

DOCKET NO. 173

NUMBER	TERM	YEAR
220	February	1961

William E. Maines

VERSUS

Loretta M. Maines

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

-vs-

LORETTA M. MAINES

:
: No. 220 February Term, 1961
:
: IN DIVORCE
:

NOTICE OF CUSTODY HEARING

To: Loretta M. Maines

Take notice that by Order dated June 8, 1961, the Court has set Friday, June 30, 1961, at 10:00 a.m. in the Clearfield County Courthouse as the time, date and place for hearing to determine who shall have custody of your minor children, Carol Jean Maines and William E. Maines, Jr. If you desire to be heard, you may be present together with such witnesses as you desire.

BELL, SILBERBLATT & SWOOPE
By

Richard A. Bell
Richard A. Bell,
Attorneys for Plaintiff

Served the above Notice on Loretta M. Maines at

Carol Jean Maines, Clearfield Pa on the 10TH day
of June, 1961, at 10 2:35 p.m. by handing to her personally a
true and correct copy of said Notice and making known to her the
contents thereof.

Sworn to and subscribed
before me this 10
day of June, 1961.

Wm. E. Hagerty

J.B. Walker
J.B. Walker, Constable

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

FILE 300

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
IN DIVORCE
No. 220 February Term 1961

WILLIAM E. MAINES
VS
LORETTA M. MAINES

ORDER

FILED
JUN-8 1961
WM. T. HAGERITY
PROTHONOTARY

JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

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

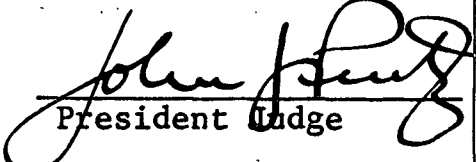
WILLIAM E. MAINES	:	No. 220 February Term 1961
	:	
VS	:	IN DIVORCE
	:	
LORETTA M. MAINES	:	

O R D E R

NOW, June 8, 1961, the Complaint in the above stated action in divorce requests custody of the children born to the marriage of the parties to this action, be determined by the Court, as provided by the Act of December 30, 1959, P.L. 2055 (23 P.S. 15).

Accordingly, Friday, June 30, 1961, at 10 A.M., is fixed for hearing to determine custody of the children, as prayed for by the plaintiff in the above stated divorce action. Notice to be served forthwith upon defendant, by personal service, or by registered mail.

BY THE COURT


President Judge

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

In Divorce

No. 220 February Term 1961

WILLIAM E. MAINES

VS

LORETTA M. MAINES

ORDER

FILED

JUN 30 1961

WM. T. HAGERTY

CLERK

JOHN J. PENTZ

PRESIDENT JUDGE

CLEARFIELD, PENNSYLVANIA

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

WILLIAM E. MAINES : No. 220 February Term 1961
: :
VS : In Divorce.
: In re: Custody of the children.
LORETTA M. MAINES :

O R D E R

NOW, June 30, 1961, after hearing, the custody of the two children, namely: William Maines, Jr. and Carol Jean Maines, is awarded to the petitioner, the plaintiff in the divorce action, William E. Maines.

The divorced wife, Loretta M. Maines, shall have the right to visit and see the said children at the home of the parents of William E. Maines, at 408 Poplar Avenue, Clearfield, Pennsylvania. For the present, Loretta M. Maines alone shall have no right to take the children away from the property and house and lot at 408 Poplar Avenue, Clearfield, Pennsylvania, and such visitation shall be confined to Saturday afternoons from 1 P.M. until 5 P.M. However, Loretta M. Maines may take the children to her parents' home in Curwensville, on such times as she is accompanied by a responsible adult person, agreeable to William E. Maines, or his parents.

BY THE COURT

President Judge

Clearfield County, ss:

The Commonwealth of Pennsylvania, to JOSEPH P. WORK, 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

WILLIAM E. MAINES, Plaintiff ,

and

LORETTA M. MAINES, 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 27th day of April, in the year of our Lord one thousand nine hundred and sixty-one

Wm T. Hagerty
Prothonotary

To the Honorable, the Judge, &c.:

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

Joseph P. Work
COMMISSIONER.

No. 220 February Term. 1961

William E. Maines

VERSUS

Loretta M. Maines

COMMISSION

Swoope
Bell, Silberblatt & Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

-vs-

LORETTA M. MAINES

:
: No. 220 February Term, 1961
:
: IN DIVORCE
:
:
:

DOCKET ENTRIES

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

MARCH 18, 1961, Sheriff's Return filed: NOW, March 15, 1961, at 11:15 o'clock A.M. served the within Complaint In Divorce on Loretta M. Maines at place of residence, 230 Ridge Ave., Curwensville, 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.

