

DOCKET NO. 174

| NUMBER | TERM | YEAR |
|------------|------------------|-------------|
| <u>277</u> | <u>September</u> | <u>1961</u> |

Emma Lucille Nadvit

VERSUS

Mike Nadvit

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

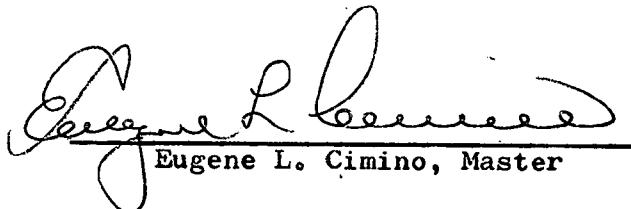
EMMA LUCILLE NADVIT,
Plaintiff
vs.
MIKE NADVIT,
Defendant

No. 277 September Term, 1961

IN DIVORCE

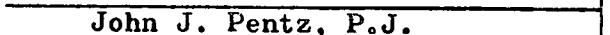
STATEMENT OF MASTER'S COSTS

| | | |
|--|-------|--------------|
| Master's Fee (Eugene L. Cimino, Esq) | ----- | \$ 85.00 |
| Service of Notice of Master's Hearing Robert Showers, Constable (advanced by Master) | ----- | 5.00 |
| Stenographer's Fee (Janet L. Hummel) | ----- | <u>15.00</u> |
| TOTAL | ----- | \$ 105.00 |


Eugene L. Cimino, Master

AND NOW, this ____ day of _____, 196__, the above
costs are approved.

BY THE COURT,


John J. Pentz, P.J.

I.

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

EUGENE CIMINO, 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

EMMA LUCILLE NADVIT

Plaintiff

and

MIKE NADVIT

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 2nd day of December, in the year of our Lord one thousand nine hundred and Sixty-one.

Wm T. Hayes
Prothonotary

To the Honorable, the Judge, &c.:

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

John Hayes
SEAL
COMMISSIONER.

No. 277 September, Term. 19 61

EMMA LUCILLE NADVIT

VERSUS

MIKE NADVIT

COMMISSION

Baird & McCamley, Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT : No. 277 September Term, 1961
VS. : IN DIVORCE
MIKE NADVIT : :

II.

DOCKET ENTRIES

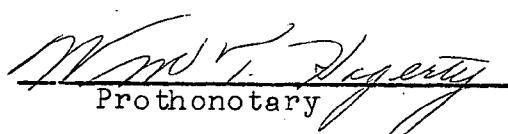
October 11, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Sheriff.

October 25, 1961, Sheriff's Return, filed:

NOW, October 16, 1961 at 8:00 o'clock P.M. served the within Complaint In Divorce on Mike Vadvit at place of residence, 228 Curtin Street, Osceola Mills, Penna., by handing to him personally a true and attested copy of the original Complaint in Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

November 29, 1961, By motion on the watch-book, Eugene Cimino, Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pentz, President Judge.

Certified from the record this 2nd day of December, A. D., 1961.


Prothonotary

DOCKET ENTRIES AND SCHEDULE

On October 11, 1961, Complaint in Divorce was filed. On October 16, 1961, Complaint in Divorce was served upon the Defendant, Mike Nadvit, at his residence at 228 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania, by handing to him personally a true and attested copy of the original Complaint in Divorce and made known to him the contents thereof. The person so served was the Defendant by his own admission. So answers, Charles G. Ammerman, Sheriff of Clearfield County.

The Master was appointed on December 2, 1961. The date and place for hearing was for Wednesday, December 20, 1961, at 10:00 A.M., E.S.T., at the Law Office of Eugene L. Cimino, Esquire, at 138 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania. Counsel for Plaintiff accepted notice of the Master's hearing in behalf of his client, the Plaintiff herein. Notice of Master's Hearing was served upon the Defendant, personally, by Robert Showers, Constable, on the 5th day of December, 1961, at his residence at 228 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania. The Defendant did not appear nor was he represented by Counsel. The Plaintiff appeared in person with her Counsel, together with Leona Teresa Reams and Harry B. Witherite, who served as witnesses in her behalf.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT,
Plaintiff
vs.
MIKE NADVIT,
Defendant

No. 277 September Term, 1961

IN DIVORCE

MASTER'S REPORT

TO the Honorable John J. Pentz, President Judge of said Court:

The undersigned, the Master, appointed by your Honorable Court to take testimony in the above divorce proceedings, and report thereon with a form of decree, respectfully reports:

That on the 2nd day of December, 1961, he was appointed Master in the above entitled case.

That on the 5th day of December, 1961, due notice as required by the Rules of Court was given to Plaintiff's Counsel, and served personally upon the Defendant, Mike Nadvit, at his residence at 228 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania, on December 5, 1961 at 1:00 P.M., by Robert Showers, a Constable of the Commonwealth of Pennsylvania, of a meeting to be held for the purpose of taking testimony on Wednesday, December 20, 1961 at 10 o'clock A.M., (E.S.T.), at the Office of the Master, Eugene L. Cimino, Esquire, at 138 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania. Proofs of services hereto attached and made a part hereof.

The Plaintiff appeared in person with her Counsel, together with Leona Teresa Reams and Harry B. Witherite, who served as witnesses in her behalf. The Defendant did not appear, nor was he represented by Counsel.

THIS IS AN UNCONTESTED CASE.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 277 *Septerm*, 1961

In Divorce

EMMA LUCILLE NADVIT,
Plaintiff

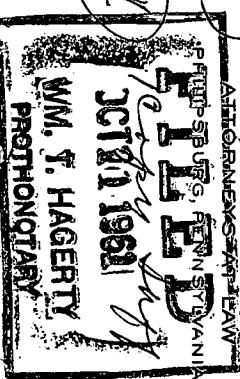
vs.

