

DOCKET NO. 174

NUMBER	TERM	YEAR
247	May	1961

Arvilla Gertrude Wise

VERSUS

Melvin Sylvester Wise

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 247 May Term, 1961 IN DIVORCE		ARVILLA GERTRUDE WISE vs. MELVIN SYLVESTER WISE	MASTER'S REPORT UNCONTESTED	Costs: Master's Fee \$85.00	<div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED SEP 13 1961 WM. T. HAGERTY CLERK </div>	DAN P. ARNOLD ATTORNEY AT LAW CLEARFIELD, PA.

And now Sept. 11, 1961, notice of the
 presentation of the within Master's Report is hereby
 accepted and True names
 Bell, Sublett & Burke
 by M. J. Sublett

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE	:	
vs.	:	No. 247 May Term, 1961
MELVIN SYLVESTER WISE	:	IN DIVORCE

MASTER'S REPORT

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Appendix A
All Filed Papers

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Appendix B
Testimony

Clearfield County, ss:

The Commonwealth of Pennsylvania, to DAN P. ARNOLD, 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

ARVILLA GERTRUDE WISE Plaintiff ,

and

MELVIN SYLVESTER WISE 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 3rd day of August, 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.

Dan P. Arnold COMMISSIONER.

No. 247 May Term. 19 61

ERVILLA GERTRUDE WISE

VERSUS

MELVIN SYLVESTER WISE

COMMISSION

Swoope
Bell, Silberblatt & Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE

:

No. 247 May Term, 1961

vs.

:

IN DIVORCE

MELVIN SYLVESTER WISE

:

MASTER'S REPORT

I

SCHEDULE

1. Complaint in Divorce was filed June 5, 1961.
2. Complaint in Divorce was served on the defendant on June 16, 1961, as evidenced by Affidavit of Service by certified mail attached hereto.
3. On August 3, 1961, Dan P. Arnold, Esquire was appointed Master.
4. The Master's Hearing was fixed for September 7, 1961 at 2:00 o'clock in the office of the Master at 101 S. Second Street, Clearfield, Pennsylvania.
5. Notice of Master's hearing was accepted on behalf of plaintiff on August 9, 1961 as is evidenced by acceptance of service hereto attached.
6. Master's Notice of hearing was served on the defendant Registered Mail, as evidenced by Sheriff's Return attached hereto.
7. Master's hearing was held at the time and place aforesaid, at which time the plaintiff appeared together with her attorney, Morris L. Silberblatt, and a witness, Grace Bell.
8. No appearance was entered of record for the defendant nor did he appear at the hearing.

II

The cause of divorce as stated in the Complaint was desertion for and during the term and space of 29 years.

III
FINDINGS OF FACT

1. Marriage. The plaintiff and defendant were married on July 15, 1930 at Curwensville, Pennsylvania, by A. R. Turner, a Methodist Minister.

2 and 3. Residence and Citizenship. Plaintiff has lived in Clearfield County and the Commonwealth of Pennsylvania her entire lifetime. Plaintiff and defendant were both residents of Curwensville, Pennsylvania prior to their marriage, and after their marriage resided in the Borough of Curwensville, until defendant left the plaintiff at which time she moved to Clearfield, and lived there for approximately 20 years. Plaintiff at the present time is residing in Curwensville, Pennsylvania. Both plaintiff and defendant are citizens of the United States of America.

4. Age and Occupation. The plaintiff is 54 years of age and is an inspector for McGregor Sportswear. The defendant is 52 years of age and is employed as a construction worker.

5. Children. There were two children born to this marriage, Martha Guy, age 31, who is married and living with her husband in Alexandria, Virginia, and William Wise, age 26, who is married and living with his wife in Meshoppen, Pennsylvania.

6. Military Service. The defendant is not now a member of any of the Armed Services of the United States.

7. Findings on the Merits.

(a) Defendant deserted the plaintiff on May 29, 1932 and the parties have not lived or cohabited together since that time.