NOW, April 25, 1961, By motion on the watch-book, Joseph P. Work, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 27th day of April, A. D., 1961

Wm T. Hagerty
Prothonotary

280 Feb. 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. February
Term, 1961 - In Divorce

WILLIAM E. MAINES

-VS-

LORETTA M. MAINES

COMPLAINT

To the within Defendant:

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

BELL, SIBERBLATT & SWOOPE
By

Richard A. Bell
Attorneys for Plaintiff

1 copy extra 8/4/61

BELL, SIBERBLATT & SWOOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

450 Reg. 4/2/61
COMMERCIAL PRINTING CO., CLEARFIELD, PA.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

-vs-

LORETTA M. MAINES

:
: No. 320 February Term 1961
:
: IN DIVORCE
:

COMPLAINT

(1). The name of the Plaintiff is William E. Maines, who is twenty-three (23) years of age, and resides at 408 Poplar Avenue, Clearfield, Clearfield County, Pennsylvania.

(2). The name of the Defendant is Loretta M. Maines, who is twenty-one (21) years of age, and resides at 230 Ridge Avenue, Curwensville, Clearfield County, Pennsylvania.

(3). Both Plaintiff and Defendant are citizens of the United States and the Commonwealth of Pennsylvania.

(4). The Plaintiff and Defendant were married on May 30, 1957, by Justice of the Peace McGarry in Bloomington, Clearfield County, Pennsylvania.

(5). There were three children born to this marriage as follows: Donald, born October 26, 1957, now deceased.
Carol Jean, one year
William E., Jr., two years;

both children are presently residing with the parents of the Plaintiff at 408 Poplar Avenue, Clearfield, Pennsylvania.

(6). The grounds upon which this divorce is sought is indignities to the person of the Plaintiff by the Defendant so as to make his condition intolerable and life burdensome.

(7). There is no collusion between the parties to procure this divorce.

(8). There has been no prior action for divorce between these parties.

(9). The Plaintiff presently has custody of the children and requests that the Court award him custody in this proceeding.

(10). All of the property used by the parties belongs to the Plaintiff and he requests that it be awarded to him in this proceeding.

WHEREFORE, the Plaintiff prays that he be granted a divorce a vinculo matrimonii from the bonds of matrimony between he and the Defendant.

William E. Maines
William E. Maines

BELL, SILBERBLATT & SWOOPE
By

Richard A. Bell
Richard A. Bell,
Attorneys for Plaintiff

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared WILLIAM E. MAINES, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

William E. Maines
William E. Maines

Sworn to and subscribed
before me this 14th day
of March, 1961.

Wm T. Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

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

William E. Maines

No. 220 Feb Term 1961.

vs

Loretta M. Maines

Complaint In Divorce

(Sheriff,s Return)

Now. March 15, 1961, at 11:15 O'Clock A.M. served the within Complaint In Divorce on Loretta M. Maines at place of residence 230,Ridge Ave, Curwensville, 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.

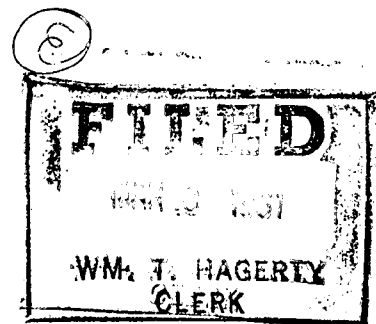
Costs: Sheriff Ammerman \$7.20
(Paid by Attys B.S.S.)

So Answers,

Charles G. Ammerman
Charles G. Ammerman,
Sheriff.

Sworn to before me this 15th
day of March A.D. 1961.

Wm T. Hagerty
Prothonotary.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

VS

LORETTA M. MAINES

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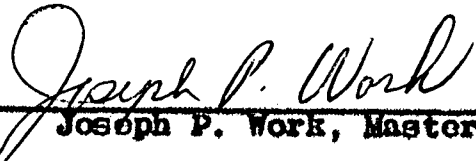
No. 220 February Term, 1961

In Divorce

NOTICE OF MASTER'S HEARING

TO: William E. Maines
c/o Richard Bell, Esq.
Bell, Silberblatt & Swoope
Attorneys at Law
Clearfield, Penna.

