

DOCKET NO. 173

NUMBER	TERM	YEAR
289	February	1961

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Ruth Earlia Hess

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VERSUS

Andrew P. Hess

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Clearfield County, ss:

The Commonwealth of Pennsylvania, to

Leo R. Brockbank, Esquire Greeting:

Know you, that in confidence of your prudence and fidelity we have appointed you, and by these presents do give unto you full power and authority, in pursuance of an order made in our County Court of Common Pleas, for the County of Clearfield, in a certain cause there depending, wherein

Ruth Earlia Hess

Plaintiff ,

and

Andrew P. Hess

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 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.

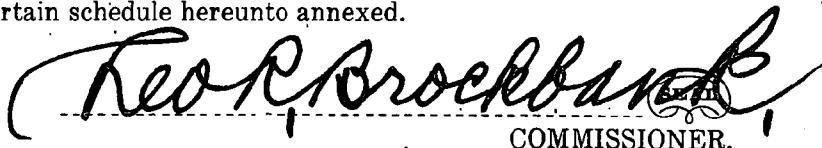
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 19th day of April, in the year of our Lord one thousand nine hundred and sixty one

  
John J. Pentz  
Prothonotary

To the Honorable, the Judge, &c.:

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

  
Leo R. Brockbank  
COMMISSIONER.

No. 289 February Term. 19 61

RUTH EARLIA HESS

VERSUS

ANDREW P. HESS

COMMISSION

Glesson, Cherry & Cherry Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH EARLIA HESS

:

vs

:

No. 289 February Term, 1961

ANDREW P. HESS

:

DOCKET ENTRIES

MARCH 13, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Attorney.

March 23, 1961, Sheriff's Return, filed: NOW, March 17, 1961 at 3:35 o'clock P.M. served the within Complaint in Divorce on Andrew P. Hess at 300 W. Second St., Clearfield, Pa. by handing to him personally a true and attested copy of the original Complaint in Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

April 18, 1961, By motion on the Watch Book, Leo R. Brockbank, Esquire, is appointed Master to take testimony and report same with form of decree.

Certified from the record this 19th day of April, A. D. 1961.

*John J. Haaserty*  
John J. Haaserty  
Prothonotary.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH EARLIA HESS, Plaintiff, :  
-vs- : No. 289 FEBRUARY TERM, 1961  
ANDREW P. HESS, Defendant. : IN DIVORCE

COMPLAINT

Now comes RUTH EARLIA HESS and brings this Complaint in Divorce against her husband, ANDREW P. HESS, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is RUTH EARLIA HESS and the name of the Defendant is ANDREW P. HESS.
2. That neither the said Plaintiff nor the Defendant are minors or incompetent.
3. That the said Plaintiff and Defendant were married in Clearfield, Pennsylvania, on October 31, 1956.
4. That at the time of the said marriage the Plaintiff and Defendant were both natural born citizens of the United States, and that the said Plaintiff has resided in the Commonwealth of Pennsylvania since birth. The present residence of the Plaintiff being Grampian, Pennsylvania; and the present residence of the Defendant being c/o Mr. Amos Hess, Bailey Road, Curwensville, Pennsylvania.
5. That there were three (3) children born to this marriage, namely, Berdina, age 2, who has resided since birth and continues to reside with said Plaintiff at Grampian, Pennsylvania; Geneva, age 3, who is now residing with Mr. and Mrs. Joseph O'Donnell at Clearfield, Pennsylvania; and Rodney, age 4, who is now residing with Plaintiff's mother, Mrs. Viola Passmore, in

Grampian, Pennsylvania.

6. That in violation of his marriage vows and the laws of this Commonwealth, the said Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

7. That no prior divorce action was instituted between the parties.

WHEREFORE, the Plaintiff prays that she be freed and separated from the bonds of matrimony heretofore contracted between herself and the said Defendant and be granted a decree in divorce a vinculo matrimonii dissolving the bonds of the said marriage.

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

By

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

Personally appeared before me a Notary Public, in and for the County and State aforesaid, RUTH EARLIA HESS, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct and that the same is not made out of levity or by collusion between herself and the said Defendant, for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in the Complaint.

