124</u>	<u>September</u>	<u>1961</u>

Barbara D. Hamilton

VERSUS

Edgar C. Hamilton

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

JOHN SCOLLINS, 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

BARBARA D. HAMILTON

Plaintiff ,

and

EDGAR C. HAMILTON

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 24th day of October, in the year of our Lord one thousand nine hundred and sixty-one.

John J. Pentz
John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

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

John Scollins
John Scollins
SEAL
COMMISSIONER.

No. 124 September Term, 1961

BARBARA D. HAMILTON

VERSUS

EDGAR C. HAMILTON

COMMISSION

Sharp & Gilpatrick Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA D. HAMILTON : NO. 124 September Term, 1961
VS. :
EDGAR C. HAMILTON : IN DIVORCE

DOCKETS ENTRIES

September 21, 1961, COMPLAINT IN DIVORCE, filed: One copy certified to the Sheriff.

September 30, 1961, Sheriff's Return, filed:

NOW, September 22, 1961, served the within Complaint in Divorce on Edgar E. Hamilton by sending by Registered Mail Return Receipt Requested, Address Only, a true and attested copy of the original Complaint In Divorce to Edgar C. Hamilton, 4601 Gulf Blvd. St. Petersburg, Florida, that being his last known address., Registered Receipt signed by Edgar C. Hamilton is hereto attached and made part of this return of service. So answers, Charles G. Amerman, Sheriff.

OCTOBER 23, 1961, By motion on the Watch-book, John Scobhins, 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 24th day of October, A. D., 1961.

Wm. T. Neary
Prothonotary

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

BARBARA D. HAMILTON, :
 Plaintiff :
 : :
 vs. : : No. 124 Sept Term, 1961
 : :
EDGAR C. HAMILTON, : : IN DIVORCE.
 Defendant :
 : :

C O M P L A I N T

Comes the Plaintiff and, by her attorneys, Sharp & Gilpatrick, Esqs., brings this action in divorce upon the following statement:

1. The Plaintiff is Barbara D. Hamilton, an individual who resides at R.D. #1, New Liberty, Decatur Township, Clearfield County, Pennsylvania.
2. The Defendant is Edgar C. Hamilton, whose last known address is 4601 Gulf Boulevard, c/o Spur Gas Station, St. Petersburg, Florida.
3. The Plaintiff is thirty-eight (38) years of age.
4. The Defendant is thirty-seven (37) years of age.
5. The parties hereto were married on November 5, 1955 in St. Petersburg, Florida.
6. The Plaintiff is a natural born citizen of the United States and resided in St. Petersburg, Florida, immediately prior to the marriage.
7. The Defendant is a natural born citizen of the United States, and resided in St. Petersburg, Florida, immediately prior to the marriage.

8. The Plaintiff has continuously resided in the Commonwealth of Pennsylvania for more than one full year immediately preceding the filing of this divorce.

9. In violation of his marriage vows and the laws of the Commonwealth, the Defendant did, on December 18, 1955, and at various times subsequent thereto, in the City of St. Petersburg, Florida, and the City of Altoona, Blair County, Pennsylvania, by cruel and barbarous treatment endanger the Plaintiff's life.

10. In violation of his marriage vows and the laws of this Commonwealth, the Defendant has, over a period of time beginning on December 18, 1955, and continuing to January 8, 1961, in the City of St. Petersburg, Florida, and the City of Altoona, Blair County, Pennsylvania, offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

11. This action is not collusive.

12. There has been no prior action for divorce or annulment of marriage brought by either party hereto in this or any other jurisdiction.

WHEREFORE, Plaintiff prays that a decree be entered divorcing Plaintiff from the bonds of matrimony heretofore existing between Plaintiff and Defendant.



Richard M. Hays
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CENTRE :
:

Before me, the undersigned officer, personally appeared Barbara D. Hamilton, Plaintiff, who being duly sworn according to law deposes and says that the statements contained in the foregoing Complaint are true and correct to the best of her knowledge and belief; and that said Complaint is not made out of levity or by collusion between the parties hereto, for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in said Complaint.

Barbara D. Hamilton

Sworn to and subscribed before me

on this 20 day of September, 1961.

Leona T. Hess
Notary Public

My Commission expires 2/23/65

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

BARBARA D. HAMILTON, Plaintiff
VS. NO. 124, September Term, 1961
EDGAR C. HAMILTON, Defendant IN DIVORCE.

NOTICE OF MASTER'S MEETING

To Barbara D. Hamilton,
R. D. 1,
New Liberty, Decatur Township,
Clearfield County, Penn'a.

You are hereby notified that I have been appointed Master to take testimony in the above action brought by you against Edgar C. Hamilton, Defendant, for divorce on the grounds of (1) cruel and barbarous treatment and (2) indignities.