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Tuesday, May 16, 1961, at 2 P.M., o.s.t. at the offices of Smith, Smith & Work, 101 North Second Street, Clearfield, Pennsylvania, at which time you may attend, together with your witnesses and give testimony, if you desire.



Joseph P. Work, Master

Service of within Notice of Master's Hearing accepted
the 29th day of ^{April}~~May~~, 1961.

BELL, SILBERBLATT & SWOOPE

BY: 

Attys. for Plaintiff

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

No 220 Feb Term 1961

Notice in Masters Hearing

William E Maines
vs
Loretta M Maines

(Sheriff's Return)

Now, May 1, 1961 at 11:00 O'clock A.M. served the within Notice in Masters Hearing on Loretta M Maines, Curwensville, Pa. by handing to her personally, on Ridge Ave, Curwensville, Pa. a true and attested copy of the original Notice in Masters Hearing and made known to her the contents thereof.

Costs Sheriff Ammerman \$9.20
(Paid by Prothonotary)

So Answers,
Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 2nd
day of May 1961. A.D.

John D. Magaw
Prothonotary.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

VS

LORETTA M. MAINES

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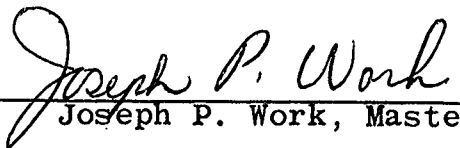
No. 220 February Term, 1961

In Divorce

NOTICE OF MASTER'S HEARING

TO: Loretta M. Maines
230 Ridge Avenue
Curwensville, Penna.

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Tuesday, May 16, 1961, at 2 P.M., e.s.t. at the offices of Smith, Smith & Work, 101 North Second Street, Clearfield, Pennsylvania, at which time you may attend, together with your witnesses and give testimony, if you desire.



Joseph P. Work, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

VS

LORETTA M. MAINES

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:

No. 220 February Term, 1961

IN DIVORCE

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

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

S C H E D U L E

1. The Complaint in Divorce: Presented and filed on March 4, 1961.

2. Service of the Complaint: Service of the Complaint was made upon the Defendant by the Sheriff of Clearfield County by handing to her a true and attested copy at her place of residence at 230 Ridge Avenue, Curwensville, Pennsylvania, on March 15, 1961, at 11:15 A.M.

3. Appointment of Master: Joseph P. Work was appointed Master on April 27, 1961.

4. Date and Place Fixed for Hearing: Hearing in this cause was held on May 16, 1961, at 2 P.M., at the office of the Master, 101 North Second Street, Clearfield, Pennsylvania. The Defendant did not appear in person, nor was she represented by counsel.

5. Notice of Master's Hearing: Notice of Master's Hearing was served on counsel for the Plaintiff, and was served on Defendant by the Sheriff of Clearfield County handing to her Notice of Master's Hearing at her place of residence at 230 Ridge Avenue, Curwensville, Pennsylvania, on May 1, 1961, at 11 A.M.

6. Master's Hearing: Held May 16, 1961, at 2 P.M., at the office of the Master at 101 North Second Street, Clearfield, Pennsylvania. Plaintiff appeared in person together with his attorney, Richard Bell, Esq. The Defendant did not appear, and was not represented by counsel.

CAUSE OF DIVORCE

Indignities to the Person.

FINDINGS OF FACT

1. Marriage: The plaintiff and defendant were married on May 30, 1959, in Bloomington, Pennsylvania, by Justice of the Peace McGarry.

2. Residence and Citizenship: The Plaintiff and Defendant are citizens of the United States, and at the time of the hearing, both resided in Clearfield County, Pennsylvania; the Plaintiff residing at 408 Poplar Avenue and the Defendant residing at 230 Ridge Avenue, Curwensville, Pennsylvania.

After the parties were married they lived continuously in Clearfield County.

3. Ages and Occupations: The Plaintiff is 23 years old and is employed by the Pennsylvania Department of Highways as a surveyor. The Defendant is 21 years old and is not employed.

4. Children: Three children were born of this marriage as follows: Donald born October 24, 1957; William, Jr. born November 26, 1958, and Carol Jean born January 24, 1960. However, Donald is now deceased.

5. Armed Forces: The Defendant is not a member of any branch of the Armed Forces of the United States of America.

6. Findings on the Merits: The grounds for divorce in the Complaint were Indignities to the Person:

(a). Commencing the day before Thanksgiving, 1960, and continuing until the separation of the parties, the Plaintiff has been subjected to a course of treatment by the defendant which was humiliating and manifested settled hatred and estrangement.