MIKE NADVIT,
Defendant

COMPLAINT

To The Within Named Defendant:

You are hereby notified and
required to file an Answer to
the within Complaint within
twenty (20) days from the date
of service hereof.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
EMMA LUCILLE NADVIT, Plaintiff
vs.
MIKE NADVIT, Defendant
III.

No 277 Sept Term, 1961

In Divorce

COMPLAINT

1. The Plaintiff is Emma Lucille Nadvit and the Defendant is Mike Nadvit.
2. The Plaintiff resides at 228 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania.
3. The Defendant is a citizen of the United States and resides at 228 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania.
4. The Plaintiff has resided in the Commonwealth of Pennsylvania continuously for more than one (1) full year immediately preceding the filing of this Complaint.
5. The parties hereto were lawfully joined in marriage on July 6, 1946, in Covington, Kentucky.
6. There were no children born to this marriage.
7. In violation of his marriage vows and of the laws of this Commonwealth, the Defendant has over a period of time from July, 1960, and divers times thereafter, offered such indignities to the person of the Plaintiff as to render her condition intolerable and her life burdensome.
8. This action is not collusive.
9. No prior actions for divorce or annulment of the marriage between the parties has ever been instituted in this or any other jurisdiction.

WHEREFORE, the Plaintiff brings this action and prays that a Decree be issued divorcing her, the said Emma Lucille Nadvit from the bonds of matrimony existing between her and the said

Mike Nadvit as if they had never been married, or as if the said
Mike Nadvit were naturally dead.

BAIRD & McCAMLEY

By John J. McCamley
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF CENTRE } SS:

Before me, a Notary Public in and for the above named State and County, personally appeared Emma Lucille Nadvit, who being duly sworn according to law, deposes and says that the statements contained in the foregoing Complaint are true and correct to the best of her knowledge and belief, and that the said Complaint is not made out of levity or by collusion between her and the said Mike Nadvit for the mere purpose of being freed and separated from each other, but in sincerity and truth for the cause set forth therein.

Emma Lucille Nadvit

Sworn to and subscribed before me this 6th day of October, 1961.

Dale M. Everly

MRS. IVAH M. EVERLY, Notary Public
PHILIPSBURG, CENTRE CO., PA.
My Commission Expires Jan. 27, 1963

Affidavit of Service

Emma L. Nadvit

vs.

Mike Nadvit

No. 277 Sept 19 61 Term,

Complaint In Divorce

Returnable within _____ days from date of service hereof.

NOW October 16, 1961 at 8:00 O'Clock o'clock P.M.

served the within Complaint In Divorce

on Mike Nadvit

at Place of Residence, 228 Curtin Street, Osceola Mills, Pa.

by handing to him personally

a true and attested copy of the original Complaint In Divorce and made

known to him the contents thereof.

Costs. Sheriff Ammerman \$11.70
(Paid by Atty McCamley*)

Sworn to before me this 19th

day of October A. D. 19 61

Tom T. Nagerty
Prothonotary

So answers,

Charles G. Ammerman
Charles G. Ammerman

Sheriff



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN' A.
NO. 277 SEPTEMBER T, 1961
In Divorce

Emma Lucille Nadvit,
Plaintiff

v s.

Mike Nadvit,
Defendant.

NOTICE OF MASTER'S HEAR-
ING IN DIVORCE

KELLEY, JOHNSTON & CIMINO
ATTORNEYS AT LAW
PHILIPSBURG, PA.
THE PLANKENHORN CO., WILLIAMSPORT, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT, Plaintiff
vs. NO. 277 SEPTEMBER TERM, 1961
MIKE NADVIT, Defendant In Divorce

NOTICE OF MASTER'S HEARING IN DIVORCE

Mrs. Emma Lucille Nadvit
228 Curtin Street
Osceola Mills, Clearfield Co., Pa.

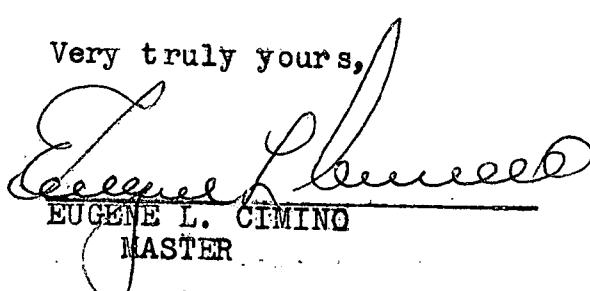
Dear Madam:

This is to advise you that I have been appointed Master by the Court in the above entitled case to take the testimony of witnesses and to make a report on the same, together with a recommendation to the Court.

For this purpose I have fixed Wednesday, December 20th, 1961 (E.S.T.) at 10:00 O'clock A.M. in my offices at 138 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania, as the time and place for hearing.

At the above time and place you may appear with counsel and witnesses and be heard, if you so desire.

Very truly yours,

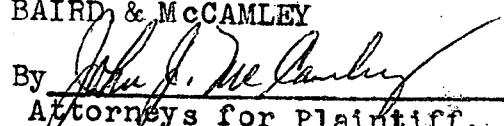


EUGENE L. CIMINO
MASTER

Dated : December 5th, 1961

AND NOW, December 5th, 1961, Notice of Master's hearing accepted and receipt of copy acknowledged.

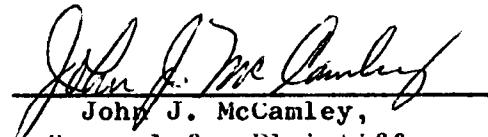
BAIRD & McCAMLEY

By 

Attorneys for Plaintiff.

WAIVER OF NOTICE

AND NOW, this 28th day of December, 1961, the five (5) day
notice of filing of the Master's Report as required by Rule 11, Section
14 of the Rules of Court of Clearfield County is hereby waived by the
undersigned Counsel for Plaintiff.


John J. McCamley,
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 277 September Term, 1961
IN DIVORCE

EMMA LUCILLE NADVIT, Plaintiff
vs.