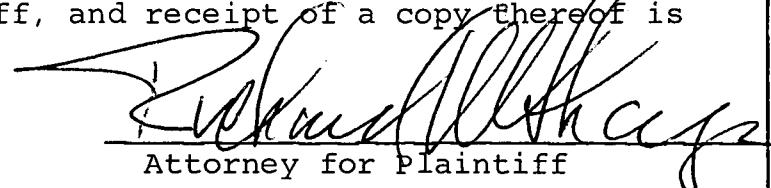
I shall hold a meeting on Wednesday, November 15, 1961 at 2 o'clock P. M., E.S.T., at my office 615 Brisbin Street in the Borough of Houtzdale, Pennsylvania, for the purpose of taking testimony, at which time and place you are requested to appear with your witnesses to present testimony.

Very truly yours,


JOHN SCOLLINS, MASTER

Dated at Houtzdale, Pa.,
October 26th, 1961.

AND NOW, this 27th day of October, 1961, service of the above Notice of Master's Hearing is hereby accepted for and on behalf of the said Plaintiff, and receipt of a copy thereof is hereby acknowledged.


Richard J. Wallace
Attorney for Plaintiff

RECEIPT FOR REGISTERED ARTICLE No. 10-24-26119

Fee paid 10 Class postage paid 10 Return receipt fee 10

Special delivery fee 10

Declared value, \$ 10

Surcharge paid, \$ 0

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

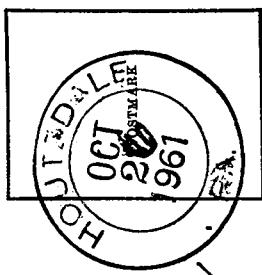
Accepted employee will place in person leC or order leC

Initials in proper space leC

Fee paid 10

Accepted employee will place in person leC or order leC

Initials in proper space leC



John J. Murphy

Postmaster, per BM

1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to addressee Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

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

Edgar C. Hamilton

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED

10-31-61

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

C55-16-71548-4 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE

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

RETURN
TO

POD Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE AND STATE

C55-16-71548-4

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

BARBARA D. HAMILTON, Plaintiff :
VS. : NO. 124, September Term, 1961
EDGAR C. HAMILTON, Defendant : IN DIVORCE.

NOTICE OF MASTER'S MEETING

To Edgar C. Hamilton,
4601 Gulf Blvd.,
St. Petersburg,
Florida

You are hereby notified that I have been appointed Master to take testimony in the above action brought against you by Barbara D. Hamilton, Plaintiff, for divorce on the grounds of (1) cruel and barbarous treatment and (2) indignities.

I shall hold a meeting on Wednesday, November 15, 1961 at 2 o'clock P. M., E.S.T., at my office 615 Brisbin Street in the Borough of Houtzdale, Pennsylvania, for the purpose of taking testimony, at which time and place you are requested to appear with your witnesses to present testimony.

Very truly yours,


JOHN SCOLLINS, MASTER

Dated at Houtzdale, Pa.,
October 26th, 1961.

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

Barbara D. Hamilton

No 124 Sept Term 1961

vs
Edger C. Hamilton

Complaint In Divorce
Notice by Registered Mail

Now, September 22, 1961 served the within Complaint In
Divorce on Edger C. Hamilton by sending by Registered Mail
Return Receipt Requested, Addressee Only., a true and att-
ested copy of the original Complaint In Divorce to Edger
C. Hamilton, 4601 Gulf Blvd, St Petersburg, Florida.,
That being his last known address., Registered Receipt
signed by Edger C. Hamilton is hereto attached and made part
of this return of service.

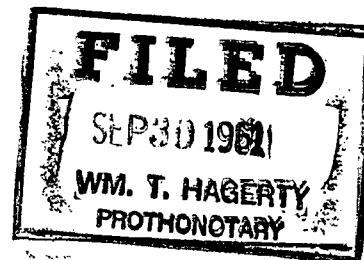
Costs Sheriff Ammerman \$ 8.39
(Paid by Attys Sharp & Gilpatrick)

So Answers.

Charles G. Ammerman
Sheriff

Sworn to before me this 27th
day of Sept 1961 A.D.

John D. Hazeltine
Prothonotary.



~~# 1. INSTRUCTIONS TO DELIVERING EMPLOYEE~~

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

~~RETURN RECEIPT~~

Received the numbered article described on other side.