(b). The defendant has since the day before Thanksgiving of 1960 and at least until sometime in February of 1961, publicly kept company with a member of the opposite sex, to-wit, one Ross Muszynski, and has spent many nights with this person under circumstances indicating promiscuous behavior.

(c). The general course of defendant's conduct toward the plaintiff, as well as toward the children of the parties, has been degrading and humiliating to the plaintiff, and has affected his physical and wellbeing.

(d). The conduct of the defendant, in addition to be sufficient to lead to suspicions of promiscuous behavior, is indicative of settled hatred and estrangement on the part of the defendant toward the plaintiff.

(e). The plaintiff has at all times been a dutiful and faithful husband, and has done everything within his power and reason to preserve the marriage.

(f). The defendant has not been condoned in her conduct by the plaintiff husband, for although a reconciliation was effected, it was conditional only, based upon the condition that the wife depart from her previous conduct, which event did not take place.

(g). This divorce proceeding is not the result of collusion between the plaintiff and defendant.

DISCUSSION

The sole witness for the plaintiff in the proceeding before the Master was the plaintiff himself. However, the Law of Pennsylvania has long held that a divorce may be granted on the uncorroborated testimony of the plaintiff - Murfit vs. Murfit, 134 Pa. Superior 327, (1939); Mitchell vs. Mitchell, 142 Pa. Superior 599, (1941); and Miln vs. Miln, 175 Pa. Superior 613, (1954). It is the opinion of the Master that even the uncorroborated testimony of the plaintiff has proven an adequate cause of divorce based upon indignities to the person. Since the day before Thanksgiving of 1960, the conduct of the defendant toward the plaintiff has so humiliated and embarrassed the plaintiff as to make his condition intolerable and life burdensome. There is ample evidence on the record to support the finding that during the period of the time alleged in the complaint, the wife defendant has:

(a). So consorted with a member of the opposite sex so as to raise grave suspicion of promiscuous behavior.

(b). Brought shame and disrepute upon the plaintiff by reason of her behavior with a member of the opposite sex.

(c). Caused the plaintiff physical and mental suffering as a result of her conduct.

The ground of divorce being alleged as indignities and there being proof on the record which would lead to suspicion of promiscuous behavior, the Law of Pennsylvania has long held that conduct with a member of the opposite sex, even though not sufficient to support a charge of adultery, will support a divorce

on the ground of indignities to the person - Lowe vs. Lowe, 148 Pa. Superior 439, (1942); Wick vs. Wick, 352 Pa. 25, (1945); Wilson vs. Wilson, 163 Pa. Superior 546, (1949).

The defendant's course of conduct has been such as to demonstrate a settled hatred and estrangement for plaintiff husband, and that conduct has made his life intolerable and burdensome. This course of conduct amounts to indignities - Davis vs. Davis, 180 Pa. Superior, 404, (1956).

There is testimony on the record to the effect that sometime in February of 1961 the parties effected a reconciliation, which the testimony of the husband plaintiff states was on the condition that the wife refrain from her previous conduct and from that time forward be a dutiful and faithful wife. It is settled law in Pennsylvania that reconciliation is not a complete defense to a suit for divorce based on indignities, while it is a factor to be considered in evaluating the severity of the indignities charged - Hahne vs. Hahne, 168 Pa. Superior 324, (1951); VanHuten vs. VanHuten, 174 Pa. Superior 29, (1953). The effect of a reconciliation is presumed to be conditional and the same is rendered ineffective when the defendant resumes varying indignities theretofore complained of - Moyer vs. Moyer, 5 Bucks 129, (1956). It is clear under the law of Pennsylvania that any new acts occurring after a reconciliation revive the former offenses, even though the new acts are not of themselves sufficient to constitute grounds for divorce - DiStefano vs. DiStefano, 152 Pa. Superior 115, (1943); 2 Freedman, Law of Marriage and Divorce, Section 348.

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.

2. Defendant is guilty of indignities to the person of the plaintiff, rendering his condition intolerable and life burdensome, contrary to Subsection 1 (f) of the Act of May 2, 1929,

P.L. 1237, Section 10, 21 P.S. 10.

3. The proceedings conform to the Rules of Court and requirements of law.

4. Plaintiff is an innocent and injured spouse.

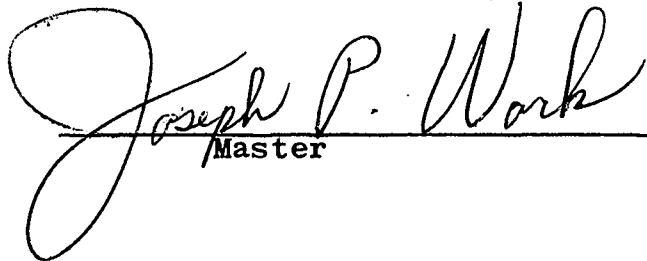
5. This divorce proceeding is not the result of collusion between the parties.

