

DOCKET NO. 174

NUMBER	TERM	YEAR
208	May	1961

Ruth N. Conway

VERSUS

Harrold L. Conway

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH N. CONWAY

VS.

HARROLD S. CONWAY

:
:
:
:
:

No. 208 May Term, 1961
IN DIVORCE

MASTER'S REPORT

TO HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The undersigned Master appointed by the Court to take testimony and report findings with a recommended form of decree respectfully submits his Master's Report made up of the following items:

- I. COMMISSION - Dated June 27, 1961
- II. (a) Docket Entries
(b) Schedules
- III. COMPLAINT AND FILED PAPERS
- IV. CAUSES OF DIVORCE - Indignities and Desertion
- V. FINDINGS OF FACT
- VI. CONCLUSIONS OF LAW
- VII. RECOMMENDATION
- VIII. SUGGESTED FORM OF DECREE
- IX. TESTIMONY


Master

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

J. PAUL FRANTZ, JR., 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

.....

Ruth N. Conway Plaintiff ,

and

.....

Harrold L. Conway 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 H. PENTZ, President of our said Court, at Clearfield, the 27TH day of June, in the year of our Lord one thousand nine hundred and sixty-one.

Wm. H. Hegarty Prothonotary

To the Honorable, the Judge, &c.:

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

J. Paul Frantz, Jr. SEAL COMMISSIONER.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Ruth N. Conway

vs.

Harold L. Conway

:
: No. 208 May Term, 1961
:
: IN DIVORCE
:

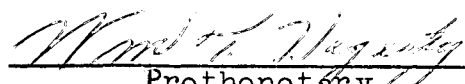
D O C K E T E N T R I E S

June 1, 1961, COMPLAINT IN DIVORCE, filed: One copy certified to the Sheriff.

June 1, 1961, Sheriff's Return, filed: NOW, June 1, 1961, at 11:50 o'clock P.M. served the within Complaint In Divorce on Harold S. Conway at Corner of Market and Second Street, in Clearfield, Pa., by handing to him personally a true and attested copy of the original Complaint In Divorce, and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

NOW, June 27, 1961, by motion on the Watch-book, J. Paul Frantz, Jr., 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 27th day of June, A. D., 1961.


Prothonotary

II. (b) Schedules

1. Date of hearing was set for Saturday, July 29, 1961 at 10:00 A.M., DST, in the offices of the Master at 26 South Second Street, Clearfield, Pennsylvania.

2. Notice of said hearing was accepted by Ruth N. Conway, plaintiff, and John B. Gates, Esq., attorney for plaintiff, on July 8, 1961.

3. Notice of said hearing was accepted by Harrold S. Conway, defendant, on July 13, 1961.

4. Master's hearing convened at the time and place set with the following persons present: Ruth N. Conway, plaintiff; John B. Gates, Esq., attorney for plaintiff; and Mrs. Ida May McBride, witness.

III. COMPLAINT AND FILED PAPERS

Immediately following this page are the various papers which have been filed in this case as follows:

1. Complaint in Divorce
2. Sheriff's Return of Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH N. CONWAY

VS.

HARROLD S. CONWAY

:
:
:
:
:

No. 208 May Term, 1961
IN DIVORCE

MASTER'S NOTICE

TO: Ruth N. Conway
7 Gulich Avenue
Clearfield, Pennsylvania

You are hereby notified that I have been appointed Master in your divorce action against Harrold S. Conway, your husband, in the Court of Common Pleas of Clearfield County, to No. 208 May Term, 1961 and that I will hold a meeting for the purpose of taking testimony at my office, 26 South Second Street, Clearfield, Pennsylvania, on Saturday, July 29, 1961 at 10:00 A.M., DST, when and where you may attend with witnesses, if you so desire.

J. Paul Prantz, Jr.
Master

NOW, July 8, 1961, service of the above notice
is accepted by copy.

Ruth N. Conway
Plaintiff

J. B. Gates
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH N. CONWAY

VS.

