

DOCKET NO. 174

NUMBER TERM YEAR

209 September 1961

Fernard M. Leskovansky

VERSUS

Virginia T. Leskovansky

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

Bernard M Leskovansky

Plaintiff ,

and

Virginia T Leskovansky

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 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 5th day of January, in the year of our Lord one thousand nine hundred and sixty two.

Carl E. Walker

Prothonotary

To the Honorable, the Judge, &c.:

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

John Scollins 
SEAL
COMMISSIONER.

No. 209 Sept Term. 1961

Bernard M Leskovansky

VERSUS

Virginia T Leskovansky

COMMISSION

Eugene I Cimino Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

BERNARD M LESKOVANSKY :
VS : No 209 September Term 1961
: :
VIRGINIA T LESKOVANSKY :

OCTOBER 4, 1961 COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff

October 31, 1961 SHERIFF'S RETURN filed: Now October 4, 1961 at 12:55 o'clock P.M. served the within Complaint in Divorce on Virginia T Leskovansky on Market Street, Clearfield, Pa., by handing to her personally a true and attested copy of the original Complaint in Divorce and made known to her the contents thereof. So Answers, Charles G Ammerman, Sheriff.

January 3, 1962 By Motion on Watch Book John Scollins, Atty., is appointed Master to take Testimony and report with form of Decree

Certified from the Records this 5th day of January A D 1962

Carl E. Walker
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,PENNSYLVANIA

BERNARD M. LESKOVANSKY, Plaintiff :
vs. : No. 209 *Sept* Term, 1961
VIRGINIA T. LESKOVANSKY, Defendant : IN DIVORCE

C O M P L A I N T

TO THE HONORABLE JOHN J. PENTZ, President Judge of said Court:

AND NOW, this 8th day of September, 1961, comes the Plaintiff, BERNARD M. LESKOVANSKY, and by his Attorney Eugene L. Cimino, filed this action in divorce of which the following is a statement:

FIRST: The Plaintiff in this action is Bernard M. Leskovansky.

SECOND: The Plaintiff herein resides in the Village of Morann, Woodward Township, Clearfield County, Pennsylvania.

THIRD: The plaintiff, Bernard M. Leskovansky, has resided in the Commonwealth of Pennsylvania continuously since the date of his birth on August 15, 1926.

FOURTH: The defendant, Virginia T. Leskovansky, is a citizen of the United States of America and has resided in the Commonwealth of Pennsylvania continuously since the time of her birth on November 14, 1931.

FIFTH: The Defendant herein, Virginia T. Leskovansky, presently resides at 123 W. Presqueisle Street, Philipsburg Borough, Centre County, Pennsylvania.

SIXTH: The parties hereto were lawfully joined in marriage on December 26, 1951 by the Reverend Father Andrew J. Jurcak, Pastor of the Sacred Heart Catholic Church at Houtzdale, Pa.

SEVENTH: There were three (3) children born of this marriage, to-wit: Virginia B. Leskovansky, a daughter, born on June 17, 1952; Kathryn J. Leskovansky, a daughter, was born on September 17, 1956; and Ronald D. Leskovansky, a son, who was born October 13, 1959.

EIGHTH: In violation of her marriage vows and the laws of this Commonwealth, the defendant herein, Virginia T. Leskovansky, did on or about August 20, 1955 in the City of Buffalo, Erie County, New York, and also shortly thereafter at the village of Morann, Clearfield County, Pennsylvania, wilfully and maliciously and without reasonable cause desert the plaintiff herein and absent herself from their common habitation in the village of Morann, Clearfield County, Pennsylvania, and has continued and persisted in said desertion for a period of more than two years from the date of said alleged desertion on August 20, 1953.

NINTH: In violation of her marriage vows and of the laws of this Commonwealth, the Defendant has over a period of time from December 26, 1951 to August 20, 1955 at the village of Morann, Clearfield County, Pennsylvania, and at divers other times and places, prior and subsequent thereto, offered such indignities to the person of the plaintiff as to render his condition intolerable and life burdensome.

TENTH: This action is not collusive.

ELEVENTH: Plaintiff further avers that no action in divorce has been commenced by either of the parties hereto in any Court of Jurisdiction other than the above, within this Commonwealth or elsewhere.

WHEREFORE, Plaintiff prays that a Decree of Divorce "A Vinculo Matrimonii" be entered divorcing the plaintiff from the bonds of matrimony heretofore existing between the plaintiff and defendant herein.