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

X Edgar C. Hamilton

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to Addressee Only

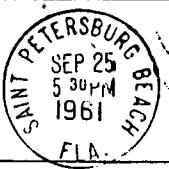
DATE DELIVERED

SEP 25 1961

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

80 C55-16-71548-4 GPO

POD Form 3811 Jan. 1958

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300	
		POSTMARK OF DELIVERING OFFICE	
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.		RETURN TO 	
REGISTERED NO. <i>453</i>	NAME OF SENDER <i>Sheriff</i>		
CERTIFIED NO.	STREET AND NO. OR P. O. BOX		
INSURED NO. <i>0</i>	CITY, ZONE AND STATE <i>CLEARFIELD, PA.</i>		

G55-16-71548-4

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No 124, Sept Term, 1961

IN DIVORCE

BARBARA D. HAMILTON,
Plaintiff

VS.

EDGAR C. HAMILTON,
Defendant

COMPLAINT

To The Within Named Defendant:
You are hereby notified and
required to file an Answer to
the within Complaint within
twenty (20) days of the service
hereof.

SHARP & GILPATRICK
BY *John J. Haggerty* (493)
Attorneys for Plaintiff

SHARP & GILPATRICK
ATTORNEYS AT LAW

20 NORTH SECOND ST.

HILLSDALE, PA.

FILED
SERIALIZED
SEP 27 1961

WM. T. HAGERTY

PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN 'A.

BARBARA D. HAMILTON,
Plaintiff

VS.

EDGAR C. HAMILTON,
Defendant

NO. 124, SEPTEMBER TERM, 1961

IN DIVORCE

Master's Report

To the Honorable John J. Pentz, President Judge of said Court;

John Scollins, the Master appointed by your Honorable Court to take the testimony of witnesses in the above entitled matter and to return the same together with a form of decree, respectfully reports:

That purauant to his appointment on the 24th day of October, 1961, he set Wednesday, November 15, 1961, at 2 o'clock P.M., E.S.T., and his office 615 Brisbin Street in the Borough of Houtzdale, Pennsylvania, as the time and place for a meeting to take the testimony of witnesses. Due notice in writing was given to Richard M. Sharp, Esq., attorney for the plaintiff and the defendant on the 31st day of October, 1961, by registered mail. Copies of said notices are hereto attached and made part of this report.

The meeting was held as appointed and same was attended by Richard M. Sharp, Esq., counsel of record for the plaintiff, the plaintiff in person, and Mrs. Linetta Moore, a witness on behalf of the plaintiff. The defendant was neither present in person nor was he represented by counsel.

The plaintiff and her witness were examined upon the merits of the case. The original papers in this case are hereto attached and made part of this report.

This is an uncontested case.

The Master further reports as follows:

I. Service of Process

The Complaint in this case was filed on September 21, 1961, and one copy certified to the Sheriff.

On September 30, 1961, Sheriff's return of service filed endorsed as follows:

"Now, September 22, 1961, served the within Complaint In Divorce on Edgar C. Hamilton by sending by Registered Mail Return Receipt Requested, Addressee Only, a true and attested copy of the original Complaint in Divorce to Edgar C. Hamilton, 4601 Gulf Blvd., St. Petersburg, Florida. That being his last known address. Registered Receipt signed by Edgar C. Hamilton is hereto attached and made part of this return of service! So Answers Charles G. Ammerman, Sheriff, upon oath the 27th day of Sept 1961 A.D.

II. Causes of Divorce

1. Cruel and Barbarous Treatment.
2. Indignities to the person.

III. Findings of Fact

1. Marriage: The plaintiff and defendant were married on the 5th day of November, 1955 in St. Petersburg, Florida.

2. Residence and Jurisdiction: At the time of the marriage, the plaintiff and the defendant resided in St. Petersburg, Florida, with his people. Immediately after their marriage they took up residence at 2810 28th Avenue North in St. Petersburg for about two or three months; and from there moved to the 2200 block on 28th Avenue, where they lived a couple of months; thence to the Trailer Park, the "Sunshine Trailer Park", a suburb of St. Petersburg. From the Trailer Park they went to 58th Place North, also in St. Petersburg, where they lived almost a year; thence to the 2200 block on 16th Street, North, where they remained approximately two months. They lived there over a period of two years, and from there came to Altoona, Pennsylvania, on September 5th, 1960.

In Altoona, Pennsylvania, they lived with defendant's sister at 4605 Fifth Avenue for a period of three or four weeks, and then moved to 1919 Point Street, and lived there about two months; and from there to the Stella Botte Hotel on 7th Avenue from the last part of November, 1960 until January 8, 1961, when the defendant left and went to Florida, where he has remained ever since.

The plaintiff came from Altoona to New Liberty, Clearfield County, and has lived there ever since, which is her present address and residence.

3. Age and Occupation: The plaintiff is aged 38 years, and is occupied as a Teller at the Osceola Mills Office of the County National Bank of Clearfield, Pa. The defendant is aged 37 years, and his occupation is a Service Station attendant.