6. Plaintiff has proved cause for divorce based on the grounds of indignities to the person, but has not proved cause for divorce on the charge of adultery.

RECOMMENDATION

The Master recommends a Decree granting William E. Maines a divorce a vinculo matrimonii from Loretta M. Maines, form of Decree is attached hereto.

Respectfully submitted,



Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

VS

LORETTA M. MAINES

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No. 220 February Term, 1961

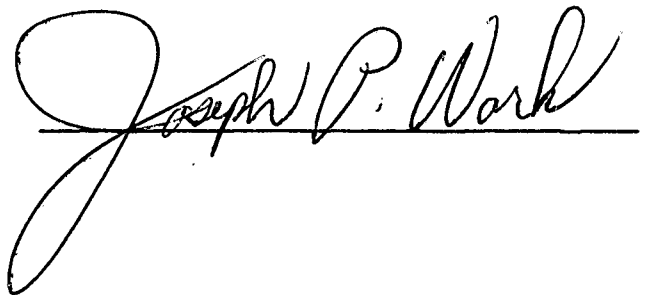
In Divorce

MASTER'S SUPPLEMENTAL REPORT

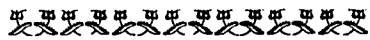
The Master respectfully calls to the attention of your Honorable Court the fact that there is a question of custody of the two children born to this marriage involved in these proceedings, which question under the recent amendments to the Divorce Laws the Master has no authority to take testimony in regard thereto. In view of the nature of the testimony in this suit for divorce and the effect the same would have upon the children of the parties in the event of a change of conduct on the part of the defendant, the Master respectfully recommends to the Court that the testimony in this cause and the exhibit thereto be impounded, only to be inspected upon Court Order.

THEREFORE, the Master submits this question to this Honorable Court for such disposition as the Court shall determine.

Respectfully submitted,


A handwritten signature in cursive script, reading "Joseph P. Work", is written over a horizontal line.

In the Court of Common Pleas of Clearfield County, Pennsylvania

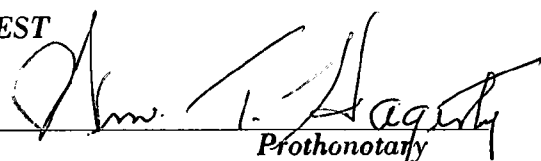
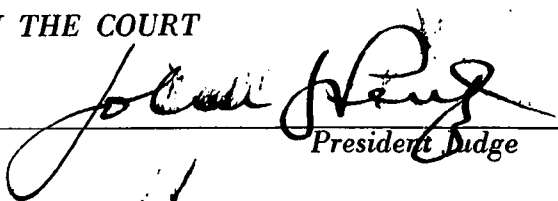


WILLIAM E. MAINES	{	Of February Term, 19 61
		No. 220
VERSUS		
LORETTA M. MAINES	{	DIVORCE

And Now, the 3rd day of June 1961, the report of the Master is acknowledged. We approve his findings and recommendations; except as to

We, therefore, DECREE that William E. Maines be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between himself and Loretta M. Maines. 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 his/her costs expended in this action.

ATTEST	BY THE COURT
	
Prothonotary	President Judge

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

No. _____ Term 19____

Libellant

VERSUS

Respondent

DECREE

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

No. 220 Feb. Term, 1961
In Divorce

WILLIAM E. MAINES
VS
LORETTA M. MAINES

MASTER'S REPORT
Uncontested

Fee - \$5.00

SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM E. MAINES

VS

LORETTA M. MAINES

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No. 220 February Term, 1961

In divorce

TESTIMONY TAKEN AT HEARING BEFORE THE MASTER,
JOSEPH P. WORK, ESQ., ON THE 16TH DAY OF MAY,
1961, at 2 P.M., AT THE OFFICE OF SMITH, SMITH
AND WORK, 101 NORTH SECOND STREET, CLEARFIELD,
PENNSYLVANIA, PURSUANT TO NOTICE.

APPEARANCES: William E. Maines, the Plaintiff and Richard Bell,
Esq., Attorney for Plaintiff. The Defendant did not appear and
was not represented by counsel.