Bernard M. Leskovansky,
Plaintiff

Eugene L. Cimino,
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

BERNARD M. LESKOVANSKY, the plaintiff herein named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct upon his personal knowledge; and that said factual allegations are not made out of levity and collusion, but in truth and sincerity for the purposes of being freed from the bonds of matrimony existing between the parties hereto.

Bernard M. Leskovansky
Bernard M. Leskovansky,
Plaintiff

SWORN and subscribed to before
me this 8 day of September,

1961.

Heraldine E Craft
Notary Public

My Comm. Exps: 315-65

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BERNARD M. LESKOVANSKY,
Plaintiff

vs.
VIRGINIA T. LESKOVANSKY,
Defendant

No. 209 Sept Term, 1961

IN DIVORCE

DATED: August , 1961

C O M P L A I N T

TO the within named Defendant:

You are required to file an
Answer to the within Complaint
within twenty (20) days from the
service hereof.

EUGENE L. CIMINO

BY Eugene L. CIMINO
ATTORNEY FOR PLAINTIFF

Copy sent to M.L.

FILED

Oct-4 1961
EUGENE L. CIMINO
WM. J. BAKER, JR.
PROBATIONARY, P.A.

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

BERNARD M. LESKOVANSKY, Plaintiff
vs. NO. 209, September Term, 1961
VIRGINIA T. LESKOVANSKY, Defendant IN DIVORCE.

NOTICE OF MASTER'S MEETING

To Bernard M. Leskovansky,
Morann,
Pennsylvania

You are hereby notified that I have been appointed Master to take testimony in the above action brought by you against Virginia T. Leskovansky, Defendant, for divorce on the grounds of (1) Desertion and (2) Indignities.

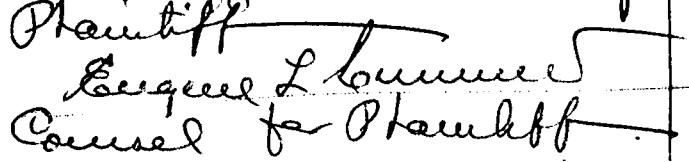
I shall hold a meeting on Wednesday, February 14, 1962 at two o'clock P. M., E.S.T., at my office 615 Brisbin Street in the Borough of Houtzdale, Pennsylvania, for the purpose of taking testimony, at which time and place you are requested to appear with your witnesses to present testimony.

Very truly yours,


JOHN SCOLLINS, MASTER

Dated at Houtzdale, Pa.

January 19, 1962.

And, now this 20th day of January, 1962
Service of the within Notice of Master is hereby accepted and acknowledged by the undersigned as Counsel in behalf of the above named Plaintiff

George L. Lawrence
Counsel for Plaintiff

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

BERNARD M. LESKOVANSKY, Plaintiff :
vs. : NO. 209, September Term, 1961
VIRGINIA T. LESKOVANSKY, Defendant : IN DIVORCE.

NOTICE OF MASTER'S MEETING

To Virginia T. Leskovansky,
123 W. Presqueisle Street,
Philipsburg, Pa.

You are hereby notified that I have been appointed Master to take testimony in the above action brought against you by Bernard M. Leskovansky, Plaintiff, for divorce on the grounds of (1) Desertion and (2) Indignities.

I shall hold a meeting on Wednesday, February 14, 1962 at two 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.

January 19, 1962.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNARD M. LESKOVANSKY, :
Plaintiff :
vs. : No. 209, September Term, 1961
: INDDIVORCE
VIRGINIA T. LESKOVANSKY, :
Defendant :

AFFIDAVIT OF SERVICE

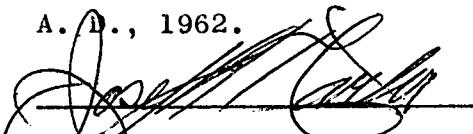
Before me, the undersigned, personally appeared
Robert Showers, who being duly sworn according
to law, deposes and says that he did serve the within Notice
of Master's Hearing on Virginia T. Leskovansky, the defendant,
on January 22nd, 1962, at 3:00 o'clock, p.M., E.S.T.,
at 123 W. Presqueisle St., Philipsburg, Pa.
by handing to her personally a true and correct copy of the
original Notice of Master's Hearing, and made known to her the
contents thereof.

Robert Showers
Constable

Sworn to before me this

22nd day of January,

A. D., 1962.


Notary Public Osceola Mills Borough Clearfield Co.
My Commission Expires January 18-1963

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

BERNARD M. LESKOVANSKY, :
Plaintiff : NO. 209, SEPTEMBER TERM, 1961
: :
VS. : :
: : IN DIVORCE.
VIRGINIA T. LESKOVANSKY, :
Defendant. :

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 pursuant to his appointment on the 5th day of January, 1962, he set Wednesday, February 14, 1962, at two 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 Eugene L. Cimino, Esq., attorney for the Plaintiff; and served personally upon the Defendant on January 22d, 1962 at 3:00 o'clock P.M., E.S.T., at 123 W. Presqueisle St., Philipsburg, Pa., by Robert Showers, Commonwealth constable. Proofs of services are hereto attached and made part of this report.