MIKE NADVIT, Defendant

MASTER'S REPORT

UNCONTESTED DIVORCE

STATEMENT OF MASTER'S COSTS

| | |
|--|-----------------|
| Master's Fee (Eugene L. Cimino) | \$ 85.00 |
| Service of Notice of Master's Hearing-Robert Showers, Constable (advanced by Master) | 5.00 |
| Stenographer's Fee (Janet L. Hummel) | 15.00 |
| TOTAL | <u>\$105.00</u> |

Eugene L. Cimino, Master
AND NOW, this 28 day of
1961, the above costs are approved.

BY THE COURT
KELLEY, JOHNSTON & CIMINO
ATTORNEYS AT LAW
PHILIPSBURG, PENNA.

HEERY HALL, INC. HARRISBURG, PA.

John J. Pentz, P.J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
EMMA LUCILLE NADVIT :
Plaintiff :
vs. : NO. 277 SEPTEMBER TERM, 1961
MIKE NADVIT, : In Divorce
Defendant :
:

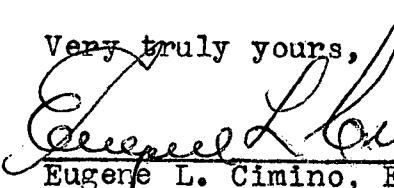
NOTICE OF MASTER'S HEARING IN DIVORCE

To: Mr. Mike Nadvit
Osceola Mills
Clearfield County
Pennsylvania

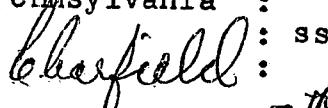
Dear Sir:

You are hereby notified that I have been appointed Master to take testimony in the above captioned divorce action. I shall hold a meeting on Wednesday, December 20th, 1961 at 10:00 o'clock A.M. (EST) at the Law Offices of the Master, Eugene L. Cimino, Esq., 138 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania, for the purpose of taking testimony at which time and place you are requested to appear with your witnesses and present testimony, if you so desire.

Very truly yours,


Eugene L. Cimino, Esq.
(MASTER)

State of Pennsylvania :

County of  : ss

AND NOW, this 5th day of December, 1961, the within Notice of Master's hearing was served upon the the Defendant personally in Osceola Borough, Clearfield County, Pennsylvania, by handing to him a copy thereof and making known to him the contents thereof.


Robert Showers, Constable

Sworn and subscribed to
before me this 5th day
of December, 1961

Notary Public Osceola Mills Borough Clearfield
My Commission Expires January 18, 1963
N.P.

IV.

CAUSE OF DIVORCE

The cause of Divorce alleged in Plaintiff's Complaint is indignities.

V.

FINDINGS OF FACT

1. MARRIAGE: The Plaintiff, Emma Lucille Nadvit, and the Defendant, Mike Nadvit, were married on July 6, 1946 in Covington, Kentucky.
2. RESIDENCE: The Plaintiff and Defendant were residents of 228 Curtin Street, Oseeola Borough, Clearfield County, Pennsylvania.
3. CITIZENSHIP: The Defendant husband, Mike Nadvit, is a native born resident of the Commonwealth of Pennsylvania and is therefore a citizen of the United States of America. The Plaintiff wife, Emma Lucille Nadvit, has resided in the Commonwealth of Pennsylvania continuously for more than one (1) full year immediately preceding the filing of this Complaint in Divorce and is a citizen of the United States of America.
4. AGES AND OCCUPATIONS: The Plaintiff, Emma Lucille Nadvit, is thirty-eight (38) years of age and is a housewife and waitress by occupation. The Defendant, Mike Nadvit, is forty-two (42) years of age and is a bartender by occupation.
5. CHILDREN: There were no children born to this marriage.
6. MILITARY SERVICE: The Plaintiff, Emma Lucille Nadvit, was never a member of the Armed Forces of the United States; and the Defendant, Mike Nadvit, was never a member of the Armed Forces of the United States.
7. FINDINGS ON THE MERITS: A summary of the facts which are clearly substantiated by the testimony in the case at bar establish by a preponderance of the evidence that the Plaintiff-wife has substantiated her alleged causes for divorce based upon the cause of indignities:
 1. The Plaintiff, Emma Lucille Nadvit, always conducted herself in a proper manner and gave the Defendant, Mike Nadvit, no cause to complain.
 2. That in violation of his marriage vows and the laws of this Commonwealth, the Defendant, Mike Nadvit, has over a period of time from July 1960, and divers times thereafter, offered such indignities to the

person of the Plaintiff as to render her condition intolerable and her life burdensome.

3. That no action in divorce has been commenced, or is pending between the parties in this or any other jurisdiction other than this Complaint and the present controversy at bar.

4. That there is no collusion between the parties with reference to the procuring of this divorce.

5. Neither party hereto is now or ever has been a member of the Armed Forces of the United States.

6. That this Complaint is not filed out of levity or without just legal cause.

8. DISCUSSION: The testimony in the case at bar which was likewise substantiated by the corroborating testimony of the two witnesses present at the time of hearing reveals that the Defendant-husband openly consorted with other women in public places causing great shame and embarrassment to his wife. In addition, thereto, the husband habitually treated the Plaintiff-wife very cruelly and constantly used abusive language in addressing her. He displayed little regard for either his wife's physical, emotional, social, or economic needs or desires. There was an utter lack of any love or affection toward his wife; as a matter of fact, if there was ever any love or affection displayed, it was replaced in the terminal stages of their marriage by hatred and disdain. The testimony in the present case, as well as the Pennsylvania Case Law applicable, thereto, clearly substantiates the Plaintiff-wife's divorce based or predicated upon the cause of indignities.

The Pennsylvania case law is rampant with authority substantiating the indignities set forth in the testimony in the case at bar.

In view of the testimony which has been rendered in this case, the Master is of the opinion that the Plaintiff-wife has sustained her allegations of indignities set forth in her Complaint.