WILLIAM E. MAINES, being duly sworn, testified as follows:

BY MR. BELL:

Q. What is your name?

A. William E. Maines.

Q. Where are you living?

A. Clearfield.

Q. What address?

A. 408 Poplar Avenue.

Q. In Clearfield?

A. Yes.

Q. What is your age?

A. 23.

Q. What is your wife's name?

A. Loretta.

Q. Where is she living?

A. She is now living in Curwensville.

Q. What is her age?

A. 21.

Q. When were you married?

A. May 30, 1959.

Q. Where?

A. Bloomington.

Q. By whom?

A. Justice of the Peace McGarry.

Q. Were there any children born of this marriage?

A. Three.

Q. Will you give their names and their birth dates:

A. Donald, born October 24, 1957; William Jr., was born November 26, 1958, and Carol Jean was born January 24, 1960.

Q. Are those children all living?

A. Donald died when he was a month old.

Q. Both William and Carol are still living?

A. Yes.

Q. Where are they living?

A. At my home, my parents' home.

Q. Your parents' home?

A. Yes.

Q. Is that the address you gave as your present residence?

A. Yes.

Q. Before you were married, where did your wife live?

A. At her home in Arnoldtown, Curwensville.

Q. Where were you living?

A. At the address I gave as my home now.

Q. With your parents?

A. Yes.

Q. After you were married, where did you first go to live?

A. 908 Turnpike, Clearfield.

Q. How long did you live there?

A. Approximately two years.

Q. Where did you go from there?

A. To 230 Ridge Avenue, Curwensville.

Q. When you lived on Turnpike, were you renting?

A. Yes.

Q. When you moved to Curwensville, were you renting?

A. No, buying a house.

Q. You have bought the house in Curwensville, is that right?

A. I am still paying on it.

Q. How is the title to that property held?

A. In my name.

Q. Your wife's name is not on it?

A. No.

Q. How long have you lived in Clearfield County?

A. All my life - 23 years.

Q. Do you know how long your wife has lived in Clearfield County?

A. All of her life.

Q. What is your occupation?

A. Surveyor.

Q. Who do you work for?

A. Pennsylvania Department of Highways.

Q. What is your wife's occupation?

A. Nothing.

Q. Are you both citizens of the United States and Commonwealth of Pennsylvania?

A. Yes.

Q. Are either of you in the Service at the present time?

A. No.

Q. When did you first start having difficulties with your wife?

A. We started having fights about a year after we were married.

Q. How was she as a housekeeper?

A. Not very good. I thought she did not keep it clean enough or do enough work.

Q. How about meals?

A. Towards the last sometimes she didn't prepare the meals.

Q. Did she take proper care of the children?

A. No.

Q. What ways wouldn't she?

A. Some days when I would come home it would like they hadn't been cleaned up all day, and she wouldn't change the beds.

Q. Did she ever mistreat the children?

A. Yes, on occasions she would be mad and one time one baby was crying and she picked him up and threw him down on the floor.

Q. How old was the child at that time?

A. Two years.

Q. When she was mad, did she ever destroy any of your property?

A. Yes, she threw an ash-tray into the television once.

Q. Now, will you tell us what happened a few weeks before last Thanksgiving?

A. Well, my wife started going down town to Julia's Restaurant and staying out all night.

Q. When you say she was "going down town", do you mean in the morning or in the evening?

A. In the evening and she would be down there all night and stay until 5 o'clock in the morning before she would come home.

Q. What were you doing?

A. I stayed home and took care of the kids. I let her go just to get along with her.

Q. How long did this continue before Thanksgiving?

A. About a month, I would say. For the first few weeks she would go out once in awhile, and then towards the last couple of weeks she would go down every night.

Q. Will you describe what happened the night before Thanksgiving?

A. That night she said she was going to the midnight movie in Curwensville with Betty and I stayed home and took care of the kids, and about 3 o'clock when one kid woke up, I got up and changed her and put her back to bed, it was getting time for the movie to be over and so I laid down and stayed awake to listen for her to come home. Then I heard a car stop and saw her get out, and when she came in I asked her how she came home, and she said she walked home. I didn't say anything to her about it. I just

picked up her pocketbook and looked through it, and I found a note she had written to another girlfriend about meeting some Russ. I didn't know who he was at that time.