(b) Defendant has neglected to provide a home for the plaintiff since May 29, 1932 and has made no effort to resume marital relationships with her since that time.

(c) Plaintiff has given the defendant no cause for leaving her and refusing to live with her.

8. Discussion. No discussion is necessary in this case. The defendant deserted the plaintiff on May 29, 1932 without cause and has at no time since then lived with her or made any effort to terminate the desertion by seeking to re-establish a home with his wife. The desertion has continued for more than 29 years.

IV

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and of the parties.
2. The proceedings are in accordance with the requirements of law and Rules of Court.
3. The defendant is guilty of wilful and malicious desertion persisted in for 29 years.
4. Plaintiff is the injured and innocent spouse.

V

RECOMMENDATION

The Master recommends a decree granting the plaintiff an absolute divorce from the bonds of matrimony from the defendant, Melvin Sylvester Wise; a suggested form of decree is herewith respectfully submitted.


Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

ARVILLA GERTRUDE WISE

Of _____ May _____ Term, 1961

No. 247

VERSUS

MELVIN SYLVESTER WISE

DIVORCE

And Now, the 13th day of Sept. 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that ARVILLA GERTRUDE WISE be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ herself and MELVIN SYLVESTER WISE.
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 ARVILLA GERTRUDE

WISE

~~his~~
her costs expended in this action.

ATTEST

Wm. I. Hagerty
Prothonotary

BY THE COURT

John R. [Signature]
President Judge

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

No. 247 May Term 1961

ARVILLA GERTRUDE WISE
Libellant

VERSUS

MELVIN SYLVESTER WISE
Respondent

DECREE

BELL, SILBERBLATT & SWOOPE
Attorney

Appendix A
All Filed Papers

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE : No. 247 May Term, 1961
:
vs :
: IN DIVORCE:
MELVIN SYLVESTER WISE :
:

DOCKET ENTRIES

JUNE 5, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Attorney.

AUGUST 1, 1961, affidavit of service by certified mail, filed: BEFORE ME, the undersigned officer in and for said County and State, comes Helen L. Martell, who being first duly sworn and according to law, deposes and says.

(1). That on the 15th day of June, 1961, she did send by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, to Melvin Wise, at his last known address at 319 S Reynolds Road, Toledo 14, Ohio, a copy, certified, of a Complaint In Divorce, filed by the Plaintiff, Arvilla Gertrude Wise, to the term and number above set out, receiving a receipt for said Certified letter at Clearfield Post Office, being Receipt No. 233593, which is attached hereto.

(2). That on the 16th day of June, 1961, the said Melvin Wise did sign a certified receipt for said Article, said receipt being attached hereto and made a part hereof. And further, deponent saith: not. HELEN L. MARTELL:

AUGUST 3, 1961, by motion on the watch-book, Dan P. Arnold, Esq., is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 8th day of August, 1961

Wm T. Hagerty
Prothonotary

In the Court of Common Pleas of

Clearfield County, Pennsylvania

No. 247 May Term, 1961

Arvilla Gertrude Wise

versus

Melvin Sylvester Wise

Complaint in Divorce

To Melvin Sylvester Wise

Copy sent to Attorney

FILED

JUN - 5 1961

Defendant

WM. T. HAGERTY

You are hereby notified to plead within
PROTHONOTARY

20 days from service of this Complaint.

450 - atty.

BELL, SILBERBLATT, & SWOOPE

by M. J. Silberblatt

Plaintiff's Attorney

Address Clearfield, Penna.

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

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

RETURN RECEIPT

Received the numbered article described on other side.

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to addressee only.

DATE DELIVERED

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

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$200

COLEDO
JUN 15
6 30PM
1961
OHIO

USE ZONE NO. 3
FOR BETTER
MAIL SERVICE

POSTMARK OF
DELIVERING OFFICE

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

RETURN
TO

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	Bell, Silberblatt & Swoope,
233593	STREET AND NO. OR P. O. BOX
INSURED NO.	Box 670
	CITY, ZONE AND STATE
	Clearfield, Pa.