The meeting was held as appointed and same was attended by Eugene L. Cimino, Esq., Counsel of record for the Plaintiff, the Plaintiff in person, and Mrs. Mary Archer, a witness in behalf of the Plaintiff. The Defendant did not appear at the hearing, neither was she represented by counsel.

The Plaintiff and his witness were sworn and examined upon the merits of the case. The original papers in the

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 October 4, 1961, and one copy certified to the Sheriff.

On October 13, 1961, Sheriff's return of Service filed endorsed as follows:

"Now, October 4, 1961 at 12:55 o'clock P.M., served the within Complaint in Divorce on Virginia T. Leskovansky on Market Street, Clearfield, Pa., by handing to her personally a true and attested copy of the original Complaint in Divorce and made known to her the contents thereof. So Answers, Charles G. Ammerman, Sheriff," upon oath.

II. CAUSES OF DIVORCE.

1. Desertion.
2. Indignities to the person.

III. FINDINGS OF FACT.

1. Marriage: The Plaintiff and the Defendant were married on December 26, 1951 by Rev. Andrew J. Jurcak, Pastor of the Sacred Heart Catholic Church at Houtzdale, Pa.

2. Residence and Jurisdiction: At the time of the marriage the Plaintiff was a resident in the village of Morann, Woodward Township, Clearfield County, Pennsylvania, and has resided in the Commonwealth of Pennsylvania, since his birth on August 15, 1926. The Defendant resides at 123 W. Presque-isle Street, Philipsburg Borough, Centre County, and has resided in the Commonwealth of Pennsylvania continuously since the time of her birth on November 14, 1931.

The parties never took up house-keeping, but continued living with their respective parents at their parents' homes; they cohabited together in Buffalo, where Plaintiff was tempor-

arilly employed, having been furloughed by the Pennsylvania Railroad, until called back to his regular employment August 20, 1955.

3. Age and Occupation: The Plaintiff is aged 35 years and is employed as a Car-repair Helper with the Pennsylvania Railroad, at Hollidaysburg, Pa. The Defendant is 30 years of age, and was employed in the Cigar Factory in Philipsburg, pa.

4. Children: There were three children born of this marriage: Virginia Bernadette Leskovansky, a daughter born on June 17, 1952; Kathryn J. Leskovansky, a daughter, born on September 17, 1956; and Ronald D. Leskovansky, a son, born October 13, 1959.

5. Findings on the Merits and Discussion.

A. Findings of Fact.

1. Immediately following their marriage the parties and their parents held a "get-together" up at Plaintiff's home in Morann, where they celebrated with song and a beer; there was no other honey-moon, because they did have any money; they remained at Plaintiff's home and started quarrelling over a simple matter of showing affection, which Defendant resented.

Defendant's aunt invited them to her home in Harrisburg on a honey-moon, but for lack of funds Plaintiff refused to go. Defendant took herself down to her aunt's place, and Plaintiff calling to inquire what the matter was, was told by Defendant that she didn't want to see him anymore; so, Plaintiff took Defendant's mother down, talked things over, requested her to come back and promised to make a go of their marriage. Defendant agreed to come back, and in a few weeks find a place to live together. However, Defendant forgot about finding a

place to live, and they just saw each other at her mother's place; Plaintiff would visit her in the evenings, and if he wasn't working during the day would go down and stay with Defendant, and they got along.

In 1952, Plaintiff and his sister together arranged to rent a home, in Morann; they painted and papered the place and fixed it up for occupancy; but when Defendant was taken up and shown the place, she refused to live there.

They wouldn't see each other for a while, and then either usually called the other, when the Defendant needed clothes or other things, she would talk about house-keeping, build up Plaintiff's spirits; and when she got everything she needed, she didn't want Plaintiff anymore. This conduct went on for five years.

2. When Plaintiff was furloughed by the Railroad Company and went up to Buffalo for employment, coming home on weekends, they got in touch with each other; and Plaintiff being unable to come home every week-end Defendant decided to join him in Buffalo. They were together for a few weeks, and he bought her whatever she wanted they got along; but when he started looking for a place to live, she would return to Philipsburg, or she wouldn't want the place.