4. Children: There were no children born of this marriage.

5. Findings on the Merits and Discussion.

a. Findings of fact.

1. During the course of the marriage, the defendant came home in an intoxicated condition on numerous occasions.

2. During the course of the marriage, the defendant subjected the plaintiff to numerous beatings and on several occasions accompanied them with threats on her life.

3. During the course of the marriage, defendant was guilty of studied neglect, drunkenness, abusive language, abusive conduct coupled with physical violence, and other plain manifestations of hate and estrangement.

4. The plaintiff always conducted herself in a proper manner and gave the defendant no cause to complain.

5. That in violation of his marriage vow and the laws of this Commonwealth, Edgar C. Hamilton, the defendant, did by cruel and barbarous treatment, endanger the life of the plaintiff.

6. That in violation of his marriage vow, and the laws of this Commonwealth, Edgar C. Hamilton, the defendant, did offer such indignities to the person of the plaintiff as to render her condition intolerable and life burdensome.

7. There is no agreement between the parties in reference to the procuring of a divorce.

8. The Complaint was not filed out of levity.

9. There has been no prior action for divorce or annulment of marriage brought by either party hereto in this or any other jurisdiction.

b. Discussion.

It was only about seven weeks after the marriage that the defendant began to be indifferent toward the plaintiff, the trouble started over the Christmas tree and presents; he beat up the plaintiff, slung her across the street, and the landlady called the Police and had him put in jail. He struck the plaintiff across the face, tried to choke her, and in order to get away from him plaintiff ran out on the street, where he again attacked her, injuring her back so badly that it had to be strapped; he got mean with the Police who were called and they took him to jail where he remained for three days.

While they were living in the 2200 Block in St. Petersburg the defendant came home in a drunken condition, went to sleep on the couch with a lighted cigar setting the couch on fire. When defendant got to drinking plaintiff left him alone and went to sleep. When he awakened he beat her up about the face, blacked her eyes, tore her clothes, and injured her back, requiring

medical attention and hospital treatment under Doctor Hood, for a period of four days.

Upon another occasion, while living in Sunshine Trailer Park, defendant came home in a drunken condition, went into one of his tantrums, upset the dinner table with the dinner prepared for him; chased the plaintiff out in to the street and into the automobile trying to get away from him. Upon one occasion he came out on the street with only his under-wear. Upon another occasion he hacked the door of their apartment with a butcher-knife, and threatening to kill the plaintiff every time he got drunk; going on drunken sprees from one pay-day to the next, as long as he had any money to buy drink.

On account of his conduct, they had to move from every place they lived.

They came to Altoona, Pennsylvania, on September 5th, 1960, while living on Pine Street, about November 1, 1960, defendant and his brother had been drinking, and when he came in plaintiff, lying on the couch, got up to fix him something to eat, when defendant suddenly grabbed a pillow smothering plaintiff and choking her at the same time, beating plaintiff, blacking her eyes, bleeding her nose. Plaintiff got out and into the car to get away from him, but not knowing much about the streets of Altoona, went to his sister's; where she took shelter for two weeks. His sister got the bleeding stopped, but plaintiff's face was so swollen she could not get her clothes on.

On January 1, 1961, plaintiff worked at the Variety Room they lived at the hotel on the other side of Altoona, coming home about midnight defendant was not in their room. Plaintiff went down stairs looking for him and he had gotten into a big fight; plaintiff tried to stop the fighting and taking it up

for him, telling him to go on up and go to bed; defendant made it up the steps with the help of plaintiff. They no sooner got in the room, defendant began calling plaintiff a son-of-a-bitch, reached for a combat-boot defendant was issued when he was in the National Guard and never returned; and he struck her all the way across the face with the boot; when it ended plaintiff had two more black eyes, he ripped her uniform and tore the sweater she was wearing, both of which were smeared with her own blood. Plaintiff threatened to have him arrested, and defendant said do you mean this, and plaintiff said I certainly do, I do not want any more trouble, and following that he left, plaintiff gave him the keys to her car, gave him the last \$15.00 she had, and told him to go and get out of her life. She had the car repossessed after he got to Florida with it, and she has not seen him since. He left here January 8, 1961.

The testimony of the plaintiff was further to the effect that she treated her husband with proper respect and gave him no cause to complain, but as a result of his actions toward her, her health suffered and her condition was rendered intolerable and her life burdensome.

Mrs. Linetta Moore, who appeared as a witness for her, corroborated her present residence address, and the fact that the plaintiff suffered cruel and barbarous treatment.