Ruth Earlia Hess

Sworn to and subscribed before me this 11th day of March, 1961.

Josephine M. Henry  
Notary Public  
My Com. expires Jan. 7, 1963.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 284 FEBRUARY TERM, 1961  
IN DIVORCE

RUTH EARLIA HESS,  
Plaintiff;

-VS-

ANDREW P. HESS,  
Defendant.

COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

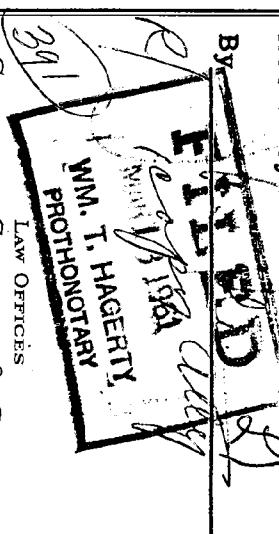
By

W.M. T. HAGERTY  
PROTHONOTARY

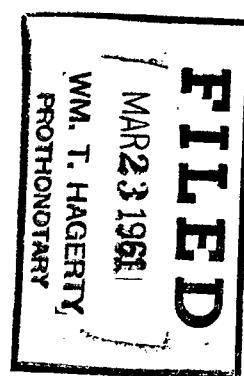
LAW OFFICES

GLEASON, CHERRY & CHERRY  
7-10 DAMUS BUILDING  
DU BOIS, PENNSYLVANIA

109 N. BRADY STREET



Prothonotary



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

No. 287 Feb Term 1961.  
Ruth Marlia Hess  
vs

Andrew P. Hess  
Complaint In Divorce

Now, March 17, 1961 at 3:35 O'Clock P.M. Served the within Complaint In Divorce on Andrew P. Hess at 200 W. Second St., Clearfield, Pa., by handing to him personally a true and attested copy of the original Complaint In Divorce, and made known to him the contents thereof.

Costs: Sheriff Ammerman \$7.00  
(Paid by Atty Gleason)

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

Sworne to before me this 18th  
day of March A.D. 1961.

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

Ruth Earlea Hess No 289 Feb Term 1961  
vs  
Andrew P Hess Masters In Divorce

Now, April 24, 1961 at 1:17 P.M. served the within Masters In Divorce on Andrew P Hess, at 300 W Second St, Clearfield, Pa. by handing to Andrew P Hess personally a true and attested copy of the original, Masters In Divorce and made known to him the contents thereof.

Costs Sheriff Ammerman \$7.00  
(Paid by Atty Brockbank)

### So, Answers

So Answers  
*Charles G. Ammerman*  
Charles G. Ammerman  
Sheriff

Sworn to before me this 24th  
day of April 1961, A.D.

## Prothonotary.

**PROTHONOTARY**  
My Commission Expires  
1st Monday Jan. 1962

Original Recd this

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH EARLIA HESS )  
                    )  
    - vs -           )  
ANDREW P. HESS      )  
                    ) NO. 289      FEBRUARY TERM, 1961  
                    )              IN DIVORCE

TO: ANDREW P. HESS, late of Bailey Road, Curwensville, Clearfield County, Pennsylvania, c/o Mr. Amos Hess

You are hereby notified that I have been appointed Master in the Divorce Action of RUTH EARLIA HESS, your wife, against you in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 289 February Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, on Saturday, May 13, 1961 at 10:00 o'clock, a.m., Eastern Daylight Saving Time, when and where you may attend with witnesses, if you so desire.

DuBois, Pa.  
April 24, 1961.

Leo R. Brockbank  
Leo R. Brockbank, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH EARLIA HESS )  
-vs- ) NO. 289 FEBRUARY TERM, 1961  
ANDREW P. HESS ) IN DIVORCE

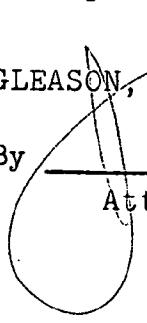
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Leo R. Brockbank  
Leo R. Brockbank, Master

DuBois, Pa.  
April 24, 1961

Service of the above Notice accepted April 24, 1961,  
by copy.

