

DOCKET NO. 174

NUMBER	TERM	YEAR
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293	September	1961
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Nina Mae Rougeux

VERSUS

Francis W. Rougeux

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

Edward T Kelley, 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

Nina Mae Rougeux

Plaintiff ,

and

Francis W Rougeux

Defendant ,

to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the parties

as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report with form of Decree and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

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

WITNESS, the Hon.. John J Pentz, President of our said Court, at Clearfield, the 5th day of January, in the year of our Lord one thousand nine hundred and sixty-two

Carl E. Walker

Prothonotary

To the Honorable, the Judge, &c.:

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

Edward T Kelley

SEAL

COMMISSIONER.

No. 293 September Term. 19 61

Nina Mae Rougeux

VERSUS

Francis W Rougeux

COMMISSION

Dan P Arnold Attorney.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 293 September Term, 1961
IN DIVORCE

NINA MAE ROUGEUX

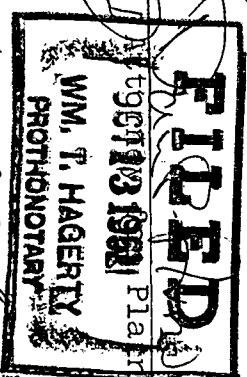
VS.

FRANCIS W. ROUGEUX

COMPLAINT

TO THE WITHIN DEFENDANT:

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



DAN P. ARNOLD
ATTORNEY AT LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

NINA MAE ROUGEUX

:

VS

:

No 293 September Term 1961

:

FRANCIS W ROUGEUX

:

OCTOBER 13, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

NOVEMBER 22, 1961, Sheriff's Return filed.

Now, October 28, 1961 at 9 o'clock A.M. served the within Complaint in Divorce on Francis W Rougeux at the home of Guy Rougeux RD Frenchville, 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.

January 3, 1962 By Motion on Watch Book Edward T. Kelley, Esq., is appointed Master to take Testimony and report with form of Decree.

January 5, 1962 Certified from the Records.

Carl E. Walker
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NINA MAE ROUGEUX

vs.

FRANCIS W. ROUGEUX

:
: No. 293 September Term, 1961
:
: IN DIVORCE
:

COMPLAINT

1. Plaintiff herein resides in Frenchville, Clearfield County, Pennsylvania, is 33 years of age, and is a resident and citizen of the Commonwealth of Pennsylvania and United States of America.

2. Defendant herein resides in Frenchville, Clearfield County, Pennsylvania, is 40 years of age, and is employed by the New York Central Railroad Company. He is a resident and citizen of the Commonwealth of Pennsylvania and United States of America.

3. That plaintiff and defendant were married on January 6, 1947 by a Catholic priest in the Village of Frenchville, Clearfield County, Pennsylvania.

4. That the following children were born at the following times to the parties hereto:

Marsha L. Rougeux	-	April 20, 1948
Shirley A. Rougeux	-	March 2, 1951
Debra J. Rougeux	-	February 3, 1955

all of whom reside with their mother at Frenchville, Pennsylvania.

5. That neither of the parties hereto have ever instituted a divorce action against the other prior to the present action.

6. That the present action is not collusive.

7. That the defendant has been guilty of such indignities to the person of the plaintiff as to render her condition in life intolerable and life burdensome.

WHEREFORE, plaintiff prays the Court for a divorce from
the bonds of matrimony with Francis W. Rougeux.

Nina Mae Rougeux
Nina Mae Rougeux

Dan P. Arnold
att. for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

NINA MAE ROUGEUX, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing
Complaint are true and correct to the best of her knowledge,
information and belief.

Nina Mae Rougeux

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

Wm. T. Daperty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

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

Nina Mae Rougeux
vs
Francis W. Rougeux

No 293 Sept Ter, 1961
Complaint In Divorce

(Sheriffs Return)

Now, October 28, 1961 at 9:00 O'Clock A.M. served the within
Complaint In Divorce on Francis W. Rougeux at the home of Guy
Rougeux, RD. Frenchville, 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 \$17/50
(Paid by Atty ~~Arnold~~)

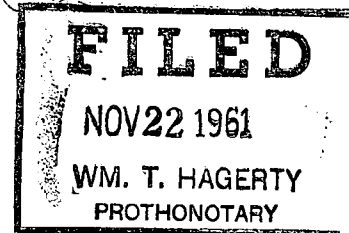
CK. 6015

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 30th
day of October 1961 A.D.