The following cases or citations substantiate the granting of a divorce in the ^{case} at bar on grounds of indignities, since the cases cited are parallel and analogous to the case at bar and sustain the Plaintiff-wife's position or averments of indignities in the case at bar: In Hurley v.

Hurley, 119 A 2d 634, 180 Pa. Super, 364, 1956, the Court states - "The essential feature of the offense of "indignities" as grounds for divorce is that it must consist of a course of conduct or continued treatment which renders the condition of the innocent party intolerable and his or her life burdensome." In Portzline v. Portzline, 26 Northumb. L.J. 74, 1956, the Court states - "Continuous unfounded accusations of infidelity, accompanied by other degrading conduct, are sufficient to make out a case of "indignities" to the person as grounds for divorce. To amount to "indignities" justifying a divorce, charges of infidelity made by defendant not only must be false but must have been without reasonable grounds for believing it to be true; in an action for divorce from bed and board on the grounds of indignities, the law contemplates a course of conduct or continued treatment manifesting settled hate and estrangement.

In Moyer v. Moyer, 124 A2d, 632, 181 Pa. Super. 400, 1956, the Court states - "To support a charge of indignities there must be evidence from which an inference of settled hate and estrangement may be deduced."

In DeFrancesco v. DeFrancesco, 115, A 2d 411, 179 Pa. Super, 106, 1955, the Court states - "In support of the charge of indignities, there must be evidence from which an inference of settled hate and estrangement on the part of the defendant in a divorce action may be inferred."

VI.

CONCLUSIONS OF LAW

1. The plaintiff and Defendant contracted a legal marriage; the marriage relation still exists between them.

2. The parties are properly before the Court; certified copy of the original Complaint having been accepted and acknowledged by the Defendant.

So answers, Charles G. Ammerman, Sheriff of Clearfield County, Pennsylvania, who handed to the Defendant, personally, a true and correct copy of the original Complaint in Divorce and made known to him the contents thereof. Notice of the Master's Hearing and Service thereof was made upon the Defendant, Mike Nadvit, on the 5th day of December, 1961; and Plaintiff's Counsel accepted service of the Notice of Master's Hearing on the 5th day of December, 1961; said notices and acceptances thereof being attached to this report and made an integral part thereof.

3. The Court has jurisdiction over both of the parties and the subject matter. The Defendant husband, Mike Nadvit, is a native born resident of the Commonwealth of Pennsylvania and is therefore a citizen of the United States of America. The Plaintiff wife, Emma Lucille Nadvit, has resided in the Commonwealth of Pennsylvania continuously for more than one (1) full year immediately preceding the filing of this Complaint in Divorce and is a citizen of the United States of America.

4. The facts in the case at bar established the grounds of indignities within the meaning of the Act of Assembly; Defendant's course of conduct toward Plaintiff was such that it clearly sustains the indignities. The facts corroborated by the testimony at the Master's Hearing are such as to sustain the averments of indignities.

5. There has been no collusion, connivance or levity between the parties in this case.

6. The Plaintiff, Emma Lucille Nadvit, was never a member of the Armed Forces of the United States; and the Defendant, Mike Nadvit, was never a member of the Armed Forces of the United States.

It is unquestionable, from the facts and testimony of the case at bar substantiated by the plaintiff wife and her witnesses and the Pennsylvania Case Law applicable thereto, that the Plaintiff wife is without doubt

entitled to the divorce based upon the allegations of indignities as set forth in her Complaint. The testimony of the Plaintiff wife in the case at bar was likewise substantiated, as a perusal of the testimony will reveal, by the witnesses who have testified in her behalf and corroborated the averments and evidence of Plaintiff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT,
Plaintiff

vs.

MIKE NADVIT,
Defendant

No. 277 September Term, 1961

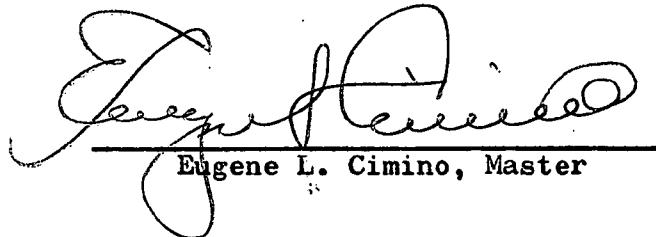
IN DIVORCE

VII.

RECOMMENDATION OF THE MASTER

The Master, therefore, finds that the averments of the Complaint have been sustained and recommends that the Plaintiff be granted and that a Decree of Divorce be entered by your Honorable Court divorcing Emma Lucille Nadvit, the Plaintiff, and Mike Nadvit, the Defendant, from the Bonds of matrimony (A Vinculo Matrimonii) now existing between them.

All of which is respectfully submitted.



Eugene L. Cimino, Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

VIII.

EMMA LUCILLE NADVIT, Of September Term, 19 61
Plaintiff No. 277
VERSUS
MIKE NADVIT, DIVORCE
Defendant

And Now, the 4th day of January 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Emma Lucille Nadvit be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and Mike Nadvit.
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 _____

Emma Lucille Nadvit his her costs expended in this action.

ATTEST

BY THE COURT

Prothonotary

John Dugay
President Judge

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

No: 277 September Term 1961

EMMA LUCILLE NADVIT, *Plaintiff*

VERSUS

MIKE NADVIT, *Respondent*

DECREE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT,
Plaintiff

No. 277 September Term, 1961

vs.

IN DIVORCE

MIKE NADVIT,
Defendant

IX.

HEARING

Hearing was held before Eugene L. Cimino, Esquire, Master, at his Office at 138 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania, on Wednesday, December 20, 1961, at 10:00 A.M., E.S.T.