The Master had an opportunity to examine the plaintiff personally. Her testimony disclosed that she was telling a straightforward and candid story. The defendant was aware of the meeting and had an opportunity to present his defense, if any he had. He did not avail himself of the opportunity afforded to deny the allegations of the Complaint and there appears no reason why the testimony as presented should not be taken as verity.

Under the Act of May 2, 1929, P.L. 1237, Section 10, any injured and innocent spouse may obtain a divorce, whenever the other spouse:

"(e) Shall have by cruel and barbarous treatment endangered the life or the injured and innocent spouse; or

"(f) Shall have offered such indignities to the person of the injured and innocent spouse, as to render his or her condition intolerable and life burdensome."

To sustain the charge of cruel and barbarous treatment there must be such actual physical violence or reasonable apprehension of it, or such a course of conduct and treatment as endangers the plaintiff's life and renders further cohabitation unsafe. Violent beatings of the wife accompanied by threats on her life are cruel and barbarous treatment. *Apelian vs. Apelian*, 111 Sup. Ct., 208.

Likewise, it has been held that vulgarity, insults, studied neglect, manifest disdain or contempt, drunkenness and abusive conduct coupled with physical violence and every other plain manifestation of hate and estrangement need not be such as to necessarily endanger life or health, but if the course of conduct is of such a character as to render the condition of any woman of ordinary sensibility and delicacy of feeling unendurable and life burdensome, it is sufficient to sustain the charge of indignities to the person.

The plaintiff has testified to a course of conduct indulged in by the defendant over the whole period of their married life endangered her life and caused her to have reasonable apprehension for her safety, and the Master feels that cohabitation by the plaintiff with the defendant was unsafe.

IV. Conclusions of Law.

1. The plaintiff and defendant contracted a legal marriage and the marriage relation still subsists between them.
2. The parties are properly in Court.
3. The Court has jurisdiction over both of the parties and the subject matter.
4. The plaintiff is a competent witness who testified upon the merits of the case under the Act of May 2, 1929, P.L.1237, Section 50.
5. The facts testified to by the plaintiff and her witness are sufficient to establish the averment in the Complaint setting forth a cause of action on the ground of cruel and barbarous treatment.
6. The facts testified to by the plaintiff and her witness are sufficient to establish the averment in the Complaint setting forth a cause of action on the ground of indignities to the person.
7. There has been no fraud or collusion between the parties to this suit.
8. The plaintiff is entitled to a divorce from the bonds of matrimony on the ground of cruel and barbarous treatment.
9. The plaintiff is entitled to a divorce from the bonds of matrimony on the ground of indignities to the person.

Notices of intention to file the report of the Master have been forwarded to counsel of record for the plaintiff and to the defendant, copies of which are hereto attached.

V. Recommendation.

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Master respectfully recommends that a Judgment (Decree) of Divorce a vinculo matrimonii be entered as prayed for in the Complaint on the grounds of cruel and barbarous treatment and indignities to the person, and here-with submits a form of decree.



John T. Morris
MASTER

In the Court of Common Pleas of Clearfield County, Pennsylvania

BARBARA D. HAMILTON, _____ } Of SEPTEMBER Term, 19 61
Plaintiff } No. 124
VERSUS
EDGAR C. HAMILTON, _____ } Defendant

DIVORCE

And Now, the 14th day of December 19 61, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Barbara D. Hamilton be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~
herself and EDGAR C. Hamilton.
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 Barbara D. Ham-
ilton, xx costs expended in this action.
her

ATTEST

John J. Hagan
Prothonotary

BY THE COURT

John Hagan
President Judge

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

No. _____ Term 19 _____

Libellant

VERSUS

Respondent

DECREE

Attorney

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

BARBARA D. HAMILTON,
Plaintiff

VS.

EDGAR C. HAMILTON,
Defendant.

NO. 124, September Term, 1961

IN DIVORCE.

Houtzdale, Pa.,

December 9, 1961.

Richard M. Sharp, Esq.,
Philipsburg, Pa.

Dear Sir:

I am filing my report as Master in this action on Monday, December 11, 1961, recommending that a Decree a vinculo matrimonii be entered as prayed for in the Complaint on the grounds of cruel and barbarous treatment and indignities to the person.

I am enclosing a copy of the report.

Very truly yours,


Ray L. Leccin
MASTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN'A.

BARBARA D. HAMILTON,
Plaintiff
VS.

NO. 124, September Term, 1961

EDGAR C. HAMILTON,
Defendant

IN DIVORCE.

Houtzdale, Pa.,
December 9, 1961.

Edgar C. Hamilton,
4601 Guld Blvd.,
St. Petersburg,
Florida.

Dear Sir:

I am filing my report as Master in the above case on Monday, December 11, 1961, recommending that a Decree a vinculo matrimonii be entered as prayed for in the Complaint on the grounds of cruel and barbarous treatment and indignities to the person. You may examine this report at the office of the Prothonotary of the Court of Common Pleas of Clearfield County at the Court House, in Clearfield, Pa.

