

DOCKET NO. 173

NUMBER TERM YEAR

141 February 1961

Betty Arlene Watt

VERSUS

Janes Watt

REGISTERED NO. 468

Value \$ 11.00 Spec. del' fee \$ 0.00

Fee \$ 2.50 Ret. receipt fee \$ 0.00

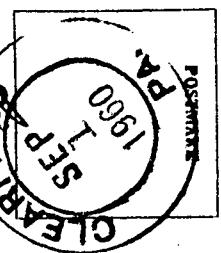
Search fee \$ 0.00 Reg. del' fee \$ 0.00

Postage \$ 0.00 Airmail

Postmark, By *John Smith*
From *John Smith*

To *John Smith*, Esq.
250 Broadway, Jr.
Albion, N.Y.

POD Form 3806
Sept. 1955



#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to address _____ Show address where delivered _____ (Address and phone required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

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

James Stelling Co.

NAME OF ADDRESSEE'S AGENT, IF ANY

James Stelling Co.

DATE DELIVERED

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

9-2-60

TELE-11-7100-4 600

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<p>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Aligned numbers end and attach to back of article. Print in front of article Return Receipt Requested.</p> <p>REGISTERED NO. 40050151 NAME OF SENDER Smith, S. W. CERTIFIED NO. 40050151 STREET AND NO. OR P. O. BOX P. O. Box 1130 MAILING NO. 40050151 CITY, ZONE AND STATE CLEARFIELD, PA.</p>			

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 144 FEBRUARY TERM, 1961
IN DIVORCE

BETTY ARLENE WATT

-VS-

JAMES WATT

COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By *John J. Gleason*

FILED
FEB 24 1961

WM. T. GANORETTI
GLEASON, CHERRY & CHERRY
7-10 DAVIS BUILDING
DU BOIS, PENNSYLVANIA

109 N. BRADY STREET

225

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

ROBERT V. MAINE, 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

BETTY ARLENE WATT

Plaintiff ,

and

JAMES WATT

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.

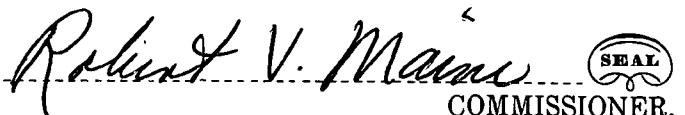
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 22nd day of March, in the year of our Lord one thousand nine hundred and Sixty-one.


John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

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


Robert V. Maine
SEAL
COMMISSIONER.

No. 141 February Term. 19 61

BETTY ARLENE WATT

VERSUS

JAMES WATT

COMMISSION

Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT :
VS. : No. 141 February Term, 1961.
JAMES WATT : In Divorce

DOCKET ENTRIES

February 24, 1961, COMPLAINT IN DIVORCE filed. One copy certified to Attorney.

March 3, 1961, Constable's Return, filed:

NOW, February 26, 1961, at 3:00 P.M. EST., served James Watt, at R. D. #3, DuBois, Pennsylvania, with a true and attested copy of the within Complaint In Divorce No. 141 February Term, 1961, by handing the same to him ~~and~~ leaving with him, personally and making known to him the contents thereof. So answers, Alex Campbell, Constable.

NOW, March 22, 1961, By Motion on the Watch-book, Robert V. Maine, 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 22nd day of March A. D., 1961.

Wm T. Hagerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT

: No. 141 FEBRUARY TERM, 1961

-vs-

: IN DIVORCE

JAMES WATT

:

COMPLAINT

Now comes BETTY ARLENE WATT and brings this Complaint in Divorce against her husband, JAMES WATT, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is BETTY ARLENE WATT and the name of the Defendant is JAMES WATT.
2. That neither the said Plaintiff nor the Defendant are minors or incompetent.
3. That the said Plaintiff and Defendant were married in Emporium, Pennsylvania, on June 21, 1947.
4. That at the time of the said marriage the Plaintiff and Defendant were both natural born citizens of the United States, and that the said Plaintiff and Defendant have resided in the Commonwealth of Pennsylvania since birth. The present residence of the Plaintiff being Sandy Township, Clearfield County Pennsylvania, and the residence of the Defendant is also Sandy Township, Clearfield County, Pennsylvania.
5. That there were three children born to this marriage, namely, James Larry Watt, born April 13, 1948; Susan Marie Watt, born April 9, 1954, and Andrew Joseph Watt, born July 1, 1956, who now reside and have resided continuously since their births with the said Plaintiff.
6. That in violation of his marriage vows and the laws of this Commonwealth, the said Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

7. That no prior divorce action was instituted between the parties.

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By Anthony J. Guice

COMMONWEALTH OF PENNSYLVANIA : SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, BETTY ARLENE WATT, 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.