GLEASON, CHERRY & CHERRY  
By   
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RUTH EARLIA HESS )  
                    ) No. 289              FEBRUARY TERM, 1961  
-vs-              )  
                    )  
ANDREW P. HESS    )              IN DIVORCE

MASTER'S REPORT

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

Leo R. Brockbank, Esq., the Master appointed by your Honorable Court in the above proceedings of Divorce to take the testimony of the witnesses in the case and return the same with a report thereof, respectfully reports as follows:

1. SCHEDULE

March 13, 1961              Complaint filed.  
March 17, 1961              Complaint in Divorce served on the defendant, Andrew P. Hess, at 300 West Second Street, Clearfield, Pennsylvania, by Charles G. Ammerman, Sheriff, by handing the same to him personally a true and attested copy of the original Complaint in Divorce and making known to him the contents thereof.  
April 19, 1961              Leo R. Brockbank, Esquire, appointed Master to take the testimony in the above matter.  
April 24, 1961              Notice of Master's Hearing served personally on the defendant, Andrew P. Hess, at 300 West Second Street, Clearfield, Clearfield County, Pennsylvania, by Charles G. Ammerman, Sheriff, by handing to him personally a true and attested copy of the original Master's Notice in Divorce, and making known to him the contents thereof. Sworn service by

Charles G. Ammerman, Sheriff, being attached to this report and made a part hereof.

April 24, 1961

Notice of Master's Hearing accepted by Gleason, Cherry & Cherry, Attorneys for plaintiff. Acceptance of Service being attached to this Report and made a part hereof.

May 13, 1961

At 10:00 o'clock a.m., Eastern Daylight Saving Time, the Master called a Hearing at his office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, and at that time, James A. Gleason, Esquire, of Counsel for the plaintiff, appeared, together with Ruth Earlia Hess, the plaintiff, and Charles Passmore, brother of the plaintiff and witness for the plaintiff. The defendant did not appear at the Hearing and no one appeared on his behalf. The testimony of the plaintiff, Ruth Earlia Hess and her witness, Charles Passmore, was previously transcribed, and it was presented to the Master at the time of the Hearing, and the testimony of the plaintiff and her witness was signed by the plaintiff and her witness before the Master and sworn to before him. The testimony is attached hereto and made a part of this Report.

## II. SERVICE OF PROCESS

The original Complaint in Divorce was filed on March 13, 1961, and one copy certified to the Sheriff, and the Certified Copy of the Complaint was served personally on the defendant, Andrew P. Hess, at 300 West Second Street, Clearfield, Pennsylvania, by Charles G. Ammerman, Sheriff, by handing the same to him personally a true and attested copy of the original Complaint in Divorce and making known to him the contents thereof on March 17, 1961. Notice of the Master's Hearing was served personally on the defendant, Andrew P. Hess, at 300 West Second Street, Clearfield, Clearfield County, Pennsylvania, by Charles G. Ammerman, Sheriff, by handing to him personally a true and attested copy of the original Master's Notice in Divorce and making known to him the contents thereof on April 24, 1961. Sworn Proof of Service being attached hereto and made a part hereof. Notice of the Master's Hearing was served on Gleason, Cherry & Cherry, Attorneys for the plaintiff, on April 24, 1961, and Acceptance of Service being attached hereto and made a part hereof. All other provisions of the Rules of Court of Clearfield County, Pennsylvania, have been complied with in full.

## III. CAUSE OF DIVORCE

Indignities to the person.

## IV. FINDINGS OF FACT

1. The plaintiff and the defendant were married at Clearfield, Pennsylvania, on October 31, 1956.

2. At the time of their marriage, both of the parties resided in Clearfield County, Pennsylvania. After their marriage, they lived with the plaintiff's family for about six months, then they went to housekeeping at Clearfield in the East End for about two months, after that they went back to live with the plaintiff's parents for about one year, they next moved in with the defendant's family, where they stayed for about two or three weeks, their next move was in with the plaintiff's parents where

they resided for about one year, after which they moved to Grampian, where they stayed for a period of about two weeks. The testimony then shows: "Then where did you move to?—Back home, that is the time I left."