3. Plaintiff was called back to his employment in the Railroad Car shops and left Defendant in Buffalo, August 20, 1955; she refused to come back with him.

4. Later, Plaintiff consulted with one of the officers of the Philipsburg Bank, who advised Plaintiff that he could find a place over around Altoona, close to his work; but Defendant declared it was too far away from home, which attitude Plaintiff couldn't understand, and concluded not to

8. Since shortly after August 20, 1955, in violation of her marriage vows, Virginia T. Leskovansky, wilfully and maliciously and without reasonable cause deserted the Plaintiff, Bernard M. Leskovansky, and has continued and persisted in such desertion for a period in excess of two years.

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

10. The Complaint was not filed out of levity.

11. 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.

This case presents no complications, either jurisdictional or on the merits. The Complaint charges the Defendant with indignities and desertion. The parties were married December 16, 1951, and after a family gathering each party remained with their respective parents, the Plaintiff in Morann and the Defendant in Philipsburg.

Their first child, Virginia Bernadette, was born June 17, 1952, and Plaintiff having rented a dwelling-house in Morann, fitting it up for family occupancy, papering, painting and having made it ready Defendant and their child, she refused to live in it, and returned to her parents' home, and Plaintiff to his parental home.

They never set up house-keeping, and were together for a short period of time while Plaintiff was temporarily employed in Buffalo, New York, occupying one room. Plaintiff having been called back to his regular employment in the Pennsylvania Railroad Car-repair shop at Hollidaysburg, Pa., returned from Buffalo, August 20, 1955, Defendant refusing to come with him.

Plaintiff made another attempt to set up a home, over around Altoona, close to his work; but Defendant refused to consider it, because it was too far away from home; and many times after that he requested her to come and live with him, but she refused.

Notwithstanding the parties were separated from August 20, 1955, a second child, Kathryn J., was born to the Defendant September 17, 1956, parentage of which was disclaimed by the Plaintiff; and as a result Plaintiff was prosecuted for non-support in the Court of Quarter Sessions of Centre County, to No. 106 May Sessions, 1957 and sentenced to pay \$30.00 for the support of two minor children, which order is still in effect.

On or about October 13, 1959, Mrs. Frank, mother of Defendant, called upon Plaintiff about getting glasses for the child, Virginia Bernadette, and in discussing and inquiring about the Defendant-wife, her mother said, "Well, she has a boy friend", and she had a third child, a boy, but did not give his name.

In Lowe vs. Lowe, 148 Pa. Sup. 439, Judge Keller said, "Conduct by a husband with respect to other women, although not sufficient to support a charge of adultery, may be considered as a form of personal indignity to his wife rendering her condition intolerable and life burdensome." (Quoted with approval by our Supreme Court in Wick vs. Wick, 325 Pa. 25, at page 28). This statement of the law would apply, of course, with equal force where the husband is the injured and innocent spouse and the wife is the wrongdoer. McCormac vs. Macormac 159 Pa. Sup. at page 380.

Defendant's course of conduct was humiliating, degrading, and so notorious as to make her husband the laughing stock of his friends, neighbors and acquaintances. That is one thing a normal individual cannot stand for, and should not be made to stand for, no matter what indignities he may be required to endure before the stage is reached "beyong which human indulgence cannot be expected to submit". In this case that stage was reached long before Plaintiff sought relief from a marital life that had become intolerable and burdensome. Blansett vs. Blansett, 162 Pa. Sup. at page 48.

Defendant never displayed any love or affection toward the Plaintiff; her feelings toward him being more like hatred; telling him that she hated him, did not want him around. Plaintiff tried to set up a home and provide for the Defendant and the children and at no time gave her any reason, cause of provocation for her actions toward him.

That on or about August 20, 1955 in the City of Buffalo, New York, and also shortly thereafter at the Village of Morann, Clearfield County, Pennsylvania, Wilfully and Maliciously and without reasonable cause deserted the Plaintiff and absent herself from their common habitation in the village of Morann, and has continued and persisted in such desertion for a period of more than two years from August 20, 1955.

Mrs. Mary Archer, who appeared as a witness for Plaintiff corroborated the facts that the Plaintiff suffered indignities to his person and desertion of the Plaintiff by the Defendant.

The Master had an opportunity to examine the Plaintiff personally. His testimony disclosed that he was telling a straightforward and candid story. The Defendant was aware of the meeting and had an opportunity to present her defense, if any she had. She did not avail herself 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:

"(d) Shall have committed wilful and malicious desertion, and absence from the habitation of the injured and innocent spouse, without a reasonable cause, for and during the term and space of two years; or
"(ff) 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."