Wm T. Hagerty
Prothonotary.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NINA MAE ROUGEUX

VS.

FRANCIS W. ROUGEUX

:
:
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:
:

No. 293 September Term, 1961

MASTER'S REPORT

The undersigned Master appointed by your Honorable Court to take testimony and report the same with form of decree respectfully represents:

I. COMMISSION

1. The Master's commission is hereunto annexed showing the appointment of the Master on the 5th day of January, 1962.

II. DOCKET ENTRIES AND SCHEDULE

1. The Master originally fixed the 24th day of January, 1962 at 11:00 AM as the time and his office at 41 North Third Street, Clearfield, Pennsylvania as the place for the hearing, but the Defendant did not appear, and Attorney Dan Arnold asked that the hearing be adjourned until the 31st day of January, 1962 at which time the meeting and hearing were held. At that time there appeared the Plaintiff, Nina Mae Rougeux, and a witness Marsha Bechtold together with their attorney, Dan P. Arnold.

2. A return of the service by Laverne Wooster, Constable, on the Defendant is attached hereto, and made a part hereof.

3. A certified copy of the docket entries is hereunto attached.

IV. CAUSE FOR DIVORCE

The cause for divorce is Indignities to the Person.

V. FINDINGS OF FACT

From the testimony taken at the hearing, the Master finds the following facts:

1. Marriage. The parties were married by Father Lippert, a Catholic priest in Frenchville, Pennsylvania, on January 6, 1947.

2. Residence. Both of the parties at the time of their marriage lived at Frenchville, Pennsylvania, and both parties still live in Frenchville. After their marriage they lived with her mother and sister in Clearfield, Pennsylvania for approximately four years, and then they moved to Frenchville where they built a home. They lived there continually until they both moved to Virginia in 1952, but moved back to Frenchville again in 1956 where they have lived ever since that time. They separated on August 7, 1961, and they have not lived together since that time.

3. Citizenship. Both parties are citizens of Clearfield County, Pennsylvania; and citizens of the United States.

4. Age and Occupation. The Plaintiff is thirty-three years of age, and the Defendant is forty years of age. The Plaintiff is now a representative selling Avon products, and the Defendant has worked for the New York Central Railroad, but is not working at the present time.

5. Children. There were three children born of this marriage. Marsha Louise Rougeux, born April 20, 1948; Shirley Ann Rougeux, born March 2, 1951; and Debra Jane Rougeux, born February 3, 1955.

6. Military Service. After they were married, the Defendant served in the Army, but he is not now in the Army, and is living in Frenchville, Pennsylvania.

7. Findings on the Merits. Apparently the parties were getting along very well as husband and wife until about 1956 when the husband started to make big issues out of small things

before the children and in front of other people. He was very disrespectful to his wife, and used nasty language towards her. She has recalled several instances when this has happened. When his brother was visiting from Wisconsin about 1956 she recalled that her husband was sitting on a chair and as she walked past him she showed him some affection by stroking his head, and he said to her, "God Damn you, you know better than to do a thing like that," and he kept raving on and on and made quite a furor over it. This humiliated her very much.

At one time the Plaintiff was working at Curtiss-Wright, and she would come home and do her housework, and take care of her children, and get them to bed so that she could take her bath. Her husband raised many issues about her taking a bath and washing her hair, because it interfered with him watching Television because of the water pump running. In this one instance, he came through the bathroom door with his fists clenched and told her it was no time to take a bath at 10:00 o'clock at night. He threatened to knock her down.

In another instance he came in from New York where he had been working for the New York Central Railroad, and he had been away for a week. He would come home on weekends, and this was a Friday night, and his brother and wife were visiting from Wisconsin, and his oldest daughter was waiting up for him. He got in close to 11:00 P.M., and when he came in the house, he started to curse about the dog being loose, and when the daughter came to greet him he said, "What in the hell are you doing up?" She had only waited up to see him. He brushed on past his wife and daughter, and went into where his family was setting, and in front of the company said to his wife, "Boy, you look frowzy." She was very humiliated in front of his family, and he started to talk about the good supper he had on the way home. He then started making a big fuss about her not having something to eat for him. She really did not think he wanted to eat, because he had just finished saying what a good supper he had.

One instance he struck her. He was getting ready to take a bath, and she got his clothes, and laid them out on the bed for him, and he struck her, and said he wanted his clothes laid out for him. She had already laid them out.