C55-16-7/1548-4

3811 Jan. 1958
POD Form

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE	:	
Plaintiff	:	
	:	
v.	:	No. 247 May Term, 1961
	:	
MELVIN SYLVESTER WISE	:	
Defendant	:	
	:	

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

Before me, the undersigned officer, in and for said County and State, comes Helen L. Martell, who being first duly sworn according to law, deposes and says:

1. That on the 15th day of June, 1961, she did send by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, to Melvin Wise, at his last known address at 319 S. Reynolds Road, Toledo 14, Ohio, a copy, certified, of a Complaint in Divorce, filed by the Plaintiff, Arvilla Gertrude Wise, to the term and number above set out, receiving a receipt for said Certified letter at Clearfield Post Office, being Receipt No. 233593, which is attached hereto.

2. That on the 16th day of June, 1961, the said Melvin Wise did sign a certified receipt for said article, said receipt being attached hereto and made a part hereof.

And further, deponent saith not.

Helen L. Martell

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

Wm T Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE

:

No. 247 May Term, 1961

vs.

:

IN DIVORCE

MELVIN SYLVESTER WISE

:

NOTICE

To: Arvilla Gertrude Wise
Clearfield, Pennsylvania

Melvin Sylvester Wise
319 S. Reynolds Road
Toledo 14, Ohio
(c/o M & S Erection Co.)

This is to notify you that the undersigned has been appointed Master in the above captioned divorce action and for the purpose of his appointment will hold a hearing on Thursday, September 7, 1961 at 2:00 o'clock p. m., EDST, at which time you may attend together with your witnesses if you so desire.


Dan P. Arnold, Master

NOW, this 9th day of August 1961, I hereby accept service of the above notice on behalf of plaintiff, Arvilla Gertrude Wise.


Attorneys for Plaintiff

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

Arvilla Gertrude Wise
vs
Melvin Sylvester Wise

No 247 May Term 1961
Notice In Divorce

(Sheriffs Return)

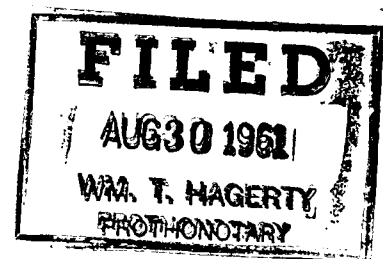
Now, August 10, 1961 served the within Notice In Divorce on Melvin Sylvester Wise by sending by Registered Mail, Return Receipt Requested Addressee Only, a true and attested copy of the original Notice in Divorce to Melvin Sylvester Wise, 319 S. Reynolds Road, Toledo, Ohio. That being his last known address., Registered receipt signed by Melvin Sylvester Wise is hereto attached and made part of this return of service

Costs Sheriff Ammerman \$7.18
(Paid By Atty Arnold)

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

Sworn to before me this 17th
day of August 1961 A.D.

Wm T. Hagerty
Prothonotary.



1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☒ Deliver ONLY to Addressee ☐ Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

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

Melvin S. Wise

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to Addressee Only

DATE DELIVERED

AUG 14 1961

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

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR RETURN TO
PAYMENT OF POSTAGE, \$3.00



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

RETURN
TO

REGISTERED NO. 262	NAME OF SENDER Sheriff
CERTIFIED NO.	STREET AND NO. OR P. O. BOX P.O. Box
INSURED NO.	CITY, ZONE AND STATE CLEARFIELD, PA.

POD Form 3811 Jan. 1958

LAW OFFICES
CHAPLIN & ARNOLD
CLEARFIELD, PA.

D. EDWARD CHAPLIN
DAN P. ARNOLD

August 9, 1961

Charles G. Ammerman, Sheriff
Court House
Clearfield, Pennsylvania

Dear Sir:

Would you please serve the enclosed Master's
Notice by registered mail on Melvin Wise in Toledo,
Ohio at the address given on the notice?