The testimony of the Plaintiff as to the charges of indignities and desertion was corroborated by his witness, Mrs. Mary Archer, both of whom the Master found to be truthful and worthy of belief; that the Plaintiff has fulfilled his marital obligations to his wife, the Defendant; and is of the opinion that the Plaintiff is an injured and innocent spouse within the meaning of the Act of Assembly, and has sustained the burden of proof that the Defendant has offered such indignities to the person of the Plaintiff as to render his condition intolerable and life burdensome, and without cause has wilfully and maliciously deserted the Plaintiff, and has continued in such desertion for a period of more than two years.

10.

IV. CONCLUSIONS OF LAW.

- 1.- The Plaintiff and the 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 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 his witness are sufficient to establish the averment in the complaint setting forth a cause of action on the ground of indignities to the person.
- 6.- The facts testified to by the Plaintiff and his witness are sufficient to establish the averment in the complaint setting forth a cause of action on the ground of desertion.
- 7.- There has been no fraud or collusion between the parties to this suit.
- 8.- There has been no action in divorce commenced by either of the parties hereto in any Court or Jurisdiction other than the above, within this Commonwealth or elsewhere.
- 9.- The Plaintiff is entitled to a divorce from the bonds of matrimony on the ground of desertion.
- 10.- The Plaintiff is entitled to a divorce from the bonds of matrimony on the ground of indignities to the person.

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 desertion and indignities to the person, and herewith submits a form of decree.


MASTER.

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXX

BERNARD M. LESKOVANSKY,
Plaintiff
VERSUS
VIRGINIA T. LESKOVANSKY,
Defendant

Of September Term, 1961
No. 209

DIVORCE

And Now, the 9th day of April 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Bernard M. Leskovansky be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and Virginia T. Leskovansky.

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 _____

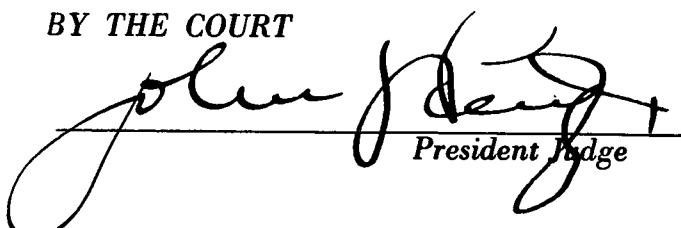
The Prothonotary is directed to pay the Court costs, including Master's fees, as noted
herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said Bernard M.

Leskovansky his xxx costs expended in this action.

ATTEST

BY THE COURT

Prothonotary


John J. Dwyer
President Judge

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

No. 209, September Term 1961

BERNARD M. LESKOVANSKY
Attala
Plaintiff

VERSUS

VIRGINIA T. LESKOVANSKY
Kappeler
Defendant.

DECREE

Eugene M. Cimino, Attorney

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

BERNARD M. LESKOVANSKY, Plaintiff : NO. 209, September Term, 1961.
VS. :
VIRGINIA T. LESKOVANSKY, Defendant : IN DIVORCE.

Minutes of the meeting held at the offices of John Scollins, Esq., Master, 615 Brisbin Street, in Houtzdale Borough, Clearfield County, Penn'a., on Wednesday, February 14, 1962 at two o'clock P. M. E. S. T. Appearances noted: Bernard M. Leskovansky, Plaintiff, Eugene L. Cimino, Esq., Attorney for the Plaintiff. Mrs. Mary Archer, witness on behalf of the Plaintiff. The Defendant did not appear at the hearing, neither was she represented by Counsel. Counsel for the Plaintiff offers in evidence the Complaint in Divorce, together with Return of Service, Affidavit of Service, Appointment of Master and all other papers of record to No. 209, September Term, 1961.

All parties being duly sworn, testified as follows:

Bernard M. Leskovansky, the Plaintiff, being called and examined by Eugene L. Cimino, Esq.:

Q.- What is your name?

A.- Bernard Michael Leskovansky.

Q.- Your wife is Virginia T. Leskovansky?

A.- That's right.

Q.- What was her maiden name?

A.- Virginia T. Frank.

Q.- When and where were you married?

A.- December 26, 1951 at the Sacred Heart Church in Houtzdale, Clearfield County, Penn'a.

Q.- By whom were you married?

A.- By the Reverend Andrew J. Jurcak, pastor of the Sacred Heart Church.

Q.- Were there any children born of this marriage?

A.- Yes, there were three children: Virginia Bernadette, who was born on June 17, 1952; Kathryn L., who was born on September 17, 1956, and Ronald D. Leskovansky, a son, born October 13, 1959.