Very truly yours,


Phyllis Seelins
MASTER

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

BARBARA D. HAMILTON, Plaintiff
vs. NO. 124, September Term, 1961.
EDGAR C. HAMILTON, Defendant IN DIVORCE.

Minutes of the hearing held on Wednesday, November 15, 1961 at two o'clock P. M. at the offices of John Scollins, Esq., Master, 615 Brisbin Street in Houtzdale Borough, Clearfield County, Pa. Appearances noted: Barbara D. Hamilton, Plaintiff, with her Counsel, Richard M. Sharp, Esq., and Mrs. Linetta Moore, witness on behalf of the Plaintiff. Defendant did not appear, neither was he represented by Counsel.

All the Court papers filed in the matter were offered in evidence, and admitted.

Barbara D. Hamilton, Plaintiff, being duly sworn according to law, testified as follows:

BY MR. SHARP:

Q.- What is your name?
A.- Barbara D. Hamilton.

Q.- Where do you live?
A.- At R. D. 1, New Liberty, in Decatur Township, Clearfield Co., Pa.

Q.- Are you married?
A.- Yes.

Q.- What is your husband's name?
A.- Edgar C. Hamilton.

Q.- Where does he live?
A.- His last known address is 4601 Gulf Blvd., St. Petersburg Beach, Florida.

Q.- What is your age?
A.- 38.

Q.- What is your husband's age?
A.- 37.

Q.- What is your present occupation?
A.- I am a Teller at the Osceola Mills Bank.

Q.- What is your husband's occupation?
A.- He is a Service Station attendant.

Q.- What is the date of your marriage?
A.- November 5, 1955.

Q.- Where were you married?
A.- In St. Petersburg, Florida at his home.

Q.- Were there any children born of your marriage?
A.- No sir.

Q.- Have you ever brought an action of divorce or annulment before?
A.- No sir.

Q.- Is there any agreement or collusion between you and your husband for the purpose of obtaining a divorce?
A.- No.

Q.- To your knowledge is your husband at present a member of the Armed Forces?
A.- No.

Q.- Are you a member of the Armed Forces?
A.- No.

Q.- Previous to your marriage where did you live?
A.- In St. Petersburg, Florida.

Q.- Immediately before your marriage where did your husband live?
A.- With his people in St. Petersburg, Florida.

Q.- Where did you go to live after you were married?
A.- We lived at 2810 28th Avenue North in St. Petersburg, for about two or three months.

Q.- From 2810 where did you go to live?
A.- We moved to the 2200 block on 28th Avenue.

Q.- How long did you live there?
A.- Just a couple of months.

Q.- Where did you go to live from there?
A.- We went to the Trailer Park and lived there about six months.

Q.- Where is the Trailer Park located?
A.- It is called "Sunshine Trailer Park", a suburb of St. Petersburg.

Q.- From the Trailer Park where did you go to live?
A.- We went to 58th Place North, also in St. Petersburg.

Q.- How long did you live there?
A.- Almost a year.

Q.- From there where did you go?
A.- We went to the 2200 block on 16th Street North, in St. Petersburg.

Q.- How long did you live there?
A.- Just a few months- not more than two months, and from there we lived every place you can think of on the South side of St. Petersburg.

Q.- How long did you live there?

A.- We lived there over a period of two years, and from there we came to Altoona, Pennsylvania.

Q.- When did you come to Altoona?

A.- On September 5th, 1960.

Q.- Where did you live in Altoona?

A.- We lived with his sister at 4605 Fifth Avenue in Altoona.

Q.- How long did you live there?

A.- We lived there only three or four weeks, and then we moved to 1919 Point Street in Altoona, and lived there about two months.

Q.- From there where did you go to live?

A.- We moved to the Stella Botte Hotel on Seventh Avenue in Altoona, and we lived there from the last part of November, 1960 until January, 1961.

Q.- Directing your attention to January 8, 1961, what happened on that date?

A.- He left and went to Florida.

Q.- Has your husband been in Florida ever since?

A.- Yes sir.

Q.- Following your separation on January 8, 1961, where did you go to live?

A.- I came up to New Liberty, Clearfield County, Pa., and have lived there ever since.

Q.- How long after you were married did you and your husband begin to have trouble?

A.- We were married on November 5, 1955 and our trouble started before Christmas of that year.

Q.- What sort of trouble?

A.- He beat me up; it all started over the Christmas tree and presents; he slung me across the street, and the lady who owned the place where we lived called the Police and he was put in jail. He hit me with his fist across my face and tried to choke me, and in order to get away from him I ran out in the street and he came out after me and attacked me on the street and beat me down into the ground; he injured my back so badly I had to have it strapped. He got mean with the Police and they took him away and he was in jail for three days.