Very truly yours,

A handwritten signature in cursive script that reads "Dan P. Arnold".

Dan P. Arnold

DPA/hvg

Encls.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE

vs.

MELVIN SYLVESTER WISE

:

:

:

No. 247 May Term, 1961

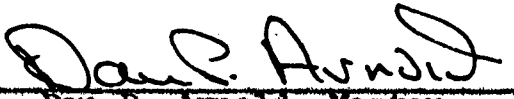
IN DIVORCE

NOTICE

To: Arvilla Gertrude Wise
Clearfield, Pennsylvania

Melvin Sylvester Wise
319 S. Reynolds Road
Toledo 14, Ohio
(c/o M & S Erection Co.)

This is to notify you that the undersigned has been appointed Master in the above captioned divorce action and for the purpose of his appointment will hold a hearing on Thursday, September 7, 1961 at 2:00 o'clock p. m., EDST, at which time you may attend together with your witnesses if you so desire.


Dan P. Arnold, Master

Appendix B
Testimony

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARVILLA GERTRUDE WISE	:	
vs.	:	No. 247 May Term, 1961
	:	IN DIVORCE
MELVIN SYLVESTER WISE	:	

At a Master's Hearing held in the office of Dan P. Arnold at 101 S. Second Street on September 7, 1961 at 2:00 there appeared Arvilla Gertrude Wise, the plaintiff, together with her attorney, Morris L. Silberblatt, and Grace Bell, as witness, The parties being sworn testified as follows:

By Mr. Silberblatt:

Q. Is your name Arvilla Gertrude Wise?

A. That's right.

Q. Were you married to Melvin Sylvester Wise?

A. Yes.

Q. When were you married to him?

A. July 15, 1930.

Q. By whom were you married?

A. Rev. A. R. Turner.

Q. Was he a Methodist minister?

A. Yes.

Q. Were you married at Curwensville?

A. That's right.

Q. At the time of your marriage, where was your home before you were married?

A. In Curwensville.

Q. Where was your husband's home?

A. Curwensville.

Q. After your marriage where did you live?

A. In Curwensville.

Q. Has Curwensville been your home all along?

A. Well up until about 20 years ago.

Q. Twenty years ago, where was your home?

A. In Clearfield.

Q. You moved to Clearfield?

A. Yes.

Q. How long have you lived in Clearfield?

A. About 20 years.

Q. Where are you living at the present time?

A. Curwensville.

Q. In Pike Township?

A. Yes.

Q. Are you living with your sister-in-law, Grace Bell?

A. Yes.

Q. And that is in Pike Township?

A. Yes.

Q. How long have you lived with Grace Bell in Pike Township?

A. Since May of this year.

Q. After you were married, you say you and your husband lived in Curwensville, is that right?

A. Yes.

Q. How long did you live with him until he left you?

A. He left on May 29, 1932.

Q. And at the time he left you you were living in Curwensville, is that right?

A. That's right.

Q. Since he left you has he ever been in touch with you and asked to come back?

A. No.

Q. Did he ever give you any reason why he was leaving you?

A. No, he just walked off.

Q. Did you ever bring a non-support case against him?

A. Yes, I did.

Q. And did you get any money under that order of court?

A. I got \$20 one time before he left.

Q. Did you ever get any money after that?

A. About \$70 I received as an allotment when he was in the Army. He never made but one payment on the support order and other than the money I got as an allotment I never got any other.