Betty Arlene Watt

Sworn to and subscribed before me this 18th day of January, 1960.

Joseph P. McHenry
Notary Public
My Commission expires Jan. 7, 1963

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 141 February Term, 1961

BETTY ARLENE WATT

v.

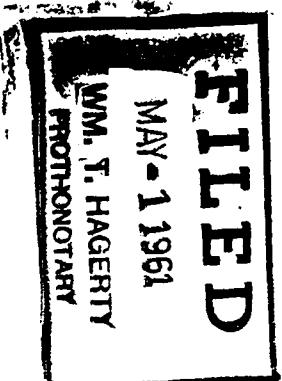
JAMES WATT

Uncontested

Master's costs:

Master's fee \$85.00

Robert V. Maine
Master



ROBERT V. MAINE
ATTORNEY-AT-LAW
DUBOIS, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT : No. 141 FEBRUARY TERM, 1961
-vs- : IN DIVORCE
JAMES WATT :

(CONSTABLE'S RETURN)

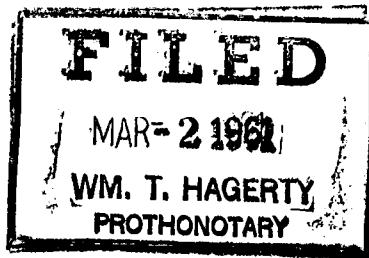
Now, February 25th, 1961, at 3:00 P.M., E.S.T., served JAMES WATT, at R. D. #3, DuBois, Pennsylvania, with a true and attested copy of the within Complaint in Divorce No. 141 February Term, 1961, by handing the same to and leaving with him, personally, and making known to him the contents thereof.

So answers,

Oly Campbell
Constable.

Sworn to and subscribed before me this 27th day of February, 1961.

Josephine O'Henry
Notary Public
My Commission expires Jan. 7, 1961.



N THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT :
v. : No. 141 February Term, 1961
JAMES WATT : In Divorce

MASTER'S NOTICE

To: JAMES WATT

You are hereby notified that I have been appointed Master in the divorce action of BETTY ARLENE WATT, Plaintiff, against JAMES WATT, Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 141 February Term, 1961; that I will hold a hearing for the purpose of taking testimony in said case at my office, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, at 1:30 p. m. on Monday, April 24, 1961, when and where you may attend with witnesses if you so desire.

Robert V. Maine
Master

Service of notice by copy accepted
this seventh day of April, 1961.

Gleason, Cherry & Cherry
By John A. Cherry
Attorneys for Plaintiff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT

:

v.

:

No. 141 February Term, 1961

JAMES WATT

:

In Divorce

MASTER'S NOTICE

To: JAMES WATT

You are hereby notified that I have been appointed Master in the divorce action of BETTY ARLENE WATT, Plaintiff, against JAMES WATT, Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 141 February Term, 1961; that I will hold a hearing for the purpose of taking testimony in said case at my office, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, at 1:30 p. m. on Monday, April 24, 1961, when and where you may attend with witnesses if you so desire.

Robert V. Maine
Master

STATE OF PENNSYLVANIA:

: SS

COUNTY OF CLEARFIELD :

ERVIN S. FENNELL, JR., being duly sworn according to law, deposes and says that he personally served the foregoing notice upon James Watt, the defendant, by handing to him a true and correct copy thereof and making known to him the contents thereof; that such service was made on Friday, April 7, 1961 at 1 o'clock A. M. in the office of deponent, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania.

(Ervin S. Fennell Jr.)

Subscribed and sworn to
before me this 7th day of
April, 1961.

Mrs. Jean M. Weaver

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT :
v. : : No. 141 February Term, 1961
: :
JAMES WATT : : In Divorce

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 February 24, 1961.
2. Service: Service of the Complaint was made upon the defendant on February 25, 1961 by Alex Campbell, Constable, a true and attested copy of the Complaint in Divorce having been handed to the defendant and the contents made known to him at R. D. #3, DuBois, Pennsylvania.
3. Appointment of Master: Robert V. Maine was appointed Master on March 22, 1961.
4. Date and Place fixed for Hearing: The Master's hearing was scheduled for Monday, April 24, 1961, at 1:30 p. m. in the office of the Master at 228 DuBois Deposit National Bank Building in DuBois, Pennsylvania.
5. Notice of Master's Hearing: Service of notice of the Master's hearing was accepted by John A. Cherry, attorney for the plaintiff, on April 7, 1961, and personal service of the notice was made upon the defendant by Ervin S. Fennell, Jr., Esquire, on April 7, 1961 at 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania.
6. Master's Hearing: At the time and place scheduled for the Master's hearing the plaintiff appeared in person and was accompanied by her attorney, John A. Cherry, Esquire. The defendant did not appear 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 on June 21, 1947 in Emporium, Pennsylvania.