3. The plaintiff is a citizen of the United States, and the defendant is also a citizen of the United States.

4. The present age of the plaintiff is twenty-three (23) years, and there is nothing in the testimony to show that she had any occupation at the time of the Hearing; the present age of the defendant is twenty-five (25) years, and there is some testimony that he worked as a laborer, but not very often; there is also some testimony that this family was a recipient of Public Assistance for a considerable period of time.

5. Three children were born to this union, namely: Rodney Hess, aged four (4), is living with the plaintiff's mother; Geneva Hess, aged three (3), is living with Mr. and Mrs. Joseph O'Donnell; and Berdina Hess, aged two (2), is living with Ruth Earlia Hess, the plaintiff.

6. Military Service - Armed Forces. The testimony in this case shows that the plaintiff is not in the Military Service of the United States. It also shows that the defendant is twenty-five (25) years of age, and that he is not a member of the Armed Forces. In addition thereto a copy of the Complaint in Divorce was served personally on him on March 17, 1961 at 300 West Second Street, Clearfield, Pennsylvania, by Charles G. Ammerman, Sheriff; also, Notice of the Master's Hearing was served personally on him on April 24, 1961 at 300 West Second Street, Clearfield, Pennsylvania, by Charles G. Ammerman, Sheriff. Based upon the testimony, etc., above enumerated, the Master makes a specific finding of fact that the defendant is not now a member of any branch of the Armed Services of the United States.

7. The Complaint in this case charges "that in violation of his marriage vows, and the laws of this Commonwealth, the said defendant has offered such indignities to the person of the plaintiff as to render her condition intolerable and life burdensome." The plaintiff testified

that her husband started drinking and fighting with her people about one month after they were married. The defendant was not working at that time, and they were living with the plaintiff's people. The plaintiff and defendant were on Public Assistance, and he was using the assistance money to buy intoxicating liquors. She also testified that he was drinking to excess about three times a week; that at times he came home drunk, and also came home late at night. During the drinking spells, she claimed she was abused by her husband. On one occasion, he pulled her off the chair and hit her in the chest. She also testified that he swore very much, sometimes in front of other people, and the defendant would fight with the plaintiff's people and call them all kinds of names. She also testified that he didn't like her people. Later on, they moved to Clearfield, and his behavior continued about the same. He would come home after drinking and argue with his wife and threaten her. He continued to use up considerable money for drink instead of necessities needed for the family. They later moved back with the plaintiff's parents, where they resided for about a year, and the same kind of trouble continued. He was still drinking, coming home drunk and fighting with his wife. She testified that he struck her on numerous occasions during their married life. He abused the children. They never had sufficient money for food and clothing, and he used up part of his money on dates with a girl friend from Jacksonville, Florida, whom he met at the Century Tavern at Clearfield. The plaintiff testified that her husband told her these things, but she did not know whether he had had any dates with other women or not. He would not buy milk and other foods needed for the children, and he wouldn't even go to the trouble of keeping the house warm in winter time, and he told her if she wanted it kept warm, she would have to do the firing herself. When they would run out of coal, the plaintiff had to get coal from her mother to keep the house warm. He told his wife that he was sorry that he had married

her, and he also told her many times, that if he got the chance, he would kill her, and one place in the testimony, she said he was getting drunk every night. The plaintiff testified that she took care of her own home and the children and did her own work, and did the best she could with what she had. This course of conduct, over a long period of time, made the plaintiff very nervous and upset, and she just didn't seem to know what she was doing or what to do next, and things like that, and she eventually found it necessary to leave him. At the end of her testimony, she stated that she feels better now and, "I don't get nervous like I did, and I am not scared any more like I was. I just feel a lot better."

The plaintiff's testimony was corroborated in many respects by her brother, Charles Passmore.

The Master is of the opinion that there is ample evidence to support the Divorce on the grounds of Indignities to the person. It is impossible to lay down a general rule for the determination of what indignities render the condition of the injured spouse intolerable. It has been held by many Courts that they may consist of vulgarity, unmerited reproach, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule, and every other plain manifestation of settled hate and estrangement. The Master, after a perusal of the testimony, believes that a good many of the above qualifications are in this case.