HARROLD S. CONWAY

:
:
: No. 208 May Term, 1961
: IN DIVORCE
:

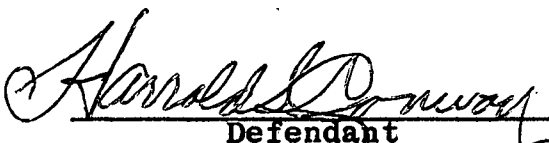
MASTER'S NOTICE

TO: Harrold S. Conway
Room 705, Wakao Building
No. 34 Honcho, 4 - Chome
Yakohama, Japan

You are hereby notified that I have been appointed Master in the divorce action of Ruth N. Conway, your wife, against you in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 208 May Term, 1961, and that I will hold a meeting for the purpose of taking testimony at my office, 26 South Second Street, Clearfield, Pennsylvania, on Saturday, July 29, 1961, at 10:00 A.M., DST, when and where you may attend with witnesses, if you so desire.


Master

NOW, July 13th, 1961, service of the above notice
is accepted by copy.


Defendant

208 May 1961

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 208 May Term, 1961 IN DIVORCE	
RUTH N. CONWAY	
-VS-	
HARROLD L. CONWAY	
C O M P L A I N T	
TO WITHIN NAMED DEFENDANT:	
You are hereby notified to plead to the enclosed Complaint within twenty (20) days from the time of service hereof.	
JOHN B. GATES, Esq. Attorney for Plaintiff	
By <u>John B. Gates</u> 1004 1/2 11/1	
<div>FILED JOHN B. GATES ATTORNEY AT-LAW CLEARFIELD, PA. NOTARY COMMERCIAL PRINTING CO., CLEARFIELD, PA.</div>	

13800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH N. CONWAY

-vs-

HARROLD S. CONWAY

:
:
:
:
:

No. 208 May Term, 1961

IN DIVORCE

C O M P L A I N T

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

1. The name of the Plaintiff is RUTH N. CONWAY.
2. The name of the Defendant is HARROLD S. CONWAY.
3. The Plaintiff resides at 7 Gulich Avenue, Clearfield Borough, Clearfield County, Pennsylvania.
4. The Defendant is a citizen of the United States of America and for the past fifteen years has resided in Yokohama, Japan, at the following address: Room 705, Wakao Building, No. 34 Honcho, 4-Chome.
5. The Plaintiff has resided in the Commonwealth of Pennsylvania, over a period of forty years and has been a bona fide resident of Clearfield County, Pennsylvania for at least the past fifteen years.
6. The Plaintiff and Defendant were married on September 22, 1931 by Reverend Harry Rundell at the Baptist parsonage, Curwensville, Pennsylvania.

7. The Defendant has:

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

b. Has committed wilful and malicious desertion and absence from the habitation of the injured and innocent spouse, without reasonable cause, for and during the term and space of two years.

8. The following named children have been born to this union and reside as follows:

Burton J. Conway, age 29 years
Captain - U.S. Army.

Ida May McBride, age 27 years
Clearfield, Pennsylvania

Philip H. Conway, age 26 years
U. S. Navy (Turkey)

Edgar A. Conway, age 24 years
U.S. Air Force (Japan)

William Conway, age 21 years
Washington, D.C.

John H. Conway, age 22 years
U.S. Air Force (Florida)

George L. Conway, age 22 years
Clearfield, Pennsylvania

Dean H. Conway, age 18 years
Clearfield, Pennsylvania

Nadine R. Conway, age 18 years
Clearfield, Pennsylvania

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

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

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

Ruth W. Conway

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

RUTH N. CONWAY, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing
Complaint are true and correct to the best of her knowledge,
information and belief.

Ruth N. Conway
Ruth N. Conway

Sworn to and subscribed
before me this 1st day
of June, 1961.

Wm. C. Hagerly

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

John Bates

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
DO. 208 MAY TERM, 1961
IN DIVORCE

RUTH H. CONWAY

VS.

ADROLD S. CONWAY

MASTER'S REPORT
(Uncontested)

Costs:

J. Paul Frantz, Jr., \$55.00
Master's Fee

FILED

AUG-4 1961

WM. T. HAGERTY

PROTHONOTARY

J. PAUL FRANTZ, JR.

26 SOUTH SECOND STREET

CLEARFIELD, PA.

*Now August 4, 1961, Notice of presentment accepted and
time waived.*

*John Bates
Att'y for plaintiff*

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

Ruth N. Conway

vs

Harold S. Conway

No. ~~22~~ 208 May 1961

Complaint In Divorce

(Sheriff's Return)

Now, June 1, 1961 at 11:50 AM. served the within
Complaint In Divorce on Harold S. Conway at Corner of Market and
Second Street, in Clearfield, Pa. by handing to him personally
a true and attested copy of the original Complaint In Divorce
and made known to him the contents thereof.