2. Residence and Citizenship: The plaintiff and defendant are citizens of the United States of America. The plaintiff is presently residing in Sandy Township, Clearfield County, Pennsylvania, and the defendant is living in a tourist home in or near DuBois, Pennsylvania. The plaintiff and defendant have resided in Sandy Township for the past five years and prior to that time were residents of DuBois.

3. Ages and Occupations: The age of the plaintiff is 31 and she is employed as a clerk in McCrory's store in DuBois, Pennsylvania. The age of the defendant is 32 and he is employed as a truck driver for Hall's Motors in DuBois.

4. Children: There were three children born to this marriage, James, 13, Susan, 9, and Andrew, 4. The children are residing with the plaintiff.

5. Armed Forces: Neither the plaintiff nor the defendant is a member of any branch of the armed forces of the United States of America, as appears from the testimony of the plaintiff attached to and made a part of this report.

6. Findings on the Merits: The grounds for divorce alleged in the complaint were indignities to the person of the plaintiff. From the testimony of the plaintiff the Master finds as follows:

The defendant has persisted in running around with other women for the last three years despite plaintiff's many efforts and the efforts of others to have him mend his ways. The defendant has admitted his philandering to the plaintiff and has urged her to get a divorce. During the last two years the defendant has stayed away from home two or three nights a week until after midnight and has frequently struck the plaintiff with sufficient force to cause black and blue marks. The children have reacted adversely to the tense and unhappy relationship between the parties and try to avoid being in close proximity to the defendant. As a result of the defendant's conduct the plaintiff's health

has been affected and she has become upset and nervous. The parties separated on December 11, 1960 and have not lived together since that date.

DISCUSSION

In the opinion of the Master the charges of indignities have been established by the testimony of the plaintiff, though uncorroborated. Clearly the defendant's course of conduct was humiliating and inconsistent with his position as a husband to a point where such course of conduct was no longer endurable and any continuation of marital relationship intolerable. It has many times been held that a decree in divorce may be supported by the testimony of the libellant alone. *Macormac v. Macormac*, 159 Pa. Superior Court 378, *Kett v. Kett*, 117 Superior Court 236.

There is nothing in the testimony to show that the plaintiff by her words or conduct said or did anything to justify the conduct of the defendant.

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 (21 P. S. 10), as supplemented and amended.
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 Betty Arlene Watt a divorce a vinculo matrimonii from James Watt, a form of Decree being hereto attached.

Respectfully submitted,

Robert V. Maine
Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY ARLENE WATT

v.

JAMES WATT

No. 141 February Term, 1961

In Divorce

NOTICE OF FILING MASTER'S REPORT

To: The above named parties

You are hereby notified that I will file the Master's Report and form of
Decree on May 1, 1961.

Robert V. Moore
Master

ACCEPTANCE OF SERVICE

And now, the 29th day of April, 1961, service of the foregoing
Notice is hereby accepted and time waived.

Glenn, Cherry & Cherry
By John J. Cherry
Attorney for Plaintiff

In the Court of Common Pleas of Clearfield County, Pennsylvania

xxxxxxxxxxxxxxxxxxxx

Betty Arlene Watt }
No. 141 }
VERSUS }
James Watt }
DIVORCE

And Now, the 2nd day of May 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; ~~except~~
~~except~~

We, therefore, DECREE that Betty Arlene Watt be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and James Watt.

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
~~xxx~~ costs expended in this action.