#### V. CONCLUSIONS OF LAW

1. That the proceedings are in accordance with the requirements of the Divorce Code and the Rules of Court of Clearfield County, Pennsylvania.
2. That the Court has jurisdiction of the parties and the subject matter of this action.
3. The facts established Indignities to the person of the plaintiff, within the meaning of the Act of Assembly.

4. The legal domicile of the plaintiff is Clearfield County, Pennsylvania; the legal domicile of the defendant is Clearfield County, Pennsylvania.

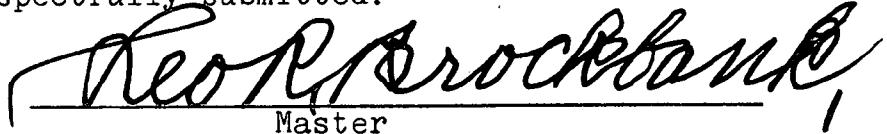
5. The Complaint in Divorce was served personally on the defendant in Clearfield, Clearfield County, Pennsylvania, by Charles G. Ammerman, Sheriff of Clearfield County; the Notice of the Master's Hearing was served personally on the defendant in Clearfield, Clearfield County, Pennsylvania, by Charles G. Ammerman, Sheriff of Clearfield County.

6. There has been no collusion, connivance, or levity between the parties.

#### VI. RECOMMENDATIONS

The Master, therefore, finds that the averments of the Complaint have been sustained, and recommends that the Prayer of the Complaint be granted, and that a Decree be entered by your Honorable Court divorcing RUTH EARLIA HESS, the plaintiff and ANDREW P. HESS, the defendant, from the bonds of matrimony now existing between them; and a suggested form of Decree is hereto attached.

All of which is respectfully submitted.



George R. Rockbank  
Master

DuBois, Pa.  
May 18, 1961.

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXX

RUTH EARLIA HESS } Of FEBRUARY Term, 1961  
\_\_\_\_\_  
\_\_\_\_\_  
VERSUS } No. 289  
ANDREW P. HESS \_\_\_\_\_ }  
  
**DIVORCE**

And Now, the 9<sup>th</sup> day of May 1961, the  
report of the Master is acknowledged. We approve his findings and recommendations; except  
as to \_\_\_\_\_

We, therefore, DECREE that RUTH EARLIA HESS be  
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-  
tracted between himself and herself ANDREW P. HESS \_\_\_\_\_.

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 \_\_\_\_\_

RUTH EARLIA HESS his her costs expended in this action.

ATTEST

W. J. Hagan  
Prothonotary

BY THE COURT

John F. Reed  
President Judge

RUTH EARLIA HESS, being produced and sworn, testifies as follows:

BY MR. GLEASON:

Q. What is your full name?

A. Ruth Earlia Hess.

Q. How old are you?

A. 23.

Q. Where do you live?

A. Grampian, Pennsylvania.

Q. That's in Clearfield County?

A. Yes.

Q. How long have you lived in Clearfield County?

A. All my life.

Q. Were you born in Pennsylvania?

A. Yes.

Q. Have you lived in Clearfield County all your life?

A. Yes.

Q. What is your occupation? Housewife or are you working out?

A. No, I'm a housewife.

Q. Now you are married?

A. Yes.

Q. When were you married?

A. October 31, 1956.

Q. And where were you married?

A. In Clearfield, Pa.

Q. To whom were you married?

A. Andrew P. Hess.

Q. Where does he live?

A. In Curwensville, Pa.

Q. What is his age?

A. 25.

Q. What is his occupation?

A. \_\_\_\_\_

Q. Does he work?

A. No. I don't know whether he is working now or not.

Q. Did he ever work?

A. Well, he would work, but not very often.

Q. What kind of work did he do?

A. Laborer.

Q. Is he a member of the Armed Forces of the United States?

A. No.

Q. And your not in the Armed Forces of the United States?

A. No.

Q. Were there any children born to this marriage?

A. Yes, three.

Q. What are their ages and names?

A. Rodney, 4; Geneva, 3; and Berdina, 2.

Q. With whom are they living?

A. Rodney is with my Mother; Geneva is living with Mr. and Mrs. Joseph O'Donnell and Berdina is living with me.

Q. Now who is your husband living with, his parents?

A. Yes.

Q. When did you see him last?

A. It was about a year and a half or two.

Q. Now, after your marriage did you start to have any trouble with him?

A. Yes.

Q. What was the trouble?

A. He started drinking and fighting with my people and me.

Q. When did he starting drinking, immediately after your marriage?

A. Oh, about a month afterwards.

Q. Where were you living at?

A. With my parents.

Q. Was he working?

A. No.

Q. Where was he getting the money to drink?

A. We were on assistance.

Q. You were on assistance?

A. Yes.

Q. Did he drink very much?

A. Yes.

Q. About how often? Every day or every other day or--?

A. About three times a week.

Q. Did he ever come home drunk?

A. Yes.

Q. Did he ever come home late at night?

A. Yes.

Q. And how long did you live with your parents?

A. Well, we lived with them for six months after we were married and then went to housekeeping for about three months and then--.

Q. Now, during the time that you were living with your parents was he drinking all this time?

A. Yes.

Q. Did he abuse you in any way? That is, when he was

drinking?

A. Yes.

Q. In what way?

A. Well, he would try to get a hold of me and hit me.

He pulled me up off a chair and hit me right in here?

Q. In your chest?

A. Yes.

Q. Did he swear at you?

A. Yes.

Q. Did he swear very much?

A. Yes.

Q. Did he do that in front of other people?

A. Yes.

Q. And did you say he had trouble with your parents?

A. What kind of trouble?

Q. Well he would fight with them, call them all kind of names, any names that he would think of. He didn't like them and things like that.

Q. Now after you left your parents' home, where did you go to live?

A. We went to Clearfield over on East End.

Q. And how long did you live there?

A. About two months.

Q. Was he working then?

A. Yes.

Q. How was his behavior then, was he still drinking?

A. Yes, he would drink and come home and argue and say he was going to do something to me, but he didn't.

Q. He 'threatened' you?

A. Yes.

Q. Now would he be home early in the evening, in time for his meals?

A. No, he had to work late and he wouldn't come in until 1:00 or 1:30 in the morning.

Q. Now how would he contribute to the household? Did he give all of his wages to the household?

A. Well, he would give the money to me and before I would get half of the things done with the money that I was suppose to, why he would want the money back.

Q. What for?

A. Drink.

Q. Now how long did you live in Clearfield?

A. Two months.

Q. Then where did you move to?

A. Back with my parents.

Q. Why?

A. Because he said he found out I was pregnant and he said he could afford to work for what he was working for and still pay a hospital bill.

Q. How long had you lived with your parents this time?

A. About a year.

Q. Now during this year, did you have any troubles with him?

A. Yes.

Q. Were they the same kind of troubles?

A. Yes.

Q. Is he still drinking?

A. Yes.

Q. And as much as ever?

A. Yes.

Q. Was he coming home drunk?

A. Yes.

Q. During this period, did he abuse you in any way?

A. Yes.

Q. How?

A. Well, he would start fighting with me and he would make me go with him to Curwensville and then he would take me up to his home and he would argue and carry on all the time.

Q. How long would you stay with his people?

A. We stayed for two weeks or maybe three.

Q. Was he working at that time?

A. No.

Q. How was he living, on relief?

A. Yes.

Q. Did your parents help you out?

A. Yes.

Q. Did you pay any rent?

A. No.

Q. You say he was drinking and carry on this time too?

A. Yes.

Q. Would he stay out late at nights?

A. Yes.

Q. Now, do you know if he was going with anybody else?

A. No.

Q. Did he ever strike you during this time?

A. Yes.

Q. Where?

A. Well, he would strike at me, but miss.

Q. How did he act towards the children?

A. Well, if the children would cry, why he would get mad and hit them and things like that.

Q. Now, how long did you stay with your parents this time?

A. A year.

Q. Did you live at any other place?

A. Then we went over to Grampian.

Q. Where did you live in Grampian?

A. Right in town.

Q. Was he working there?

A. No.

Q. What were you living on?

A. He was signing up. Getting unemployment.

Q. He was getting unemployment compensation?

A. Yes.

Q. Now was he still drinking during this time?

A. Yes.

Q. Did your children have plenty to eat?

A. No.

Q. In what way?

A. Well, he would take his checks and I would ask him for some money for groceries and for milk for the baby and he said he needed the money because he had to meet a girl in Clearfield down at the Century Tavern.