Costs Sheriff Ammerman \$7.00

(Paid by ~~Atty Gates~~)

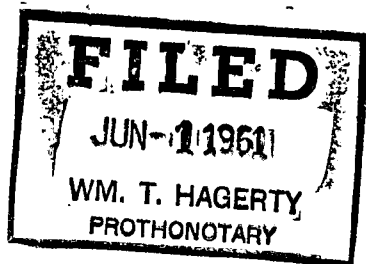
C.C. No. 5816.

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 1st
day of June 1961 A.D.

Wm. T. Hagerty
Prothonotary.



IV. CAUSES OF DIVORCE

The causes of divorce alleged in the Complaint are indignities to the person and desertion.

V. FINDINGS OF FACT

1. Marriage: The parties were married September 22, 1931 at the Baptist parsonage in Curwensville, Pennsylvania, by Rev. Harry Rundell.

2. Residence: From the time of their marriage until 1935, the parties resided in Curwensville Borough. From 1935 until 1943, the parties resided in Philadelphia, Pennsylvania, although the defendant was called into the service following Pearl Harbor in 1941. For six or seven months in 1943, plaintiff resided in Clearfield, Pennsylvania and from 1943 to 1945, the parties resided at Campbelltown, Pennsylvania, while the defendant was stationed at Indiantown Gap, Pennsylvania. In 1946, plaintiff moved to 7 Gulich Avenue, Clearfield, Pennsylvania, where she has resided ever since. In 1946, defendant was sent to Japan as a member of the Armed Forces. Defendant was discharged from the service in 1954 in Japan and has continued to reside in Yokohama, Japan since that time.

3. Citizenship: Both plaintiff and defendant are citizens of the United States. Plaintiff is a resident of Clearfield Borough, Clearfield County, Pennsylvania and defendant is a resident of Yokohama, Japan.

4. Age and Occupation: Plaintiff is over 21 years of age and has no occupation. Defendant is 50 years of age and is an accountant.

5. Children: There were nine children born to this marriage as follows:

1. Burton J. Conway, age 29 years, in the U. S. Army and presently stationed at Baltimore, Maryland.

2. Ida May McBride, age 27 years, presently residing with her husband in Clearfield, Pennsylvania.

3. Philip H. Conway, age 26 years, in the U. S. Navy and presently stationed in Turkey.

4. Edgar A. Conway, age 24 years, in the U.S. Air Force and presently stationed in Japan.

5. John H. Conway, age 22 years, in the U.S. Air Force and presently stationed in Florida.

6. George L. Conway, age 22 years, residing at 7 Gulich Avenue, Clearfield, Pennsylvania.

7. William Conway, aged 21 years, residing in Washington, D.C.

8. Dean H. Conway, age 18 years, residing at 7 Gulich Avenue, Clearfield, Pennsylvania and self-supporting.

9. Nadine R. Conway, age 18 years, residing at 7 Gulich Avenue, Clearfield, Pennsylvania and self-supporting.

6. Military Service: Defendant is not presently a member of the Armed Forces of the United States.

7. Findings on the Merits: It is found that the parties were married September 22, 1931 and that said relationship still exists.

It is found that the plaintiff has been a resident of Clearfield Borough, Clearfield County, Pennsylvania, since 1946.

It is found that after going overseas in April, 1946, defendant advised plaintiff he was not coming back and for her to get a divorce.

It is found that defendant has not supported the plaintiff except for the allotment he was required to make while in the service and that plaintiff has received nothing since defendant's discharge in 1954.

It is found that defendant is living with another woman in Japan and that he has stated that he would not return to the plaintiff.

It is found that defendant never offered to provide a home for plaintiff in Japan and that he ignored all plaintiff's requests for a reconciliation.

It is found that on one occasion while defendant was stationed at Camp Shanks, New York, that Plaintiff went to see him and that he refused to have anything to do with her.

It is found that defendant has completely ignored the plaintiff from 1946 to date.

It is found that defendant is guilty of desertion dating from April, 1946 and that said desertion continues to the present date, a period in excess of two years.

It is found that defendant has engaged in a course of conduct which rendered plaintiff's condition intolerable and her life burdensome.

It is found that the plaintiff is the innocent and injured spouse.

No evidence of any collusion to obtain this divorce is found.