This was just one instance in a whole series of instances. She spoke to his father to see if he could not have him act in a more thoughtful way toward her. The oldest daughter complained about him cursing to her mother.

During this cursing, he would call her an old fag, a lazy trollop, a bitch and a whore, and this was done where the children could hear it. It did not happen once, but happened many times. Many times he has said he did not know why he married her. He also said he did not know how anybody could love a person like his wife, and he said he could not stand her. He would do this whether or not anyone was present or not.

One time she bought, with her own money from Curtiss-Wright, a bed frame for her daughter because her bed frame broke. She paid \$10.50 for it, and when he saw it, and found out what it was he started swearing and yelling and saying to his wife that she was too independent, and kept it up all during supper where the little children could hear it. It was so bad at that time, that she went to her sisters for an hour.

They formerly went to the "Vet's" on Sunday evenings, and got into the habit of leaving his wife, and taking another woman home. This was done in front of other people, and was very humiliating, and he suggested that while he was in New York, that she could get someone to look after her. When he came home, he would have nothing to do with her as a wife, and as a result of it, her nerves were on edge, and she had to consult her doctor about it.

The Plaintiff's testimony is supported by Mrs. Marsha Bechtold, her sister. When the Plaintiff and her husband came back from Virginia and while they were living with her sister and mother he complained about the meals they had, and when Mrs.

Bechtold ate at the Plaintiff's home, she felt embarrassed because the Plaintiff's husband complained about the food, and acted as if he regreted what he had to eat. Because of his conduct, Mrs. Bechtold very seldom went to the house. She has heard him curse and swear at his wife over very trivial things when other people were present. The conduct of the husband was very embarrassing to the wife.

8. Discussion. The Master finds that in this case, the Plaintiff has made out a case for divorce. Under the law of Pennsylvania a divorce on the grounds of Indignities to the Person can not be granted for one act or isolated acts, but it must be a course of conduct over a period of time to render the life of the Plaintiff intolerable, and life burdensome.

In the case of Richards vs. Richards, 37 Pa. 225, it was held reversible error to instruct the jury that if the defendant pulled his wife's nose in rudeness and anger, in a coarse, vulgar, and harsh manner, it would be an indignity sufficient to warrant a divorce. This one act, of course, would not be sufficient. The fundamental characteristic of Indignities to the Person is the whole course of conduct by the defendant toward the plaintiff, and this whole course of conduct should be considered and evidence descriptive of it should be received.

In the present case, not only was the wife humiliated in front of her children and in front of his relatives and other folks, but her health was endangered. See Mason vs. Mason, 131 Pa. 161; Barnsdall vs. Barnsdall, 171 Pa. 625.

The defendant apparently developed a manifestation of settled hate towards his wife as was manifested by the names he called her, by the humiliations he heaped upon her, by taking other women home, by suggesting to her that she find other men to take care of her, by cursing and swearing at her in front of other people, her children and relatives, by many mean and insulting remarks about her cooking, and by causing all sorts of commotion about the time of evening she would take her bath. Not only did

he did this in their own home, but at other places as well. All of this humiliated his wife very much, and caused her to be highly nervous, and caused her to need the services of a physician.

These acts under Breene vs. Breene, 76, Pa. Superior 568 and the fact that these indignities are not isolated incidents but apparently plain manifestation of settled hate and estrangment by the defendant towards the plaintiff. It is the opinion of the Master that there is no question that she is the innocent and injured party, and because of the actions of the husband she would be entitled to a divorce from the husband.

VI. CONCLUSIONS OF LAW

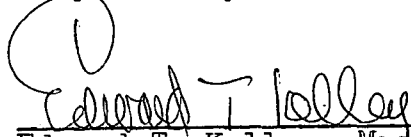
The Master is of the opinion:

1. That the Court has proper jurisdiction over the parties and the cause.
2. That the proceedings are regular.
3. That the testimony will sustain a decree of divorce on the ground of Indignities to the Person.
4. That there was no collusion between the parties in these proceedings.
6. The defendant is not qualified to avail himself of the provisions of the Act of Congress known as the Soldier's and Sailor's Civil Relief Act.

VII. RECOMMENDATION

The Master recommends that a divorce a vinculo matrimonii be granted on the ground of Indignities to the Person pursuant to the following suggested form of decree.