Q. The Order of Court was for the support of two children, why was this for the two children and did not include you?

A. I didn't ask for any support, I didn't want any for myself, just for the children.

Q. And all you got out of that as far as he was concerned was one \$20 payment?

A. One monthly payment, \$20.

Q. And then you got an allotment from the government for about a year when he was in the service?

A. Yes.

Q. And outside of that you got nothing more from him?

A. That's right.

Q. You say you were over in Kittanning, do you remember what year that was?

A. No, I don't.

Q. What was that proceeding about?

A. For support, a girl had a child to him.

Q. That was in Armstrong County?

A. Yes.

Q. Were you a witness in that case?

A. Yes.

Q. Outside of that you had nothing to do with that case over there?

A. No.

Q. That was just a case against him for the support of an illegitimate child to a young girl?

A. Yes.

Q. Since the date that your husband left you to the present time did your husband ever ask you to come back to him?

A. No.

Q. Did he ever write to you?

A. He wrote once and asked for a divorce, and I didn't answer the letter.

Q. Then you've never heard anything more from him?

A. No.

Q. As you know we sent a registered letter to him to serve him with this divorce, and this card is the return slip from the post office, and notice the name on there purports to be "Melvin Wise", is that your husband's handwriting?

A. Yes, its his handwriting.

Q. That's his signature?

A. Yes.

By Mr. Silberblatt:

We offer this card, and we also offer into evidence the papers in the case of Commonwealth vs. Melvin Wise, No. 64 September SS, 1932.

Q. Did you ever do anything that caused your husband to leave you?

A. Not that I know of.

Q. Were you a good and dutiful wife?

A. Yes, I was.

Q. Over the period of all these years, have you heard reports about him as to whether he was living with another woman or now?

A. Yes, I have.

Q. But he's never been in touch with you?

A. No.

Q. Is there any agreement between you and your husband to get this divorce?

A. No.

By the Master:

Q. Do you know whether or not your husband's in the military service now?

A. I'm sure he isn't.

Mrs. Grace Bell, being duly sworn according to law, testified as follows:

By Mr. Silberblatt:

Q. Mrs. Bell, are you related to Arvilla Gertrude Wise?

A. I'm her sister-in-law.

Q. Your deceased husband and Mrs. Wise were brother and sister?

A. That's right.

Q. Mrs. Wise testified that her husband left her shortly after they were married, you know of his desertion of her?

A. Yes.

Q. When was that desertion? About when?

A. It was in the spring of 1932.

Q. You know of the fact then that he's been away more than two years?

A. Oh, yes.

Q. And you and Arvilla have been together for the last thirty or thirty-five years?

A. Yes, we've always been friends.

Q. You were very close to each other?

A. Yes.

Q. Do you know whether Melvin Sylverter Wise has lived with Arvilla Gertrude Wise from the time he deserted her?

A. He has not.

Q. Did she give him any cause to leave her?

A. No.

Q. Was she a good and dutiful wife?

A. Yes.

Q. Did she do everything she could to make their married life a happy life?

A. As far as I know, yes.

Q. No reason why he should run away?

A. No.

Q. Do you know if there is any agreement between her and her husband to get this divorce?

A. No, I know it was a surprise to me.

Recall Mrs. Arvilla Gertrude Wise

By Mr. Silberblatt:

Q. Mrs. Wise, how many children were born to this marriage?

A. Three.

Q. And how many are living?

A. Two.

Q. What's the name of the oldest one?

A. Martha Guy, she's living in Virginia.

Q. What is her age?

A. 31.

Q. Is she married?

A. Yes.

Q. What is her husband's name?

A. Amerigo Guy.

Q. Where did you say she lives?

A. Alexandria, Virginia.

Q. She's living with her husband?

A. Yes.

Q. What's the name of the other child, the second one?

A. William Wise.

Q. And how old is he?

A. 26.

Q. Is he married?

A. Yes, he is.

Q. What's his wife's name?

A. Virginia.

Q. Where do they live?

A. Meshoppen, Pa.

Q. The third child died?

A. Yes, when he was about two years old.

Q. What is your age and occupation?

A. I'm 54 and am an inspector at McGregor Sportswear.

Q. What is your husband's age and occupation?

A. He's 52 and I believe he is a construction worker.

End of Testimony