8. Discussion: In the present action, plaintiff has asked for a divorce from the bonds of matrimony on the grounds of indignities to the person and of wilful and malicious desertion.

The Divorce Code provides a cause for divorce where a spouse "shall have committed wilful and malicious desertion and absence from the habitation of the innocent and injured spouse, without reasonable cause, for and during the space of two years."

In the present case, it appears clear that when the defendant was sent overseas in 1946, he never intended to return to her. When he visited his family before going overseas, he stayed with his mother and not with his wife. When plaintiff asked defendant concerning their relationship, he said he did not know, but shortly after he left, he wrote her that he was not coming back, and as a matter of fact, in a period of fifteen years, he has not returned. When he was discharged from the service in 1954, he took his discharge in Japan, and has continued to reside and work in that country.

Well, also, have testimony that following defendant's discharge, he has failed to support his wife. It is true that non-support is not desertion, but as stated in Francis v. Francis, 152 Pa. Super. 199, "when persisted in over a long period, it is some evidence of willfulness and malice."

Also, we have the testimony of one of the children of the parties, who visited with her father in Japan, to the effect that he was living with a Japanese woman and that the defendant stated that nothing would be different between the parties.

Finally, we have plaintiff's testimony that the defendant never asked her to join him in Japan, never offered to provide a home for her and refused all her requests for a reconciliation. As a result of this, plaintiff had the burden of raising a family of nine children with little, if any, help from the defendant.

Considering the ground of indignities to the person, in Carter v. Carter, 166 Pa. Super. 499, the Court laid down the rule that indignities to support a decree in divorce must consist of a course of conduct which renders the condition of the innocent party intolerable and his or her life burdensome; and that this must be shown from evidence from which an inference of hate and estrangement may be deduced.

Examining all the evidence presented in this matter, it seems clear that the defendant has engaged in such a course of conduct. From the time his wife visited him at Camp Shanks, New York, in 1945 or 1946, until the present, defendant's conduct has shown an inference of hate and estrangement toward his wife. He refused to see her at Camp Shanks, refused to have her with him in Japan and to her knowledge, was living with another woman in Japan. He did not visit her for a period of fifteen years and only supported her when he had to do so. Further, he advised his daughter when she was in Japan that he liked the life he was living. This course of conduct on the part of the defendant shows a strong inference of hate and estrangement and could not do otherwise than render plaintiff's condition intolerable and her life burdensome.

VI. CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter and the parties.
2. The proceedings are in accordance with the requirements of law and the Rules of Court relating thereto.
3. That the plaintiff has established cause for divorce on the grounds of indignities and desertion.

VII. RECOMMENDATION

The Master recommends a decree granting Ruth N. Conway, plaintiff, an absolute divorce from the bonds of matrimony from Harrold S. Conway, defendant, and respectfully submits a form of decree herewith.


Master

In the Court of Common Pleas of Clearfield County, Pennsylvania



<u>RUTH N. CONWAY</u>	}	Of <u>MAY</u> Term, 19 <u>61</u>
		No. <u>208</u>
<u>VERSUS</u>		
<u>HARROLD S. CONWAY</u>		DIVORCE

And Now, the 4th day of August 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

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

The Prothonotary is directed to pay the Court costs, including Master's fees, as not-
ed herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said Ruth N.
Conway ^{his}_{her} costs expended in this action.

ATTEST
Wm. I. Hagerty
Prothonotary

BY THE COURT
John J. [Signature]
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, PENNSYLVANIA

RUTH N. CONWAY

VS.

HARROLD S. CONWAY

:
:
: No. 208 May Term, 1961
: IN DIVORCE
:

Master's Hearing convened in the office of the Master, 26 South Second Street, Clearfield, Pennsylvania, on Saturday, July 29, 1961 at 10:00 a.m. DST with the following persons present: Ruth N. Conway, plaintiff; John B. Gates, Esq., attorney for plaintiff and Mrs. Ida May McBride, witness.

Ruth N. Conway, being duly sworn according to law, testified as follows:

BY JOHN B. GATES, ESQ.