Respectfully submitted,


Edward T. Kelley, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NINA MAE ROUGEUX

VS.

No. 293 September Term, 1961

FRANCIS W. ROUGEUX

MASTER'S NOTICE IN DIVORCE

TO Francis W. Rougeux:

You are hereby notified that I have been appointed master to take testimony in the above action brought against you by NINA MAE ROUGEUX for divorce on the ground of indignities to the person of the Plaintiff.

I shall hold a meeting on the 24th of January, 1962 at 11:00 A. M. at my office, 41 North Third Street, Clearfield, Pennsylvania, which you may attend if you desire.

Edward T. Kelly
MASTER

Service of notice of meeting accepted.

Nina Mae Rougeux

This copy to be returned to me.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NINA MAE ROUGEUX

VS.

FRANCIS W. ROUGEUX

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:

No. 293 September Term, 1961

MASTER'S NOTICE IN DIVORCE

TO Francis W. Rougeux:

You are hereby notified that I have been appointed master to take testimony in the above action brought against you by NINA MAE ROUGEUX for divorce on the ground of indignities to the person of the Plaintiff.

I shall hold a meeting on the 24th of January, 1962 at 11:00 A. M. at my office, 41 North Third Street, Clearfield, Pennsylvania, which you may attend if you desire.

Edward T. Kelley
MASTER

Now, January 8, 1962 at _____

12 noon A.M.-P.M. served the within Master's Notice in Divorce on Francis W. Rougeux at W.F.W. Club 12 noon
Frenchville, Pa by handing to him personally a true and attested copy of the original Master's Notice In Divorce and made known to him the contents thereof.

So Answers

Lavere Wooster
~~Edwin W. Coudriet~~
Lavere Wooster
Karthaus, Pa.

Costs: \$6.00

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

<u>Nina Mae Rougeux</u>	}	Of <u>September</u> Term, 19 <u>61</u>
<u>VERSUS</u>		No. <u>293</u>
<u>Francis W. Rougeux</u>		
		DIVORCE

And Now, the 28 day of Feb 19 62, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Nina Mae Rougeux be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ ^{herself} and Francis W. Rougeux.
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 _____

Nina Mae Rougeux ~~his~~ ^{her} costs expended in this action.

ATTEST

Carl E. Walker
Prothonotary

BY THE COURT

John H. [Signature]
President Judge

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

No. 293 September Term 19 61

Nina Mae Rougeux

Libellant

VERSUS

Francis W. Rougeux

Respondent

DECREE

Edward T. Kelly

Attorney

John Lincoln

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 293, September Term 1961

NINA MAE ROUGEUX

VS.

FRANCIS W. ROUGEUX

IN DIVORCE

MASTER'S REPORT

Edward T. Kelley, Master
Master Fee - 8.50

Constable fee to foreman 6.00
Woodsby 1844 Master 9.00
19.50

FILED

FEB 26 1962

CARL E. WALKER
PROTHONOTARY

EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

*Now Feb 27 1962
Notice of Presentment (given)
an P. H. Hurd*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NINA MAE ROUGEUX

VS.

FRANCIS W. ROUGEUX

:
:
: No. 293 September Term, 1961
:
:

TESTIMONY

The original record shows that there was a meeting held on the 24th day of January, 1962 at 11:00 a.m., and the Defendant did not appear. Mr. Arnold, the attorney for the Plaintiff, asked for a continuance until the 31st day of January, 1962 at 10:00 a.m. at which time the meeting and hearing was held. The two witnesses for the Plaintiff, being Nina Mae Rougeux, the Plaintiff, and Marsha Bechtold, were sworn. Mr. Dan Arnold, attorney for the Plaintiff, appeared.

NINA MAE ROUGEUX, being duly sworn according to law, testified as follows:

BY MR. ARNOLD:

Q. Mrs. Rougeux, you're the Plaintiff in this divorce action?

A. Yes.

Q. How old are you?

A. Thirty-three.

Q. Where do you live?

A. Frenchville, Pennsylvania.

Q. Were you born in the Commonwealth?

A. Yes.

Q. Have you lived in Pennsylvania all of your life?

A. All except two years in Virginia.

Q. What is your occupation?

A. Right now I am an Avon representative.

Q. Do you sell Avon products?

A. Yes, in Covington Township.

Q. Your husband's name is Francis W. Rougeux?

A. Yes.

Q. Where does he live?

A. He is in Frenchville, Pennsylvania.

Q. How old is he?

A. He is forty.

Q. By whom is he employed?

A. He is'nt employed right now. He was working for New York Central.

Q. Was he born in the Commonwealth of Pennsylvania?

A. Yes he was.

Q. Did he live here all but the two years in Virginia?

A. That's right, except his Army duty.

Q. Your husband is not now in the Army?

A. No.

Q. Does he reside with his father in Frenchville?

A. He is'nt living with his father. He is living in a little two room house near his father.

Q. In Frenchville?

A. Yes, in Frenchville.

Q. When were you married?

A. January 6, 1947.

Q. By whom?

A. Father Lippert, Frenchville.

Q. Is your husband a Catholic?

A. Yes.

Q. Are you?

A. No.

Q. Were there any children born to this marriage?

A. Yes, we have three.

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

A. There is Marsha Louise Rougeux, she was born April 20, 1948. Shirley Ann Rougeux, March 2, 1951, and Debra Jane Rougeux, February 3, 1955.

Q. Were do the children live?

A. They are living with me in Frenchville.

Q. Have either your husband or you tried to get a divorce before?

A. No.

Q. Is there any collusive agreement between you and your husband for the purpose of getting this divorce?

A. No there is'nt.

Q. As a matter of fact, did you have to borrow the money to obtain the divorce?

A. Yes I did.

Q. When did you separate from your husband? Oh, before I start that; After you were married where did you go to live?

A. We lived with my mother and sister in Clearfield.

Q. For approximately how long?

A. About four years.

Q. Then were did you go?

A. Then we moved to Frenchville.

Q. Were did you live there?

A. We started building a home there, in 1951.

Q. How long did you live in Frenchville?

A. Well, we have lived there continually, except we moved to Virginia in 1952, and moved back in 1956.

Q. You have lived in Frenchville since 1956?

A. Yes.

Q. When did you separate from your husband?

A. In August, 1961.

Q. August 7?

A. Yes.

Q. Have you lived with your husband since that date.

A. No.

Q. When did your serious trouble with your husband start?

A. About 1956.

Q. What was the general nature of your difficulties?

- A. Well, he's very difficult to live with. He makes issues out of small things; little things that don't mean anything, he makes big issues out of them. He has been very disrespectful to me, when we're alone and in front of people. He used awfully nasty language towards me.
- Q. In front of anybody?
- A. In front of a good many people, yes.
- Q. Now to be more specific, do you recall the incident when you ran your hand across the top of his head?
- A. Well, that was when his brother and his wife were visiting from Wisconsin, and that was about just about 1956. He was sitting by the dining-room door, and I was walking past, and as I walked I just ran my hand down over his head. I didn't mess his hair or anything, I just meant it as a very nice gesture, and he started shouting at me. He said, "God Damn you, you know better than to do a thing like that," and on and on.
- Q. Did he continue to make quite an uproar over that?
- A. He made an awfully big uproar over it; in front of his brother, his wife, & my children.
- Q. Will you relate the incident when he was working at Curtiss-Wright, and you wanted to take a bath?
- A. Well, I was working at Curtiss-Wright also, and I had gotten the children to bed about 10:00 o'clock, and I had purposely gotten them all down so I could go and take a bath, having the housework and the children, and the job every day, I don't know when I could have bathed other than at that time of night. When I ran the bath water, he heard the pump running. He was downstairs watching television, and when he heard the pump running, he knew I was taking a bath. We had so many issues over my taking a bath, over my washing my hair; I never washed my hair at the proper time, but this time he came up the steps just shouting the whole way up. The girls were in bed, and I had them settled for the night. He came up the steps shouting, and came through the bathroom door, and he had

his fists clenched, and he told me he was going to knock me down, and I told him to go ahead. He said, "I would except you would go to the law." I said, "Yes I would." He said that was no time of night to take a bath, and that I knew better than to take a bath at 10:00 O'clock at night, it was too late. I asked him to quiet down because of the girls. I didn't want them upset.

Q. Will you relate the incident when he got home from New York?

A. Well, that was just the past September. He had gone to work in New York; he hadn't worked for nine months, and he got the job for New York Central in New York, and he had been up there for a week.

Q. Did he come home week-ends?

A. He came home week-ends. This was a Friday night, and he came in, and his brother and his wife from Wisconsin were there.