Q. Did she admit she had been out with somebody?

A. She admitted she had been out with somebody in the morning.

Q. What did you do on Thanksgiving?

A. We went down to her parents for Thanksgiving dinner, and I just sat in the car. I was mad and was thinking things over. After awhile they came out and wanted me to take them for some ice cream and milk, she was with her sister. I told her I wanted to know what was going on before I took them any place, and they finally talked me into taking them up town for some ice cream. When we got to town she went in for some ice cream and her sister went with her, and then her sister came out and told me when I cooled off she would talk to me. I then took her sister home and went back up town to see Loretta.

Q. Where were your children?

A. At Painters, Loretta's home.

Q. You say you came back up town to see your wife?

A. Yes. I stopped across the street from Julia's and started to walk over to the restaurant when she saw me, and she came across the street and we talked. I told her I wanted to know what was going on and she said the only way she would talk to me is if we would go and get the kids. I didn't want to go get them because I knew she mistreated them, and then she got mad and went back across the street to the restaurant and I left.

Q. Did she come home that night?

A. No.

Q. When did she next come home?

A. For about 15 minutes on Friday to get her clothes, Friday evening.

Q. Where did she go?

A. I found out since that on Thursday night they stayed at a hunting camp.

Q. What do you mean "they"?

A. Her, Betty O'Connors and Russ Muszynski, and I don't know who else.

Q. That was Thursday night. What about the succeeding nights?

A. They just came back in Friday and got their clothes and went back to camp and stayed until Sunday night.

Q. How do you know all of this?

A. I found out about this from Dick Smith, who owns the camp. He went out there Sunday and found them, and I talked to Betty O'Connors on Monday afternoon.

Q. Did your wife later admit it?

A. Yes.

Q. Your wife and this other girlfriend stayed out there for three nights with these men?

A. Yes.

Q. You said they stayed until Sunday. What did they do on Sunday?

A. On Sunday they came in and Loretta and Russ came down to Clearfield to get a bus to go away, but they couldn't get a bus Sunday night, and so they stayed at the Clearfielder Hotel and got a bus early Monday morning to Williamsport and finally to Liberty, New York.

Q. How do you know they did all these things?

A. I pieced it together first and then she admitted it. I found out from Dick Smith they were coming to Clearfield to the bus station, and so I checked there to see if anyone of their description had taken a bus out of Clearfield and found out that they couldn't get a bus Sunday night but took a bus out Monday morning to Williamsport, and later she told me this.

Q. How did you discover where they were?

A. When I found out who she was with, I found out where he was working, and he was employed by a company in Curwensville. So I went to see his boss, and he told me his name and where he stayed. He also said he had a check for him and that he was to let him know where to send the check.. I told him to let me know when he learned where the check was to be sent before he sent it, and he did.

Q. Where were they staying?

A. They were staying at Liberty, New York. The address was just to the post office.

Q. Did you get in touch with your wife while she was there?

A. I wrote a letter to her in care of Russ Muszynski, and she called me on the telephone later and said she wanted to come back. This was just before Christmas, and I went up to get her.

Q. Was it just before Christmas you went up and got her?

A. The day before Christmas.

Q. Did you find where they were staying?

A. Yes. When she called me she said to send her mail in care of a girlfriend's mother who she was staying with, and when I went up there I checked with them and they told me where to find Loretta.

Q. What sort of a building were they living in?

A. They were staying in a summer cottage.

Q. Was there anyone else with them?

A. Another couple who they stayed with at this cottage. They were renting from this other couple.

Q. How did these four people live in this cottage?

A. Why there wasn't any heat and so they only had one bedroom and a gas heater, and so they put a blanket between the beds, and then they had a kitchen.

Q. Is this other couple husband and wife?

A. Yes. They had a baby, too.

Q. Did she come back with you then?

A. Yes.

Q. Did she give any explanation for why she had gone away?

A. No.

Q. Then she stayed with this other man in New York for about a month, is that right?

A. Yes.

Q. Now, when you brought her home, did she make any statements about being pregnant?

A. Yes. When I went up to get her I was worried because I thought she probably was, so on the way back we talked it over and she admitted she had missed a period she was suppose to have in December and I guess she was pregnant. I told her we were not going back together if she was pregnant.

Q. You told her you were not going to take her back if she was pregnant?

A. Yes.

Q. Where did she stay?

A. With her mother at her mother's home.

Q. What happened after that?

A. I went up to see her different times. We talked things over and I told her I still would not take her back if she was pregnant. Then one day her mother called me and said they had had a fight and she got mad, and she had taken Carol and went up the road. It was winter and cold out, and I was worried so I went up and met her along the road. She was mad, and to cool her off I promised to take her back.