Q. Is your name Ruth N. Conway?

A. It is.

Q. Mrs. Conway, when were you married?

A. September 22, 1931 at the Baptist parsonage, Curwensville, Pennsylvania by Rev. Harry Rundell.

Q. The name of your husband is Harrold S. Conway?

A. Yes.

Q. Mrs. Conway what was your maiden name?

A. Ruth N. Rishel.

Q. Before you were married where did you live?

A. In Curwensville.

Q. After your marriage on September 22, 1931 where did you live?

A. With his mother.

Q. Where did his mother live?

A. On Susquehanna Avenue in Curwensville.

Q. You lived with her for how long?

A. About a year.

Q. Then where did you move to?

A. To Miss Rose Williams.

Q. Where does she live?

A. Ann Street in Curwensville.

Q. How long did you live with Miss Rose Williams?

A. About two or three years.

Q. Did you have an apartment?

A. Yes.

Q. Where did you live after living with Miss Rose Williams?

A. In 1935 we went to Philadelphia.

Q. Why did you move there?

A. He had no work here and he got an accounting job there.

Q. Do you recall where you lived in Philadelphia?

A. 19th and Susquehanna Avenue.

Q. Did anything happen in Philadelphia?

A. He joined the National Guards

Q. What happened then?

A. He was called in to the service.

Q. When was he called into the service?

A. 1941.

Q. Was your husband called into the service after Pearl Harbor?

A. Yes.

Q. Where did you go to live after he was called into the service?

A. To Clearfield.

Q. When.

A. 1943.

Q. How long did you live in Clearfield?

A. On Ogden Avenue for about six months and then on Race Street for a month or so.

Q. Was your husband in the service at this time?

A. Yes.

Q. Where was he stationed?

A. Campbelltown, Pennsylvania near Indiantown Gap.

Q. You moved from Race Street to Indiantown Gap?

A. Yes.

Q. How long did you live in Campbelltown?

A. Until 1945.

Q. Was your husband stationed at Indiantown Gap at this time?

A. Yes.

Q. After you left Campbelltown where did you go?

A. He went to Camp Shanks, New York.

Q. Where did you go?

A. Back to Clearfield.

Q. What year?

A. 1946.

Q. How long was he in Camp Shanks?

A. Not very long. Then he was shipped overseas.

Q. Was he shipped overseas after the war was over?

A. Yes.

Q. Do you know what month your husband went overseas?

A. April of 1946.

Q. How many children were born to this marriage?

A. nine.

Q. Will you state their names?

A. Burton J. Conway, Ida May McBride, Philip H. Conway, Edgar A. Conway, William Conway, John H. Conway, George L. Conway, Dean H. Conway, Nadine R. Conway.

Q. Are the names the same as in the Complaint?

A. Yes.

Q. And their present addresses are as in the Complaint?

A. Yes.

Q. Mrs. Conway, did you visit your husband at Camp Shanks, N.Y.?

A. My mother-in-law and I went up to see him. We went up unknown to him and when we got up there we went into his office and we asked the girl where he was and she said he was in conference so we waited there until he came out. When he came out he wanted to know what we were doing there. He said we came uninvited and he had no time for us. My mother-in-law and I had to find some place to stay so we asked the boys where we could get a room for the night and they told us about this place in Elizabeth, New Jersey. We went to this tourist home in Elizabeth, New Jersey and we then found out that my husband and his secretary had stated there a number of times as man and wife.

Q. Was your husband an officer?

A. Yes, he was a Major.

Q. When did he go overseas?

A. April, 1946.

Q. Before going overseas did he come to Clearfield to see you?

A. He came to Clearfield to see the children and say goodbye to them and his mother. I asked him about us and he said he was going overseas and didn't know.