Q.- Directing your attention to the incident when you lived in the 2200 Block in St. Petersburg; what happened that time?

A.- That's when he was drunk and burned the couch. He came in and he had been drinking some beer; he went out and got some more beer and he got drunk and went to sleep on the couch, and he had a cigar and set the couch on fire. When he got to drinking I left him alone. I went to sleep, and when he got awake he beat me up so he nearly killed me. He beat me about the face, blacked my eyes and tore my clothes, and my back was injured. I had to have medical attention that time; I went to the hospital and was there for treatment for four days. Dr. Hood was my Doctor.

Q.- How did your back get injured on that occasion?

A.- He slung me up in the corner.

Q.- How did you get to the hospital?

A.- He took me to the hospital and I was there for four days.

Q.- Did your husband have a vicious temper?

A.- Terrible. In the Sunshine Trailer Park he upset the table. He was drunk, and I had dinner on the table and he got mad and one word lead to another and the first thing I knew he upset the table and the dinner was on the table; I had a nice dinner ready too. Then he ran me out in the street; there were two different instances when I got into the automobile and tried to get away from him. One time he had his clothes on and came after me, and another time he came out in just his underwear. At 58th Place North he had been in the National Guard; at that time they had two weeks of training, and he had written letters that he would be there, but when he was drinking I was afraid he would not go, and I had to keep after him to go, but he was not home one day before he started in his drinking. One particular time he took the butcher knife and he hacked the door to pieces, and we had to move from every place we lived on account of him.

Q.- What did he do with this knife?

A.- He hacked the door and then he came after me; I was in the bed and tried to get away from him and he said he would kill me; I think he would have only for the neighbors.

Q.- Did your husband ever threaten to kill you on any other occasions?

A.- Every time he got drunk he said he would kill me.

Q.- While you lived in St. Petersburg he beat you up; how many times in St. Petersburg did you have black marks and bruises?

A.- At least nine times; I had to wear long sleeves to work to hide the bruise marks, and dark glasses to hide my eyes.

Q.- When you were living in St. Petersburg how often did he go on these drinking sprees?

A.- From one pay-day to the next; as long as he had any money he would drink.

Q.- When he was not in an intoxicated condition how did he act?

A.- He was an altogether different person, but when he was drinking he was violent and a maniac when he was drunk.

Q.- Did he call you foul names?

A.- Yes sir, everything you could think of he called me.

Q.- Did he ever call you foul names in the presence of other people?

A.- Every place we lived the neighbors heard him fighting with me and calling me all kinds of vile names. We always had to move on account of his conduct; all the people said I could stay on but he would have to leave, and I always moved with him.

Q.- Did you ever have to lock yourself in the car?

A.- Many times. On 28th Street in St. Petersburg he was drinking, and he came into the kitchen and started an argument, and I went out and locked the car so he could not drive it, and he went out and pulled up the hood and pulled the wires, and the landlady came out and she threatened to call the cops and she said I could stay, but he had to leave.

Q.- What happened when you lived in Altoona on Pine Street?

A.- The time right after we moved from his sister's, around the

first of November, 1960, and I was lying on the couch; he had been out with his brother; they had both been drinking and when he came in I got up and fixed him something to eat, and all of a sudden he grabbed a pillow and threw it at me and he was smothering me with the pillow and choking me at the same time; he beat the life out of me; blacked my eyes and bloodied my nose; I ran out and got the car; I did not know much about the street, and I went to his sister's and he came down the steps, but I got to his sister's and stayed there for two weeks.

Q.- You say he tried to choke you?

A.- He tried to choke me with his finger nails, and he blacked both of my eyes; I had a bloody nose and my nose was pushed out of place and blood flowed out of it for a couple of hours.

Q.- Did you have to have medical attention that time?

A.- His sister got the bleeding stopped, and my face was so swollen I could not get my clothes on.

Q.- What happened on January 1, 1961?

A.- I had gone to work; I worked at the Variety Room; we lived at the hotel on the other side of Altoona. I came home about midnight and he was not in our room; I came downstairs, and he was there and got in a big fight; I tried to stop the fighting and I was taking up for him; I told him to go on up and go to bed; he made it up the steps with my help and we no sooner got in the room, before I said "Avis", he called me a son-of-a-bitch, reached for a combat boot he had had when he was in the National Guard and never returned them, and he struck me across the face, across my nose, and the boot hit me all the way across the face; it ended up I had two more black eyes and he ripped my uniform and tore the sweater I was wearing, and all the time the blood was all over my uniform and the sweater. I noticed the lights were still on downstairs and I went down and told the bartender and this lady who was there, and they said "My God, what happened to you?" I threatened to have him arrested, and he said do you mean this, and I said I certainly do, I do not want any more trouble, and following that he left. I gave him the keys to my car, gave him the last fifteen dollars I had, and I told him to go and get out of my life. I had the car repossessed after he got to Florida with it, and I have not seen him since. He left here January 8, 1961.