APPEARANCES

The Plaintiff, Emma Lucille Nadvit, appeared in person, together with her Counsel, John J. McCamley, Esquire, and Harry B. Witherite and Leona Teresa Reams, as witnesses in her behalf. Defendant did not appear; neither was he represented by Counsel. Counsel for Plaintiff offered in evidence all of the papers filed to No. 277 September Term, 1961, including Complaint in Divorce. Affidavit of Services, return of Service and Appointment of Master, and his commission and the Notices of Master's Hearing duly served upon Defendant and Plaintiff's Counsel.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EMMA LUCILLE NADVIT,
Plaintiff

vs.

MIKE NADVIT,
Defendant

No. 277 September Term, 1961

IN DIVORCE

Minutes of the hearing held on Wednesday, December 20, 1961 at 10:00 o'clock A.M. (EST.) at the office of Eugene L. Cimino, Esquire, 138 Curtin Street, Osceola Borough, Clearfield County, Pennsylvania. Appearances noted: Emma Lucille Nadvit, Plaintiff, appeared together with her Counsel, John J. McCamley, Esquire, Harry B. Witherite and Leona Teresa Reams, witnesses in behalf of the Plaintiff. Defendant did not appear, neither was he represented by Counsel. All the Court papers filed in the matter are offered in evidence and admitted.

Emma Lucille Nadvit, Plaintiff, being duly sworn according to law, testified as follows:

BY JOHN J. McCAMLEY, ESQUIRE:

Q. Mrs. Nadvit, your full name please?
A. Emma Lucille Nadvit.

Q. And where do you reside, Mrs. Nadvit?
A. 228 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania.

Q. How old are you, Mrs. Nadvit?
A. Thirty-eight (38).

Q. When and where were you born?
A. Sunrise, Harrison County, Kentucky.

Q. And on what date?
A. June 24, 1922.

Q. You are the plaintiff in this action?
A. Yes.

Q. And what is your husband's name?
A. Mike Nadvit.

Q. And how old is he?
A. He was born on October 19, 1918.

Q. Making him forty-two (42) years old?
A. Right.

Q. And where was he born?
A. Smoke Run, Bigler Township, Clearfield County, Pennsylvania.

Q. And were there any children born of this marriage?
A. No, sir.

Q. When and where were you married?
A. We were married first by a Justice of the Peace in Covington, Kentucky.

Q. And what date?
A. July 6, 1946.

Q. Now, you said you were married first; what do you mean by that?
A. We were married later in church.

Q. In other words you were remarried, but there was never an intervening divorce, though?
A. Right.

Q. And where were you remarried?
A. In the St. Mary's Catholic Church in Ramey, Clearfield County, in 1948.

Q. At the time of your marriage, where did you reside?
A. In Cleveland, Ohio.

Q. And where did Mike Nadvit reside? . . . at that time?
A. Cleveland, Ohio, also.

Q. Subsequent to your marriage, where did you take up housekeeping?
A. In Cleveland.

Q. How long did you continue to live in Cleveland?
A. 1956.

Q. And where did you move at that time?
A. We first moved to Philipsburg.

Q. How long did you stay in Philipsburg?
A. A couple months until we moved to Osceola Mills.

Q. In other words, you have continuously resided in Pennsylvania since 1956?
A. Right.

Q. Do you know where the present address of Mike Nadvit is?
A. At this time?

Q. Yes.
A. No, I don't.

Q. Do you know that he live in or around Osceola Mills?
A. Yes.

Q. In Decatur Township, Clearfield County?
A. Right.

Q. When is the last that you had lived together? . . . that you knew where he lived?
A. August, 1961.

Q. Are both you and your husband citizens of the United States?
A. Yes.

Q. What is your occupation?
A. Waitress in a restaurant and house wife.

Q. Do you know the occupation of your husband?
A. Bar tender.

Q. Were you ever a member of ^{the} Armed Services of the United States?
A. No.

Q. Was your husband ever a member of the Armed Services of the United States?
A. No.

Q. Is there any collusion or agreement between you and your husband to obtain this divorce action?

A. No.

Q. Have either you or your husband begun another ~~action in a divorce~~ in any other county of this commonwealth or outside this commonwealth, other than the present one?

A. No.

Q. Mrs. Nadvit, I believe you said that you were married in July of 1946 and took up housekeeping in Cleveland at that time and moved to Pennsylvania, and more particularly, to Osceola Mills in August of 1956, is that right?

A. Yes.

Q. During this interval of time, for approximately the first ten years of your marriage, did you have anything particularly unusual that took place or did you get along relatively good with your husband?

A. Real good during this time.

Q. And when did your difficulty start? . . . or what you have complained about in this divorce action?

A. Approximately July, 1960.

Q. And about this time; that is, July 1960, would you explain to them as to what took place, what troubles you had?

A. This had been going on for some time. I would say the fellow she was living with. . . .

Q. You say the fellow she was living with - who are you referring to?

A. Clyde Williams.

Q. Who are you referring to as she?

A. Isabelle Selfridge.

Q. Now, when this started out, did this start out just with your husband running around with another woman or did it start out more innocently than that?

A. Well, he was leaving and she was leaving at the same time and they were both coming in at practically the same time.

Q. Coming in where, Mrs. Nadvit?

A. The Hotel and they would both come in practically the same time, other than that, he would just make it back in time for work, in time to get her home before Clyde came home.

Q. And when you refer to Clyde once agin, you refer to Clyde Williams?

A. Right.

Q. I believe you stated, however, that it started out as a foursome, didn't you to me at one time?

A. Well, at one time, we chummed around together.

Q. And it grew into more than this?

A. Right.

Q. Now can you recall any specific instances in order that the Master may have an idea of what took place here - for instance, did your husband ever at any time beat you or anything of that nature?

A. Many times.

Q. Well, can you refer to a particular incident, for instance, did he beat you and pull your hair or anything of that nature?