Q. When he came to Clearfield before going overseas did he stay at the residence on Gulich Avenue?

A. No. He stayed with his mother.

Q. When was the last time you saw your husband?

A. May of this year.

Q. Was that when he returned to this country?

A. Yes.

Q. Did you receive any mail from him when he was overseas?

A. I received an allotment check from him or the government, I don't know which.

Q. Was it a voluntary allotment or an allotment made by the government?

A. It came right from the government.

Q. Did you write to him?

A. I wrote to him. He wanted me to get a divorce and said he wasn't coming back.

Q. Was that after he went overseas?

A. Yes.

Q. Was that in the spring of 1946?

A. Yes.

Q. From the spring of 1946 to the present time have you raised these children?

A. Yes, all myself.

Q. Did you ever visit your husband in Japan?

A. No. Two of my children visited him in 1950 for two years.

Q. Did your husband ever make any attempt to make a reconciliation or ask that you live together again?

A. No. Even when he was home this last time he said there would be no reconciliation.

Q. Has your husband made any voluntary contribution to you other than the allotment?

A. No. I was on assistance for more than four years.

Q. Is he presently in the armed forces?

A. No.

Q. When was he discharged?

A. In 1954, I believe, because that was when the allotment stopped.

Q. Do you know what his rank was?

A. Lieutenant Colonel.

Q. Was your husband discharged from the armed forces?

A. Yes.

Q. When he was in this country last May was he in uniform or civilian clothes?

A. In civilian clothes.

Q. Do you know if he was in the armed forces this last May?

A. No he wasn't.

Q. Is he employed in private businesses?

A. He has appeared in a couple of Japanese movies.

Q. It is my understanding that he has been in some of the movies that appeared locally?

A. Yes.

Q. In your complaint in divorce you have alleged that your husband committed wilful and malicious desertion?

A. Yes.

Q. Mrs. Conway is it your contention that your husband has deserted you since April, 1946.

A. Yes.

Q. Did you give him any grounds for leaving?

A. None whatsoever.

Q. The letter which you mentioned a few moments ago is that correct that it came shortly after he went overseas?

A. Yes.

Q. Would you state that he had no intention to come back?

A. Yes. He felt I should get a divorce and find some body else.

Q. You gave him no cause to leave?

A. No.

Q. Did you do everything in your power to be a dutiful wife?

A. Yes.

Q. I presume you are over 21?

A. Yes.

Q. How old is your husband?

A. 50.

Q. Do you and your husband own any real estate together?

A. No.

Q. Is there any agreement between you and your husband for the purpose of getting this divorce?

A. No.

Q. Mrs. Conway, when was the last time you lived together as man and wife?

A. 1942 or 1943.

Q. But you haven't lived with him since April of 1946?

A. Yes.

BY THE MASTER

Q. When you came back to Clearfield in 1946 where did you go to live?

A. 7 Gulich Avenue.

Q. Have you resided there continuously since 1946?

A. Yes.

Q. Did your husband ever offer to provide a home if you would come and join him?

A. He didn't want us with him.

Q. You have testified on several occasions you asked him to come back and resume living together?

A. Yes.

Q. Are you presently supporting any of your children?

A. No. They are all working.

Q. They are all through school and working?

A. Yes.

Q. Do Dean and Nadine live with you at 7 Gulich Avenue?

A. Yes.

Q. Do you know where Burton is?

A. In California, but he is presently stationed in the Army at Baltimore, Maryland.

Q. Since your husband discharged from the service in 1954 did you receive any money?

A. Once in a while he would send some for the children. The last 5 or 6 years I had to go on assistance.

Q. That money was sent for the children, nothing for you?

A. Yes, just for the children.

Q. Have you any occupation?

A. Nothing.

Q. Your husband is an accountant?

A. Yes.

Ida May McBride, being duly sworn according to law testified as follows:

BY JOHN B. GATES, ESQ.

Q. Mrs. McBride, is Mrs. Conway your mother?

A. She is.

Q. Your mother mentioned that you and your brother, Burton, visited your father in Japan?

A. Yes.

Q. When were you there?

A. May of 1950 to November of 1952.

Q. Was any body with you?

A. My brother was there for one year.

Q. Where did your father live in Yokohama?

A. In a hut. Then we moved to a house in Yokohama.

Q. Was your father an officer in the service?

A. A Lieutenant Colonel.

Q. When you moved to the apartment house were there only you, your brother and father?

A. No. There were two Japanese women.

Q. Where did they stay?

A. The one girl had a room of her own and the other lady stayed in the room with my father.

Q. Did your father make any statements to you concerning whether he was coming back to live with your mother?

A. He said he had all the respect in the world for her but nothing would be different between them.

Q. Do you remember when he left for overseas?

A. I can remember a man saying goodbye.

Q. Has he been back?

A. May of this year.

Q. Do you know whether or not your mother and father lived together since he left in 1946?

A. No, they haven't.

Q. Do you know of any agreement between your father and mother to get this divorce?

A. No.

BY THE MASTER

Q. Do you know of any money that your father sent to your mother after his discharge from the Army?

A. I came back in 1952 and went to work in 1953 and in the fall of 1953 I sort of kept things going. Once in a while dad would send \$50.00 for the kids and that would be it.

Q. While you visited your father in Japan did he ever say anything about having your mother come and join him?

A. No. He liked the way he lived.

Testimony Closed