Q. Do you remember the approximate date you went back together?

A. About February 5th.

Q. This year?

A. Yes.

Q. Did you subsequently have a fight?

A. Yes. After we went back on a Sunday, on Wednesday we had a fight. Before we went back together I told her that she was going to listen to me and I was going to be the boss, and on Wednesday night something came up--I don't remember what it was--and I made an agreement with her that she could keep the kids and I would pay her support until things were settled, and then we patched things up.

Q. You say "you patched things up". Then you didn't leave after all?

A. No. Then the next night when I came home she told me that she didn't want me to stay any more, and the next day I went to work and she packed my clothes, and so that evening when I came home from work she said she had packed my clothes, and so I left.

Q. Where did you go?

A. To my parents' home.

Q. What is the next thing that happened?

A. On Saturday morning about 10 o'clock she called me on the telephone and she was crying and what have you, and she told me that Billie cut himself and was bleeding.

Q. Billie is your son?

A. Yes, and she said she didn't know what to do. I told her to call a doctor because I didn't know how bad he was bleeding, and she asked me if I was coming up and I said yes. I went up right away, and when I got there the doctor had him lying down on the table and he was cleaning the cut. The doctor said it would be best if we take him to the hospital so he could sew the cut.

Q. Where was the cut?

A. On his cheek.

Q. Then you took him to the hospital?

A. Yes.

Q. Did your wife explain how he cut himself?

A. At first she said that when she came up from the cellar he had a knife in his hands and she grabbed it, and as she did he fell down and it cut him. After we came back from the hospital she said she tried to stab him, and he ducked and it went into his cheek.

Q. Had your wife at one time also told you that the first baby hadn't died accidentally?

A. Yes, she always said that.

Q. That she caused his death?

A. Yes, she said that. She said that she put, he was crying and she couldn't stand it, and so she picked him up and put in in the drawer in the refrigerator, and she said she couldn't stand him crying so she put some pillows on him.

Q. Did you believe that?

A. I don't know if I believed her or not.

Q. Did I then tell you to go to the District Attorney's Office and did you do that?

A. Yes and they investigated it.

Q. The State Police investigated it?

A. Yes.

Q. Do you know what their conclusion was?

A. That the death was accidental.

Q. Now, after you got his cheek stitched and you got back home what did you do?

A. After she told me she cut him, I decided I was not going to let her have the kids and I was going to take them. I knew she would be mad and raise a fuss so I went down town and got a police officer to come up with me so I could take the kids. He came up then and I took the kids and she went down to her place, and I told her I was going to take her to the doctor. I then started taking the kids and started taking their clothes, and she got mad and started throwing dishes around and said she wasn't going to see the doctor.

Q. Did she refuse to go to the doctor with you?

A. Yes.

Q. Did she later go to the doctor?

A. She told me she did go to the doctor later on.

Q. Do you know what he did for her?

A. He prescribed nerve medicine for her.

Q. You say you took both of your children to your parents' home, is that correct?

A. Yes.

Q. Have they been there ever since?

A. Yes.

Q. Did your wife have you arrested?

A. About a week after I left she had me arrested for desertion and nonsupport.

Q. Did you have a hearing before Judge Pentz?

A. Yes.

Q. What was the result of that hearing?

A. He said she didn't have any case and I did not have to pay any support.

Q. In other words, you are supporting the children in your parents' home, and he dismissed her claim, is that right?

A. Yes. He said she had admitted she left for New York and because of that she did not have any claim for support.

Q. Is it your intention to claim custody of your children?

A. Yes.

Q. You have asked, I believe, in your Complaint that the Court award you custody?

A. Yes.

Q. You have already testified that the property is in your name alone?

A. Yes.

Q. Does your wife have any personal belongings in the house?

A. No.

Q. Is everything that remains in the house yours alone?

A. Yes.

Q. Is there any collusion between you and your wife to get this divorce?

A. No.

Q. Bill, I am showing you a piece of paper, on which there is some writing, that has been marked "Plaintiff's Exhibit One". Where did you get that paper?

A. I found that on the floor in the house after I went up on Saturday evening to get more clothes.

Q. Is that the same day that Billie got cut?

A. Yes.

Q. Had you seen your wife writing on that paper?

A. Yes.

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Q. Was that turned over to the State Police?

A. Yes.

Mr. Bell then offered as Exhibit One the piece of paper identified by the Plaintiff for the purpose of proving Indignities but not for what the paper said. The Exhibit was accepted by the Master for the purpose offered.

Q. Can you give us the date this cutting took place?

A. February 18, 1961.