A. He did.

Q. Would you explain that to the Master?

A. He went to bed real late; I was up early; he ~~has~~ ^{set} to bet at work at 8:00 o'clock and I know he was still up at five so I let him sleep until 7:30. He came down stairs; he said "I said to get me up at a certain time;" I was doing my book work. He took the papers and threw them all over the floor, grabbed me by the hair of my head and made me get on my hands and knees and pick them up. That was in the fall of last year.

Q. In other words, that was in the fall of 1960?

A. Right.

Q. Do you recall a particular incident in which he accused you of slashing his automobile tires?

A. Yes, I do.

Q. Would you explain that to the Master?

A. Well, I was up stairs all morning . . .

Q. When was this?

A. Well, this was approximately the same time of last year.

Q. Did this all take place at the Hotel? . . . in Osceola Mills?

A. Right. And he thought I was in Philipsburg that morning. I don't know who was with him, but he was parked in front of the Passmore Hotel. When he came out, his tires were slashed. So when he came in in the afternoon, he came up stairs after me and I took a heck of a beating over that. He accused me of being in Philipsburg and slashing his tires. And the bar tender and everyone on the premises knew I wasn't outside the building.

Q. Did he later come and tell you that he knew it wasn't you?

A. Right, he did. He said, "I know it wasn't you because, because in the first place you weren't down there and a woman couldn't slash tires. But I got a beating over it."

Q. Now, when you say you got a beating, will you go into a little more detail for the Master's benefit? What would he do - slap you or hit you, pull your hair or what would he do?

A. In fact, I was lying down and I got hit right on the head and I still have scars to prove it.

Q. Now, can you explain any other incidents about possibly ripping telephones out or anything to that nature?

A. Yes, I can. Many times. Well, at one time, I had opened in the morning - on a Saturday - and a couple had came in. At the time I had a phone up stairs. So while I was busy doing the work inside, she goes to the lobby phone and dials up stairs.

Q. Who is she?

A. Isabelle Selfridge. So I had to run for change, and when I did, she was on the lobby phone and he was on the up stairs phone. So that was one time the phone was ripped. But he had ripped the one from the kitchen that was connected to the bar room in order that I wouldn't pick it up and listen to his conversation.

Q. In other words, the reason for this was that he thought that you were trying to listen in some way to his conversation with Mrs. Selfridge?

A. Right.

Q. Now, for the benefit of the record and the Master, you and your husband conducted ^{the operation} known as the Osceola House in Osceola Mills as a hotel and bar?

A. Right.

Q. And when you talk about lobby phones and phones upstairs etc., it is in connection with the operation of the Osceola House?

A. Yes.

Q. Now, can you relate to the Master, what effect this relationship with the other woman had, as far as the work and business was concerned,; would it mean that you had to run the business?

A. Well, he would leave; if he wasn't there nine days at a time, somebody had to run the place.

Q. Now, what do you mean if he wasn't there nine days at a time?

A. He had ~~left~~ been on a Saturday and didn't come back until the following Monday.

Q. Was there times when he was not there all day long?

A. Many times.

Q. Did that mean that you had to completely run the place?

A. Many times.

Q. Did he explain where he was going?

A. No, he did not.

Q. Do you recall a specific incident of July 29, 1961?

A. Yes, I do.

Q. Would you explain to the Master what that is?

A. I had gone home with my mother for a week and he told me to stay for a while; but in the meantime, something told me that I should come back, so I was going to fly back, but my niece said she would drive me back. So when she did, we left on Saturday and got her Sunday morning. Everything was locked. After we got in, the two of them were sitting at the bar. That was on a Sunday, July 29.

Q. You mean, your husband and Mrs. Selfridge?

A. Yes, She was dressed; he was just in his bedroom slippers and his trousers. The night before they had had a big scuffle. And undoubtedly, she stayed there for the night.

Q. Just what took place when you were there?

A. Well, he went upstairs to my apartment and took her clothes from upstairs which I knew were left on the kitchen table, because I had seen them when we went through the kitchen window to get in. He went upstairs, got her clothes, brought them down, and after staying inside for, I would say, a half an hour, he went up, got dressed and the two of them left out the back door.

Q. Was there any towels or anything laying around?

A. Yes, there were.

Q. What was the condition of these?

A. Well, they were pretty bloody. Clyde Williams had beaten her and that's why she didn't go home. It happened on a Saturday night and I wasn't there. But I knew about it.

Q. Were there ever any occasions when Clyde Williams would come into the Osceola House looking for Mrs. Selfridge?

A. Yes, there were. There was a time ^{at the bar} and that's when it first started. And there were quite a few at the bar and I was working and Clyde came in and he asked me where Mike was and I said "I don't know." He said he was going to go find him because Isabelle was with him.

Q. To the best of your knowledge, was Mrs. Selfridge living with Clyde Williams? . . . at the time this started? She is not married to Clyde Williams?

A. Right.

Q. And she is not married to your husband, Mike Nadvit, either?
A. Right.

Q. Was this, more or less, a course of conduct between your husband and Miss Selfridge, as far as their being together in and about the Osceola House - was it a consistant thing - how often would you see them in there together in there, etc.?
A. Practically every day.

Q. Wasn't it quite consistant for the two of them to at least be talking together or something right in front of you?
A. I would say so.

Q. Now, you made reference previously to a nine-day-jaunt, what do you have reference to when you say nine-day-jaunt?
A. That's when I said he left with her and the two of them were gone for nine days.

Q. When was this?
A. That was the sixth day of August.

Q. In other words, it was the nine previous days before that?
A. That he wasn't at the Hotel.

Q. That's when he came back, picked up some things and left?
A. Yes, and he hasn't been the House since, except in and out; he worked maybe three or four hours a day, maybe five hours a day, but he never stayed there since he closed the bar. He would take off up there or whenever he might have gone and he would come back the next morning; sometimes he wouldn't come back.

Q. Now, you say he would take off up there - what do you have reference to?
A. Well, I had reference to that he would load himself up a little package, beer or whatever he wanted to take from the bar, and he would leave. So he had to sleep somewhere; I don't know where, though.