ATTEST

John J. Hegerty
Prothonotary

BY THE COURT

John J. Hegerty
President Judge

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

No. _____ Term 19 _____

Libellant

VERSUS

Respondent

DECREE

Attorney

Q. Mrs. Watt, what is your full name?

A. Betty Arlene Watt.

Q. You are the plaintiff in this case, and the wife of James Watt?

A. Yes, I am.

Q. When were you married and where?

A. June 21, 1947 in the Methodist Parsonage in Emporium.

Q. Pennsylvania?

A. Yes.

Q. When married, where was your residence?

A. Sykesville, Pennsylvania.

Q. Where did your husband reside?

A. Sandy Township.

Q. Where were you born?

A. Big Soldier, Pennsylvania.

Q. And your husband?

A. He was born in Sandy Township.

Q. How old are you?

A. I was born October 13, 1929.

Q. Your husband?

A. He was born January 11, 1929.

Q. Well, that makes you 31 and him 32 right now?

A. Yes, sir.

Q. Now, after your marriage, where did you and your husband live? Did you go to housekeeping?

A. Yes. From then until five years ago, we lived in DuBois, and then we bought our house in Sandy Township.

Q. Have you lived in Sandy Township since?

A. Yes.

Q. Are you living there now?

A. Yes, but not together.

Q. Were are you living?

A. Still at our home.

Q. And your husband?

A. In a Tourist Home.

Q. When did you separate?

A. He left December 11th.

Q. What year?

A. 1960. I guess he got to where he didn't care.

Q. Leave that for a moment. What is your occupation?

A. I'm a clerk at McCrory's.

Q. Where?

A. In DuBois.

Q. What is his occupation?

A. Truck driver for Halls' Motors in DuBois.

Q. Did I ask where you ahd he were born?

A. Yes, you did.

Q. You are citizens of the United States?

A. Yes.

Q. How long have each of you resided in Pennsylvania?

A. All our lives.

Q. Were any children born to this marriage?

A. Yes, three.

Q. Will you give their names and ages?

A. James is 13; Susan is 9; and Andrew is 4.

Q. Where are they residing?

A. With me.

Q. Have they always resided with you?

A. Yes. Jim too, until he left.

Q. Are you in military service?

A. My, no.

Q. Is Jim?

A. No.

Q. Now, Mrs. Watt, what were the difficulties between you and your husband?

A. Well, most of it was his running around.

Q. With whom?

A. Women.

Q. How long has this been going on?

A. At least the last three years that I know of.

Q. Did he do this openly?

A. Yes.

Q. Has he admitted it?

A. He not only did, but he kept hounding me to get a divorce.

Q. For how long had he been asking you to divorce?

A. At least two years.

Q. Is that why you are now getting it?

A. No, sir. You know I've been coming to see you all the time trying to get him to straighten out.

Q. Did I talk to him?

A. He wouldn't come, but you did ask me to have him here.

Not only that, you had me talk to the minister.

Q. Who was he?

A. Reverend James Clinton.

Q. Did he go into it?

A. Yes, but he said Jim wouldn't straighten out.

Q. Did you discuss it with Jim?

A. Many times. I tried to tell him how bad everything was

for the kiddies. But he didn't care.

Q. Did your husband show you any love or affection?

A. Not since he started to run around.

Q. Would he take you places?

A. He was never around, and he wouldn't anyway.

Q. What do you mean by that?

A. He would say he had to work, or he was going out.

Q. How often?

A. Almost every night.

Q. Would he stay out late?

A. At least 2 or 3 nights a week he would be until after midnight or later.

Q. How did you get along in the home?

A. Forever arguing and bickering. Especially towards the end, he would tell me he got another and for me to do the same thing.

Q. Did he drink?

A. He drank some.

Q. To excess?

A. I couldn't say that; but he was never home.

Q. Did he ever strike you?

A. He did quite often.

Q. Severely?

A. So that it left black and blue marks on me.

Q. Did you have to go to a doctor?

A. No, but I was always nervous and tense. In fact, so were the children.

Q. How?

A. Crying all the time. Jimmy was the worst. He got so he would avoid his father and even stay out of the house when he was here.

Q. How else did your husband treat you?

A. I don't know. He just made things miserable and made me sick. I know I couldn't put up with it.

Q. How did it affect your health?

A. I was always upset, of course. He just disregarded us, and didn't care what happened. I was nervous, and so were the children. There just wasn't any family life.

Q. How do you feel now?

A. Much better because there isn't the fighting. I will say I never wanted it this way. Nobody would.

Q. How are the children?

A. More settled and relieved, although they do miss their dad some.

Q. Did you give him any cause or reason for his actions?

A. Not that I know of. I did everything to keep our marriage.

Q. What do you mean?

A. Just like we talked when I talked to you. I took everything, but it still didn't work out.

Q. Did you take care of the house?

A. I think I did. I worked for my home and family.

Q. How did you provide for him?

A. As well as anyone would.

Q. Did he support you?

A. Yes, he always did that.

Q. Does he now?

A. Yes. I have no complaints there.

Q. Did you arrest him for support?

A. No. I didn't want to, and I know he didn't. We agreed on that.

Q. Could you live with him?

A. Not the way it's been. It makes a wreck of you. Especially him running around with another woman all the time. What kind of a life is that?

Q. That's all.

Betty Arlene Hart