Q.- Now you claim that the first child, Virginia Bernadette, is yours, and that the other two children are not yours?

A.- That's right.

Q.- How long have you been separated from your wife?

A.- Since August 20, 1955.

Q.- Where do you live now?

A.- At my parents' home in Morann, Clearfield County, Pa.

Q.- What are your parents' names?

A.- Alex and Mary Leskovansky.

Q.- How long have you been a resident of Pennsylvania?
A.- All my life.

Q.- How old are you?

A.- I am thirty-five years old; I was born on August 15, 1926.

Q.- And you reside now with your parents in Morann?
A.- Yes.

Q.- Where does your wife live at the present time?

A.- She did live at Point Lookout at Philipsburg, Centre County, Pennsylvania, but now she resides at 123 West Presquiele Street in Philipsburg.

Q.- How long has your wife lived in Pennsylvania?
A.- All her life.

Q.- How old is your wife?

A.- She is thirty years of age; her birth date is November 14, 1931.

Q.- And she is the mother of these three children referred to?
A.- Yes.

Q.- How you have had some relations with Paul Zimmerman, the Probation Officer of Centre County, is that correct?

A.- Yes sir, there is a Court Order in the Centre County Court which requires me to pay thirty (\$30.00) Dollars a month support.

Q.- For whom was this support order made?

A.- For the support of the two girls: Virginia Bernadette Leskovansky and Kathryn L. Leskovansky.

Q.- But it does not apply to the third child or to your wife?
A.- No.

Q.- Where did you and your wife go to live after your marriage?

A.- We did not go into housekeeping. She stayed at her home and I stayed at my home.

Q.- Where do you work?

A.- I am unemployed at the present time, but my regular occupation when I work is a car repair helper with the Pennsylvania Railroad, at Hollidaysburg, Pa.

Q.- How long have you been unemployed?

A.- Since May 3rd, 1960, when I was furloughed by the Railroad.

Q.- Does your wife work?

A.- I don't think she is working anywhere now, but did work at the Cigar Factory in Philipsburg.

she

Q.- Tell the Master about your marriage from the day you were married up until the present time?

A.- Well, after we got married - that same day - we sort of held a little get-together - her parents and my parents, up at my parents' home in Morann; we sang and maybe had a beer. As far as a honeymoon was concerned, we did not have any because we did not have the money, so we stayed at my parents home for

that first night, and we started quarrelling right then and there, just over simple matters, like I wanted to kiss her and she thought I shouldn't. Then her Aunt asked her to come to Harrisburg to her home for a honeymoon, but she did not say anything about financing the way we were to get there, so I disagreed to it; I said we could not afford it. She got on the outs with me over it, didn't want me around, and finally she took herself down to her Aunt's place. While she was down there in Harrisburg I called her and asked her what was the matter and she said she didn't want to see me any more, so I goes down to Harrisburg with her mother to her Aunt's place, and at first her Aunt wasn't going to let me see her, but I finally talked to her; I asked her to come back with me and we will make a go of it. She agreed; she said we will go back and in a few weeks we will find a place to live. Well, we got together again and she forgot, I guess, about finding a place to live, so we just saw each other at her mother's place all the time. I never lived with her and I would live at home and come down in the evenings. If I wasn't working I would come down during the day and stay with her and we got along. Then I mentioned going to housekeeping again and she didn't want me any more. That's what I couldn't get. So I wouldn't see her for a while and I would start seeing her again and she would usually call me - that's the way it was - to go housekeeping again. We would talk about going housekeeping, and then it would go out of her mind again. She just didn't want to go. It went on that way for the five years, that I was seeing her. It seemed like when she needed clothes or things she would talk about housekeeping, and well, biuld my spirits up. When she got everything she needed, well, she didn't want me any more.

Q.- Tell us what else you know?

A.- Well, like when I went to Buffalo; I worked up there and she didn't see me around home. When I came home on the week-end, I may have went down to see her a few times but I could not afford to come home every week-end, so she decided to come up there. We were together for a few weeks and I bought her whatever she wanted and we would get along, and when we would really start looking for a place, then she would go home or she wouldn't want the place, and that is the way it was for five years.

Q.- Is there any possibility of you and your wife affecting a reconciliation?

A.- No, because she has told me did not love me and wanted to have nothing to do with me.

Q.- Did she display any love or affection toward you?

A.- No, it seemed more like hatred.

Q.- Did she ever tell you that she didn't love you?

A.- Yes, she said she hated me; she told me that quite a few times, when she didn't want me around. She even wouldn't let me hold my own baby at times.