Q. That is his brother?

A. His brother and his wife from Wisconsin, and his brother and his wife who live in Clearfield, and his sister and her little girl. They were all there, and my oldest daughter was up. My daughter and I went to the door to meet him.

Q. About what time was this?

A. Quarter till eleven, and when we got to the door he got out of the car and the first thing he said was "What in the hell is this dog doing loose?" Our collie dog had broken her chain just a couple hours earlier, and I answered him that I thought he could fix it probably. So he came in the door and he said to Marsha, "What in the hell are you doing up?"

Q. Is that your daughter?

A. Yes, it is my oldest daughter.

Q. How old was she then?

A. She was thirteen. He said what are you doing out of bed, you should be in bed this time of night. She had only waited up to see him. He brushed on past us into the dining room where all his family were sitting, and he started talking to them.

The first direct works he said to me he turned to me, and he said, "Boy you look frowzy." I was somewhat upset by it, and there all his family sat, and they are looking at me wondering what I am going to do next, and I was on the verge of tears, so I walked into the kitchen to try to get some composure before I came back. He sat and told them what a good supper he had on the way home. It was a Friday, and he said he had fried oysters. He walked into the kitchen and demanded to know what I was doing. Well, I was'nt doing anything. I was just trying to regain my composure, and I did'nt answer, and he asked again what was I doing? I did'nt say anything I guess, and he said, "I might have known you were'nt getting me anything to eat." I really did'nt think he wanted anything to eat. He had just said what a good supper he had.

Q. Had he asked for anything to eat?

A. No.

Q. Did your husband ever hit you?

A. Yes, he hit me once.

Q. Would you tell what happened then?

A. Well, he was getting ready to take a bath, and he asked me for some clothes, and as it happened, I had gotten the clothes and I had laid them on the bed, but apparently he did'nt see them, so when I walked by he started storming like he has done so often and he hit me on the back as I walked by, and he reminded me that he had asked me to get his clothes, and I turned around and showed him that they were laying right on the bed were I had put them. We had been having an awful lot of trouble up until that time, and I called his father, and I asked his father to talk to him, and I gave him just one week to stop being so mean, or I was going to leave him, and his father did talk to him, and he did settle down for a short time.

Q. You did'nt leave him at that time?

A. I did'nt leave him, no.

Q. Did he ever curse and swear in front of your children?

A. He has done that so many times. My oldest daughter told me just a short time ago, "Mom, what bothers me is when dad starts in on you, I heard it a dozen times, he starts, God damn you, and on and on and on." Those particular words are what bothers her.

Q. In front of your children did he ever call you any dirty names?

A. Yes he has. They were in the other room, but in our downstairs there is no door between the dining room and the kitchen and between the living room and dining room and he has called me some pretty nasty names.

Q. Like What?

A. Well, I have been called a lazy trollop, an old fag -

Q. We've all heard the words - go ahead.

A. A bitch and a whore.

Q. And that was where the children could hear?

A. Yes.

Q. Did that happen just once, or did it happen often.

A. It happened too often.

Q. Did he ever make any remarks to you to indicate he didn't care for you, or was sorry he had married you?

A. He has, for years, made the statement he didn't know why he ever married me. He said when he married he thought that I was young enough that he could change me to be the way he wanted me to be, and I to this day don't know what he wanted me to be. He has also made the statement he didn't know how anybody could love a person like me.

Q. Did he ever say he couldn't stand you?

A. Oh yes, he said he couldn't stand me a good many times.

Q. What kind of a house did you keep.

A. Well, I'm not the best housekeeper in the world, but I don't think I'm the worst either. One thing he always complained about was his meals, and I haven't had too many people com-

plain about my cooking. I have had people in who have seemed to really enjoy my meals, but in all the years we were together He never once sat down to a meal that he didn't complain about something.

Q. Did he do that when you had guests for a meal?

A. He did it all the time, it didn't matter if someone was there or if they weren't. He would do it in front of anybody, it didn't matter. He always complained.