Q. Have you seen his car as to where he might be at the present time?
A. Yes, I have seen it.

Q. Where is this?
A. Frenchtown.

Q. And who lives in Frenchtown? . . . Decatur Township?
A. Isabelle Selfridge.

Q. To your knowledge is Clyde Williams still living there?
A. No, sir, he isn't.

Q. Now, Mrs. Nadvit, have you ever been beaten to the extent of having black eyes or anything like that?
A. Yes, I have.

Q. Would you explain this?
A. I was put upstairs, I would say, at least three times with black eyes.

Q. Now, you say you were put upstairs, what do you mean?
A. That I wasn't allowed out. The first occasion was - that's why I have my witness here - he wouldn't allow me downstairs; he told them I was sick. And he wouldn't allow them in the room.

Q. What had taken place as to why you got these black eyes?
A. Well, it was all over Miss Selfridge. Any time we ever had an argument was over her. So the first time, he wouldn't allow me downstairs, but the second and the third, I made sure that people saw me.

Q. When did the first time occur? . . . approximately?
A. I would say December 1960.

Q. But it was subsequent to this trouble that was starting last year and over this other woman, is that right?
A. Yes.

Q. And as you say, every time you got it, it was a result of an argument that you were having over her?
A. Right.

Q. Did he use obscene language?
A. He certainly did.

Q. In front of other people?
A. Right. I was always a "damn liar", then I was also a "drunken pig" regardless of how drunk he got, and I was everything.

Q. Did you make every effort to correct the situation and do everything possible to save your marriage?
A. I certainly did. In fact, his parents did also.

BY THE MASTER, EUGENE L. CIMINO, ESQUIRE:

Q. Mrs. Nadvit, did this course of cruel and barbarous treatment toward you, did that become persistent and habitual on his part - I mean his beating you etc., did that become habitual persistent?
A. Yes, it did.

Q. And his use of abusive and blasphemous and vulgar language towards you, did that become habitual?
A. Yes, it did.

Q. Did he display any love or affection towards you whatsoever?
A. No, sir.

Q. Was it rather then an attitude of hatred and disdain rather than love and affection?
A. Right.

Q. Instead of treating you as his wife, he treated you as the chare lady?
A. Right.

Q. And this course of indecent conduct and being in the company of this Miss Isabelle Selfride, did that become habitual on his part, too? . . . constant?
A. Yes.

Q. And were they often seen in public together?
A. Right.

Q. And was this a source of great embarrassment and shame to you?
A. It certainly was.

Q. And was it impossible for you to remedy the situation by talking it over with him?
A. I tried, very much.

Q. And the situation became utterly impossible?
A. Right.

BY JOHN J. McCAMLEY, ESQUIRE:

Q. Has this course of conduct on the part of your husband resulted in any physically wrongs with you; by that I mean, have you had to have any medical treatment for anything?

A. I did. My nerves. Dr. McClung in Houtzdale took care of me.

Q. And this is because of your nerves as a result of the pressure that was being put upon you?

A. Right. And the same day I came back, he insists that he brings her and sits and talks to me.

Q. In other words, the same day that you had come back from seeing the doctor, your husband insists on bringing Miss Selfridge in to discuss the situation over with you?

A. Right.

Harry B. Witherite, witness in behalf of the plaintiff, being duly sworn according to law, testifies as follows:

Q. Your name, sir?

A. Harry B. Witherite.

Q. And where do you reside?

A. At the Osceola House.

Q. How long have you known the Nadvits?

A. Since last August.

Q. They were what, more or less, your landlords?

A. That's right.

Q. Since August of 1960, is that correct?

A. That's right.

Q. Then you have known them better than a year?

A. That's right.

Q. Now, during this period of time that you have known them, have you ever observed anything that took place relative to this matter that involved any incidents in the winter of 1960 at the bar?

A. I saw him give her a black eye and knocked her down and called her a "drunken pig" and a "damn liar".

Q. This was right in the public bar of the Osceola House?

A. Yes, and he told her if she didn't get out of the bar, he would throw her out.

Q. And did you notice any action on her part that justified him in adopting this attitude toward her?

A. Absolutely not.

Q. Did you ever hear any fights that might have taken place?

A. Yes.

Q. Would you explain these for the Master's benefit?

A. He called her a "damn liar" and a "drunken pig" and told her to get out of the bar and if she didn't, he would throw her out.

Q. Did you hear any fights over Miss Selfridge?

A. One night, I couldn't see it but I heard it; it was right under my room in the lobby, she was crying and kids crying - I didn't see them, I just heard them, because it was noisy.

Q. Did you ever see him talking to Miss Selfridge?

A. Many times.

Q. Right in the Hotel in front of everybody?

A. Yes.

Q. Did you ever see Mrs. Nadvit when she had a blackeye or bruses or anything like that?

A. The only time I saw her with a black eye was the night he knocked her down in the bar.

Q. I believe you did say you heard him curse her many times?

A. Many times.

Q. This was in front of you, as well as in front of other people?

A. Yes.

Q. To your observations, Mr. Witherite, do you feel that Mrs. Nadvit did everything possible to save this marriage?

A. I don't know how she could have done anything more.

Q. Did she try to keep the business going and run the business even though he wasn't there?

A. That's right, she did.

Q. Do you know of any collusion or agreement that might have been made between Mr. or Mrs. Nadvit relative to obtaining this divorce?

A. No, I do not.

Q. And you are here of your own free will to testify to matters that you know of your own knowledge?

A. That's right.

Leona Teresa Reams, witness in behalf of the plaintiff, being duly sworn according to law, testified as follows:

Q. Your name please?

A. Leona Teresa Reams.

Q. And where do you reside?

A. 669 Blanchard Street, Osceola Mills.

Q. And where do you work, Mrs. Reams?

A. At the Osceola House.

Q. Who is your present employer?

A. Nathan Finocchio.

Q. And previous to that?

A. Mike and Lucille Nadvit.

Q. In other words, you worked for the Nadvits at the Osceola House.

A. That is right - for two and a half years, or better.

Q. And in what capacity?

A. As waitress and cook, or anything that needed done.

Q. And in the capacity of working in and around the Osceola House, did you observe anything relative to the married life of the Nadvits?