Q.- Did you ever give her any reason, cause or provocation for acting that way toward you?

A.- No I haven't.

Q.- Did you try to set up a home and provide for your wife?

A.- Yes I did.

Q.- Did you at any time provide an apartment or home, a place for her to live?

A.- Yes I did, in 1952. I was going to rent a place; I painted it all up and fixed it all up, papered it, and took her up and showed it to her, and when she got there, she cried and said she didn't want to live there.

Q.- Where was this place?

A.- That was up in Morann.

Q.- And she refused to go into housekeeping with you?

A.- Yes, she absolutely refused.

Q.- From the time that you married, did she ever go to house-keeping with you?

A.- No sir.

Q.- In addition to the indignities of hatred and disdain toward you, she absolutely refused to live with you?

A.- That's right.

Q.- Has this desertion persisted then since the time of your marriage?

A.- Yes.

Q.- When was the last time you cohabited or lived together as husband and wife?

A.- We didn't live together except when I had a room up in Buffalo; that was in 1955.

Q.- How long did you live in Buffalo?

A.- I was up there eight months.

Q.- Did your wife live with you the entire eight months?

A.- No, just on a week-end or so like that.

Q.- Did she refuse to live with you?

A.- That's right.

Q.- When you were in Buffalo working and your wife was not with you, where was she?

A.- She came back down to Point Lookout, near Philipsburg, Pa.

Q.- When did she leave Buffalo to come back to Philipsburg?

A.- Well, I left before she did. I left in August, 1955, as I got called back to the Pennsylvania Railroad.

Q.- You came back to Morann to work on the Railroad, at your regular trade and occupation?

A.- That's right.

Q.- Why did your wife not come back from Buffalo with you?

A.- She just refused to come back with me.

Q.- Did you again make an attempt to set up a home for her in Clearfield County?

A.- Yes I did, and I talked to one of the fellows at the Philipsburg Bank and he said he could find me a place over around Altoona, which would be a nice place, and close to my work. I talked to her about it and she said that it was too far away from home, which I couldn't understand, so I did not

make any more arrangements to go housekeeping. I asked her many times after that to come and live with me, and we would get a place together, but she refused.

Q.- What did your mother-in-law, Mrs. Frank, tell you?

A.- She brought my child up to see me one day about getting glasses for her, Virginia is the one I am talking about, and this was after the second child was born. We talked about glasses for the child first, then we talked about my wife, and I asked what she was doing, and her mother said, "Well, she has a boy friend" and she had a third child, a boy.

Q.- Did she tell you the boy friend's name or who he was?

A.- No, she did not tell me that, but she said he wanted to marry her; that he was going to pay for her to get a divorce, but he left her when she had the child.

Q.- When was this child born?

A.- About two years ago, around October 13, 1959.

Q.- And you have not cohabited as husband and wife since August 20, 1955?

A.- That's right.

Q.- Therefore, this is not your child?

A.- No, it is not.

Q.- Did your mother-in-law give you the name of this boy friend?

A.- No, but she said she had been seeing her keeping company with another man.

Q.- Is there anything else you care to add to this testimony?

A.- No, except that all gestures of reconciliation I made to her, asking her to come and live with me, failed.

Q.- Does she refuse to let you see your own child?

A.- No, she does not refuse now, but I have to write her a letter and let her know that I am going to come to see my child. She knows where I live, and she could bring my child up to see me some time, but she never does. When we had the hearing in Philipsburg about support, she told them there that she would not want to live with me again.

Q.- Did she give any reason?

A.- No.

Q.- Did you give her any cause or provocation for feeling that way?

A.- No, I did not.

Q.- And you did all the things necessary for a husband to provide a home and she still refused to live with you?

A.- That's right.

Q.- Was this course of conduct on the part of your wife a source of great shame and embarrassment to you?

A.- Yes it was. It affected my health so that I was ashamed to be seen, or go out; and when I made application for a job it is a shameful thing to tell. I did everything in my power to provide for my wife and family, and she refused to live with me.

Mrs. Mary Archer, witness on behalf of the Plaintiff, being duly sworn, testifies as follows:

BY MR. CIMINO:

Q.- What is your name?
A.- Mrs. Mary Archer.

Q.- Where do you live?
A.- In Houtzdale, Clearfield County, Pa.

Q.- Are you acquainted with the Plaintiff in this divorce action?
A.- Yes, he is my brother.

Q.- And are you likewise acquainted with the Defendant, Virginia Leskovansky?
A.- Yes I am.

Q.- Is there any agreement or collusion between them to obtain a divorce?
A.- No sir.