Q. Do you know who the girl was?

A. No, but he said she was from Jacksonville, Florida.

Q. Did he say he was going with her?

A. He said he had dates with her but I don't know whether it was true or not.

Q. Now, during this period did you and your children have enough to eat?

A. No.

Q. How long did you stay in Grampian?

A. Two months.

Q. Did he ever mention any other girls to you?

A. No, just that one.

Q. Now, how did he treat the children during this period?

A. Well, he didn't want Rodney to go to Grampian because he said he knew we wouldn't have enough to eat in the house for him and Geneva, he wouldn't buy her any milk or anything.

Q. Where was Rodney living at that time?

A. He was with my Mother.

Q. How long did you stay in Grampian?

A. We stayed two months.

Q. Then where did you move to?

A. Back home, that is the time I left.

Q. Oh, that is when you left?

A. Yes.

Q. When was that?

A. October 21st.

Q. Of what year?

A. October of 1958.

Q. What was the reason for your leaving?

A. Because he wasn't getting any groceries and he wouldn't give me any money to buy any groceries and he said if I wanted any firing or anything like that I would have to do it myself.

Q. Did he mean if you wanted any heat in the house you--?

A. I would have to do it myself.

Q. Was he working during this time.

A. No.

Q. Was that during the winter?

A. Yes.

Q. Did he try to get work?

A. No.

Q. What was he doing?

A. Well, after he would sign up, he would go down to his home and in the afternoons he would go over to my parents' home and then late at night he would come home.

Q. What was his attitude towards the children during this time, the same?

A. Yes.

Q. And was he still drinking?

A. Yes.

Q. As much as ever?

A. Yes.

Q. How often?

A. Every day.

Q. And he wasn't giving you any money yet?

A. No, he wasn't.

Q. Now, just before you left him, did you have enough to eat in the house?

A. No.

Q. Did you have any coal?

A. When we would have coal is when my mother would come

over and get me and I would go over to her place and get coal and bring it back to my place.

Q. Now during all this time, do you know whether or not he was going out with anybody else?

A. Yes.

Q. Did you hear he was?

A. Yes.

Q. Very often?

A. Well, he was seeing that girl twice a week.

Q. Was it common knowledge, or did he try to hide it?

A. No it was common knowledge.

Q. Was he with that same girl?

A. Yes.

Q. Do you know where he went?

A. No.

Q. And you live in a small community, don't you?

A. Yes.

Q. And there were quite a few people knew about him going around with this other girl?

A. Yes, but they never said anything to me about it.

Q. But you found out about it afterwards?

A. Yes.

Q. How long did he go with this girl?

A. About a month.

Q. And do you know if he went with anybody else?

A. No.

Q. Did he ever say he was sorry he was married?

A. Yes.

Q. During this last period that you lived together, did he ever strike you?

A. Well, he tried to strike me.

Q. Now you say he threatened you, in what way did he threaten you?

A. Well, many times he said if he got the chance he would kill me.

Q. Did he say how he was going to kill you?

A. No.

Q. Did he say that very often?

A. Oh yes.

Q. About how often?

A. Every time he would get drunk. Q. How often was that?

A. Towards the end it was just about every night.

Q. Was that another reason why you left him?

A. Yes.

Q. As the result of his actions towards you, did you get nervous or upset in any way?

A. Oh yes.

Q. How did it affect you?

A. It just made me real nervous and I just didn't seem to know what I was doing or what to do next and things like that.

Q. During all this time did you take care of your own home?

A. Yes.

Q. And the children?

A. Yes.

Q. Do your own work?

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A. Yes.