A. Well, when I first started to work for them, they got along real good; and then, as Lucille said, they started to be together all the time and she was there all the time . . .

Q. Now, when you say they started . . .

A. Mike and Isabelle Selfridge and Isabelle was at the Hotel all the time, and when Isabelle was there, Mike would be working and talking to her all the time. And then it was around December was the first time I noticed that Lucille had taken a beaten over her . . .

Q. Would you explain that to the Master?

A. Well, when I came into work Monday morning, Lucille wasn't around, and that was very unusual, because she always had the food and that started for me. So, I asked Mike where she was and he said she was sick,

so I waited until dinner time and she didn't show up so I figured she should have something to eat, so I took her soup and coffee up, knocked on the door and Lucille talked through the door and didn't open the door and well, that struck me funny. So, that night Mike said, "don't you take anything up to her, I'll fix her something to eat." So he did, he fixed her things to eat and he would take it up. So every night when I would go home from work, I would go up to ask her how she was. And so that proceeded for three days. She said she would come down that night then, that would be on a Wednesday. So I didn't see her until Thursday and she came down and she was wearing her glasses and I could see that she had had black eyes. And when I asked her, she said "no, I was sick." Then later on she told me what had happened. She was ashamed that he had beat her like he did.

Q. Did you see this subsequent to this as well, in other words, other times?

A. I didn't see it happen, but after that I saw that she had several marks on her and that she had a black eye. Just this past spring I had to take her to Dr. McClung in Houtzdale and went with her. She just about had a nervous breakdown. Dr. McClung said she needed a rest and he advised her to be away from here, but Lucille still stayed and tried to save their marriage.

Q. Now were you ever present when there were any arguments or whenever he actually slapped her?

A. Yes, just recently I was there when they had an argument and he slapped her.

Q. Do you know of any agreement or collusion between these parties relative to obtaining this divorce?

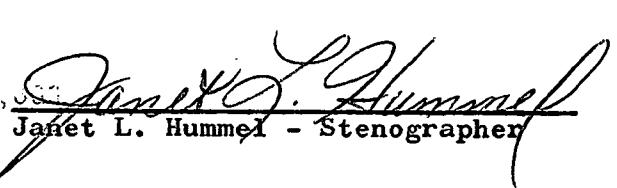
A. No.

Q. Are you here of your own free will to testify to matters that you know of your own knowledge?

A. Yes, I am.

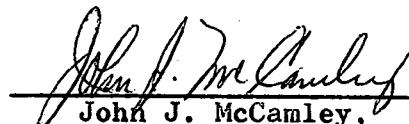
CERTIFICATION

I hereby certify that the foregoing is a true and correct transcript of testimony taken at the hearing in the divorce proceeding of Emma Lucille Nadvit vs. Mike Nadvit, to No. 277 September Term, 1961, before Eugene L. Cimino, Esquire, at Osceola Mills, Clearfield County, Pennsylvania, on Wednesday, December 20, 1961, at 10:00 A.M. E.S.T.


Janet L. Hummel - Stenographer

WAIVER OF NOTICE

AND NOW, this 28th day of December, 1961, the five (5) day notice of filing of the Master's Report as required by Rule 11, Section 14 of the Rules of Court of Clearfield County is hereby waived by the undersigned Counsel for Plaintiff.



John J. McCamley,
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 277 September Term, 1961

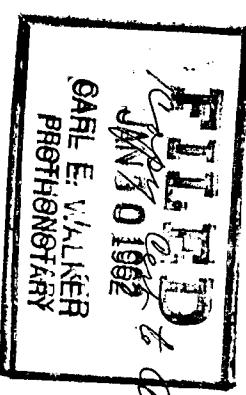
In Divorce

EMMA LUCILLE NADVIT,
Plaintiff

vs.

MIKE NADVIT,
Defendant

AFFIDAVIT OF INTENTION TO
RETAKE MAIDEN NAME.



BAIRD & McCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

1.00 by copy.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
EMMA LUCILLE NADVIT, Plaintiff)
vs.) No. 277 September Term, 1961
MIKE NADVIT, Defendant) In Divorce

AFFIDAVIT OF INTENTION TO RETAKE
MAIDEN NAME

COMMONWEALTH OF PENNSYLVANIA (SS:
COUNTY OF CENTRE)

Emma Lucille Nadvit, being duly sworn according to law, deposes and says that she is the Plaintiff in the above suit in which a Final Decree of Divorce from the bonds of Matrimony was entered on the 4th day of January, 1962; that Plaintiff elects to retake and hereafter use her maiden name of Emma Lucille Price, and, therefore, gives this written notice avowing said intention, in accordance with the provisions of the Act of May 25, 1939, P. L. 192, as amended.

Emma Lucille Nadvit

To be known as

Emma Lucille Price

Sworn to and subscribed before me this 25th day of January, 1962.

John J. McCamley

JOHN J. McCAMLEY, Notary Public
PHILIPSBURG, PENNA.
My commission expires Feb. 28, 1965

NO. TERM, 19.....

NO. TERM, 19....

NO. 4475744 TERM, 19 ~~1965~~

TERM, 19 NO. 151

NO. ~~4~~ ~~4~~ ~~4~~ ~~4~~ TERM, 1955-8

NO. ~~3~~ ~~3~~ ~~3~~ ~~3~~ TERM, 1958

NO. ~~277~~ ~~277~~ ~~277~~ TERM, 1966

NO. ~~277~~ ~~277~~ ~~277~~ TERM, 1966