Q.- Were you afraid of your husband?

A.- I definitely was afraid of him. That is the only reason why I came to Altoona, thinking maybe he would change.

Q.- Were you afraid he would kill you in one of these rages?

A.- Yes I was, and his mother was afraid he would kill me too.

Q.- Did you always try to be a good wife to your husband?

A.- Yes sir, I worked every day that we were married and my money went to help to pay the bills.

Q.- Was your husband a steady worker?

A.- No, he had one job after another; he lost jobs because of his drinking, and when he was out of work he went for relief.

Q.- Did you do anything to provoke your husband?

A.- No, I got his meals and tried every way to be a good wife.

Q.- As a result of the experience on January 1, 1961, did you feel that your husband would do you bodily harm?
A.- Yes, I certainly did.

Q.- Did your husband ever display any affection for you?
A.- He did not; he never had time.

Q.- Did this treatment that you described to the Master predicate much during your married life?

A.- Yes I was always sure of this kind of treatment when he was drinking, which was most of the time.

BY THE MASTER:

Q.- How long did you know your husband before you were married?
A.- About a year. He came into the Bank there where I worked? his father had a loan at the Bank and he would come in and pay on that or bring money for his father's savings. I got acquainted with him by talking with him on my job. He had been married before to a girl, in Altoona; I did not know until after we were married: that he threw her through the front window of their trailer.

Q.- Was your husband a native of Altoona, Pennsylvania?
A.- Yes; his first marriage occurred there.

Q.- Where were you born?
A.- I am a native of Florida.

Q.- What was your husband's occupation?
A.- He was a Service Station attendant.

Q.- What was your occupation?
A.- Tell in the Bank.

Q.- Prior to your marriage how did your husband treat you?
A.- He acted like a gentleman. I could not understand how he changed after we were married.

Q.- Did you ever have him arrested for mistreating you?
A.- No, I never had him arrested. I was always embarrassed to call the cops. I took more beatings because I worked in a Bank, and I would have had any job if any unfavorable publicity arose.

Mrs. Linetta Moore, witness on behalf of the Plaintiff, being duly sworn according to law, testified as follows:

BY MR. SHARP:

Q.- What is your name?
A.- Mrs. Linetta Moore.

Q.- And where do you live?
A.- in New Liberty, Decatur Township, Clearfield County, pa.

Q.- Are you related to Mrs. Hamilton?
A.- No; no relation.

Q.- Can you testify to any of the events which occurred to Mrs. Hamilton as related by her in her testimony?

A.- Shortly after New Year's, in January, 1961, Mrs. Hamilton came to my son's home in New Liberty. She had big black

marks under her eyes; her uniform and sweater was torn, and the dark spots on the uniform was blood; she had great big bruise marks on her; two black eyes, one worse than the other and I could tell that she had had a terrible beating.

Q.- Did she tell you what happened to her?
A.- Not me, she told my sister-in-law.

Q.- When did this occur?
A.- Early in January, shortly after New Year's.

Q.- Did you know her husband at all?
A.- No, that was the first I knew her.

BY THE MASTER:

Q.- Do you know or have you reason to believe that the parties have cohabited together since their separation for the causes complained of?
A.- No; not since she came to Clearfield County.

Q.- Have you any knowledge of the cause of separation between the parties?
A.- I know she was bearing the marks of a physical beating she received from her husband.

Q.- Have you any knowledge of any conduct showing any agreement, understanding or collusion between the parties for the purpose of agreeing to get a divorce?
A.- No.

Testimony closed.

And Now This 13th December, 1961, Service of the
within is accepted & receipt of copy is hereby
acknowledged.

John T. Gatzke
By D. Gatzke

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN'A
NO. 124, SEPTEMBER TERM, 1961

BARBARA D. HAMILTON,
Plaintiff

EDGAR C. HAMILTON,
Defendant

VS.

IN DIVORCE

(An uncontested case)

MASTER'S REPORT

COSTS:

John Scollins,
Master's Fee, \$85.00
, Postage, .60
K.L. Scollins, \$5.60
S. Engle, \$10.00

K.L. Scollins, E.D.

DECEMBER 1961

WM. T. HAGERTY
PROTHONOTARY

JOHN SCOLLINS
ATTORNEY AT LAW
HOUTZDALE, PA.