Q. Do you feel any better now?

A. Yes.

Q. In what way?

A. Well, I don't get nervous like I did and I am not scared any more like I was. I just feel a lot better.

*Futh Earla Ness*

CHARLES PASSMORE, being produced and sworn, testifies as follows:

BY MR. GLEASON:

Q. What is your full name?

A. Charles Passmore.

Q. Are you related to Mrs. Hess?

A. Yes.

Q. What is your relationship?

A. Brother.

Q. You've heard her testimony describing her married life?

A. Yes.

Q. Did you observe any of these things she mentioned?

A. Yes.

Q. Like what?

A. I have seen him drunk.

Q. Very often?

A. Pretty often.

Q. Where would this be, at your home?

A. Yes.

Q. And how would he act when he was drinking?

A. Oh, most of the time he was mean and fighting and swearing. One time he was so drunk that he came home and he laid on the porch and he was sick. He couldn't do anything because he was too drunk. Most of the times he was in a fighting mood.

Q. Who did he want to fight?

A. About any one he could get a fight out of.

Q. Did he ever fight with you; did he like to fight with

you?

A. Ah, yes..

Q. Did he call you names?

A. Yes he did.

Q. Did he try to fight with your parents?

A. Oh yes.

Q. In what way?

A. Oh, he would start abusing the kids and then he would make them cry and all that and then get on my Mother's nerves and if she would say anything, why then he would start to fight with her about minding her own business and so forth.

Q. Now, do you know during their married life whether he contributed much to the support of his family?

A. Well, while he was there at the house he never did.

Q. And when he was working did he support them?

A. I couldn't say because I don't remember of him working whenever he stayed at our house.

Q. Did you ever hear him quarreling with your sister

A. Yes.

Q. Did this happen very often?

A. Yes.

Q. About how often?

A. Oh, I couldn't say exactly how often. Some times it would be more than once a day and some times not as many.

Q. Did you hear him call her any names?

A. Oh yes.

Q. Do you know whether he ever struck your sister?

A. Yes he did.

Q. How do you know it?

A. I seen it.

Q. Where was she?

A. She was sitting on a chair and he swung down and hit her and he got a hold of her and pulled her up off the chair.

Q. Did she have any scars through all of this?

A. None that I could see.

Q. Now during the time of their married life, did your sister take care of her house in good shape?

A. Yes.

Q. And did she give him any reason to act the way he did?

A. No, none.

Q. Do you know as a result of his conduct that she became physically upset?

A. Yes.

Q. In what way?

A. Well she would get nervous and upset.

Q. Did you ever see her cry?

A. Yes.

Q. Does she feel better now?

A. Oh yes, much better.

Q. How did he act towards the children?

A. Well, one night he was fighting and he picked Rodney up and if it hadn't been for my Mother, he would have practically killed him.

Q. Now during all the time they were married was his conduct always like this, drinking, fighting all the time?

A. Yes.

Q. And do you think he behaved toward his sister like a husband should toward his wife?

A. No.

Q. Now during the time they were married, did they have enough to eat and live on?

A. Well, not that I could see. My sister would come home and the babies would come home and they would be real hungry.

Q. Did your family have to help them?

A. Yes, they did.

Q. In what way?

A. Well we took coal over to them. My Mother took food over to them.

Q. Do you know what he was doing with his money?

A. He was always drinking.

*Charles Passmore*

Now May 14 1961 we've accepted  
of written report, X, time & notice  
waived - A. Hess  
copy for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
NO. 289 FEBRUARY TERM, 1961  
IN DIVORCE

RUTH EARLIA HESS

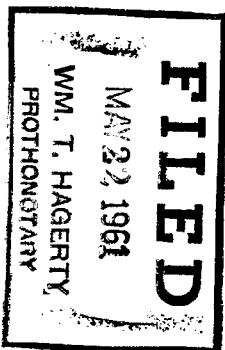
-VS-

ANDREW P. HESS

MASTER'S REPORT

UNCONTESTED

LEO R. BROCKBANK -  
MASTER'S REPORT ----- \$85.00  
COSTS FOR SERVICE OF MASTER'S  
NOTICE WERE FILED WITH THE  
PROTHONOTARY.



LEO R. BROCKBANK

ATTORNEY AT LAW

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DU BOIS, PENNSYLVANIA