Q. Did he complain about the way you kept the house?

A. At times he did, yes.

Q. Did you ever have anything to say about how the house should be set up?

A. I very seldom had anything to say about the house. I was told when to do my washing, when to do my ironing, when to get the meals, what time to start the meals -

Q. Even when to take a bath -

A. Even when to take a bath. I never washed my hair at the proper time; we had more arguments over my washing my hair.

Q. Do you recall the time when you bought a bed frame for your daughter?

A. Yes, I had been working at Curtiss-Wright, and I was drawing unemployment at the time, and her box spring and mattress were in an old frame, and the frame broke, as a result the child's spring and mattress were on the floor for a period of time, and when I got my unemployment check, I came up to Penn Furniture, and I bought a Hollywood bed frame, which run about \$10.50. When I got home that evening, it was just about supper time when I got home, he saw that I had this package in the car, and he wanted to know what it was. We had sat down at the table and he asked me what I had bought, and I told him that I bought Marsha a bed frame; that she really needed it. He started cursing and swearing and yelling at me, and telling me that I was too damn independent, and a few more things, and he just kept it up right at the supper table were the girls were, and I wanted the girls to get away from it. They only

thing I could do was walk out of the house. I took the car keys, and I walked out and I went to my sisters. When I got to her place, I asked her to note the time that I came, or he would be blaming me for going someplace else. I stayed at her place about an hour, and I asked her to note the time that I left to go back home, and I felt that by the time I got back that maybe he would have quited down. I knew the would'nt say anything if I was'nt there.

Q. Did you occasionally go out to the Vet's with your husband?

A. Yes, we started going to the Vet's on Sunday evenings.

Q. Will you state what happened on two occasions at the Vet's?

A. Well, we had been there for the evening, and all of a sudden this woman that was there said, "Francis take me home", so he walked out with her, and took her home, and he did'nt come back for me. He left me to go home with her husband or any way I could get home. During the week I told both her and him not to ever try that again. It was quite humiliating to have your husband walk out on you. The same thing happened the next Sunday. She said, "Francis take me home", and he did. There was a young man standing there, and I said, "Gene did you see that," and he said, "Yes Nina, I did." He said I would take you home, but I'm already in dutch with my girl friend.

Q. Will you relate what happened when he was working in New York and asked you to get somebody else?

A. Well, it was one of the weekends he was in from New York, and he made the statement to me that surely to God I could find someone during the week to take care of me so that him and the kids would'nt know about it.

Q. Was he referring to taking care of you sexually?

A. Yes he was.

Q. Had he been taking care of you sexually?

A. No.

Q. For some time?

A. For quite some time.

Q. How did this effect you? Did it make you nervous or upset?

A. Well, I have been a nervous wreck for the last two years at least.

Q. Have you consulted doctor's about it?

A. Yes, I was going to Dr. Huse for quite some time, and I have also been to Dr. Yingling.

Q. What was Dr. Huse treating you for?

A. Well, just nerves in general, and a bladder condition which I have been getting quite often.

Q. When he acted like this, particularly in front of other people, did it embarrass or humiliate you?

A. Well, it is very humiliating to be called down so many times for such simple little things. I can still see those people just sitting there looking at me. You just don't know what to do next.

Q. Does the Master have any questions?

BY MR. KELLEY:

Q. Your husband is not now in the service?

A. No.

Q. Is he working?

A. He is not working now, no.

Q. Is he living in Frenchville?

A. Yes.

MARSHA BECHTOLD, a witness for the plaintiff, being duly sworn according to law, testified as follows:

BY MR. ARNOLD:

Q. Marsha, are you the sister of Nina Rougeux.

A. Yes.

Q. When your sister and her husband came back from Virginia did they live with you for a while?

A. Yes.

Q. How did they seem to get along when they were there?

A. Every meal we had, he acted like he didn't like the food that was put on the table.

Q. He complained about your cooking too, did he?

A. Yes.

Q. Do you recall the incident when the furor was raised over her buying a bed frame for her daughter?

A. I know she came to my house, and she was all upset.

Q. Have you been in their house for meals?

A. Yes I have.

Q. How did he act about the meals?

A. Well, he would fly up over what she had cooked, and it made us feel embarrassed, and made us feel like he regreted what he had to eat there.

Q. Did the meals seem alright to you?

A. They sure did.

Q. Did it get to the point where you didn't like to go over to their house?

A. That's right.

Q. Was that true of the other member's of the family, also?

A. Yes, my

Q. Have you ever heard him curse and swear at her?

A. I have never heard him curse and swear at her, but I don't know what it was over.

Q. Too trivial to even recall the incident?

A. That's right.

Q. Were you ever at a meal in their house when he didn't complain about the way she cooked?

A. No.

Q. Did it embarrass the people that were there?

A. Yes it did.