Q.- You have heard the testimony offered by the Plaintiff; from your own personal knowledge is it true and correct?
A.- Yes.

Q.- What do you know of your own personal knowledge about their married life?

A.- I know that he asked her time and time again to get a place for her, to come to live with him, but she always refused. She only wanted him to go to see her when she wanted clothes and things; she always wanted to stay home with her mother. She always found fault with the places he got, and she never tried to make a go of their marriage.

Q.- Insofar as you know, how long is it since they lived as husband and wife?

A.- As far as I know, they have not lived together since they were in Buffalo, in 1955. He came back from Buffalo to Morann in August, 1955 to resume his work at Hollidaysburg, and I helped him fix up a place in Morann, cleaned it and painted it, and then he was going to get a place in Altoona, closer to his work, but she would not come to live with him at either place. He did everything he could to get her to come back.

Q.- Do you know of any reason for her to act this way?

A.- No I don't; he provided for her and the children; he was a steady worker; the only time he was out of work he went to Buffalo to get work.

Q.- Do you know anything about their home life?

A.- I have never been to her home, and she never went to house-keeping with him.

Q.- How did this course of treatment affect your brother?

A.- It was embarrassing for him in front of the family; he worried about his inability to cope with the situation. It was embarrassing having people wonder why they did not live together, and hard to explain.

C O P Y

IN THE COURT OF QUARTER SESSIONS OF CENTRE COUNTY, PENNSYLVANIA

Commonwealth : No. 106 May Sessions, 1957
vs :
Bernard N. Leskovansky : Non-support of Minor Children.

And now, to-wit: May 10th, A. D. 1957, pursuant to the agreement which has been entered into, you BERNARD M. LESKOVANSKY are adjudged guilty of failing to support your two minor children, and the sentence of the Court is that you are hereby ordered to pay the sum of THIRTY (\$30.00) DOLLARS per month for the support of your two minor children, namely, Virginia Bernadette Leskovansky, aged five years, and Kathryn Joe Leskovansky, aged eight months, said payments to be effective June 1st, 1957 and to be paid monthly, until the further order of the Court; and you shall also pay the costs of this proceeding, and you are hereby directed to enter into a bond in the sum of One Thousand (\$1,000.00) dollars, without surety, for the faithful compliance with this order; all payments to be made to the Deserion, Probation and Parole Officer of Centre County.

By the Court,

A. H. LIPEZ

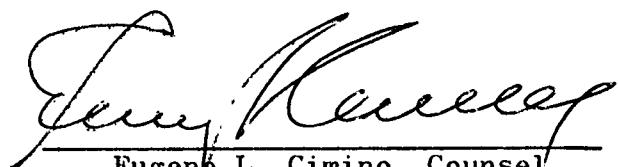
P. J.
Twenty-fifth Judicial District
Specially Presiding.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNARD M. LESKOVANSKY, :
Plaintiff :
: No. 209, September Term, 1961
vs. :
: IN DIVORCE
VIRGINIA T. LESKOVANSKY, :
Defendant :

Waiver of Notice of Filing
of
Master's Report

AND NOW, this 14th day of February, 1962, the undersigned,
for and in behalf of the Plaintiff and as his Counsel, does hereby
waive the required five (5) day notice of filing of the Master's Report
as required by Rule 11, Section 14 thereof of the local Rules of
Court of Clearfield County, as applicable to divorce procedure.



Eugene L. Cimino, Counsel,
for and in behalf of the
above captioned Plaintiff.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN'A
NO. 209, September Term, 1961
IN DIVORCE

BERNARD M. LESKOVANSKY,
Plaintiff.

VS.

VIRGINIA T. LESKOVANSKY,
Defendant

This is an uncontested case

MASTER'S REPORT

Costs:

John Scollins, Esq. \$85.00
Master's Fee, ...\$85.00
Robert Showers,
Constable,5.00

FILED \$90.00
APR - 9 1961

JOHN T. SCOLLINS
PROTHONOTARY
HORNZDALE, PA.

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

Bernard Leskovansky
vs

No 209 Sept Term 1961

Virginia T. Leskovansky

Complaint In Divorce

Now, October 4, 1961 at 12:55 O'Clock P.M. served the within
in Complaint in Divorce on Virginia T. Leskovansky on Mar-
ket Street, Clearfield, Pa., by handing to her personally
a true and attested copy of the original Complaint in
Divorce and made known to her the contents thereof.

Costs Sheriff Ammerman \$8.50
(Paid by Atty Cimmino)

So ~~Answers~~.

Charles G. Ammerman
Sheriff

Sworn to before me this 4th
day of October 1961 A.D.

Prothonotary