

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>323</u>	<u>May</u>	<u>1961</u>

Donna Winslow

VERSUS

Garry Elton Winslow

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DONNA WINSLOW, Plaintiff :

vs. : No. 323 M., Term, 1961

GARRY ELTON WINSLOW, :
Defendant :

COMPLAINT IN DIVORCE

Now comes the above named Plaintiff and complains of the above named Defendant, upon a cause of action, whereof the following is a statement:

1. The name of the Plaintiff is Donna Winslow, and she resides at Tyler, Clearfield County, Pennsylvania, with her parents, Mr. and Mrs. James Rhoads.
2. Garry Elton Winslow resides at Caledonia, Elk County, Pennsylvania, with his parents.
3. Neither the Plaintiff nor the Defendant are minors.
4. Neither the Plaintiff nor the Defendant are incompetent.
5. Both the Plaintiff and Defendant were born in Pennsylvania, and have resided therein the majority of their lives and still reside therein.
6. The Plaintiff and Defendant were married by Reverend Fleming in the Baptist Church in Cooper Township on June 15, 1955.
7. Two children have been born as a result of said marriage, namely, Jeanette Ann Winslow, born November 12, 1955 in the Maple Avenue Hospital, Du Bois, Pennsylvania and Wade Eugene Winslow, born September 17, 1957 in the Maple Avenue Hospital, Du Bois, Pennsylvania.
8. That the Defendant left the Plaintiff while they were living in Winburne, Clearfield County, Pennsylvania, on the 30th day of May, 1956, and they have not lived or resided together since that time.

9. That the Plaintiff seeks a divorce from the Defendant on the following grounds:

- (a) Desertion and failure to provide a home for her and the children.
- (b) On the grounds of cruel and barbarous treatment.
- (c) On the grounds of indignities to the person.

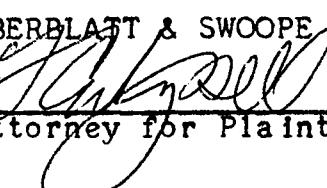
10. That said divorce is not collusive or the result of any agreement between the Plaintiff and Defendant.

11. That neither of the parties, Plaintiff or Defendant, has ever applied in this or any other court for a divorce from the other party to the action, or for annulment of marriage.

WHEREFORE, Plaintiff respectfully prays that a decree of this Honorable Court may be made for the divorcing and separating of the said Garry Elton Winslow, defendant, from Plaintiff's society, fellowship and company for all time to come, and the said Plaintiff from the marriage bond aforesaid, as if they had never been married, or as if the said defendant were naturally dead.

BELL, SILBERBLATT & SWOOP

by


Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA : SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for said county, Donna Winslow, the above named Plaintiff, who being duly sworn, according to law, deposes and says that the facts contained in the above Complaint are true and correct, to the best of her knowledge and belief, and that said Complaint is not made out of levity, nor for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said Complaint.



Donna Winslow

Sworn and subscribed before me
this 12th day of June,
1961.

Wm T. Hagerty
PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

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

No. Term, 1961

DONNA WINSLOW, Plaintiff

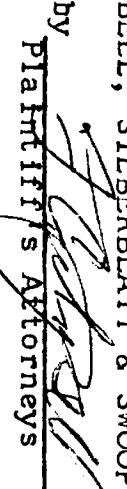
vs.

GARRY ELTON WINSLOW,
Defendant

COMPLAINT in DIVORCE

To Garry Elton Winslow,
Defendant.

You are hereby notified
to plead within 20 days from
service of this Complaint.

BELL, SILBERBLATT & SWOPE,
by 
Plaintiff's Attorney
Clearfield, Pennsylvania

SELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

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

Donna Winslow

No 323 May Term 1961

vs

Garry Elton Winslow

Complaint In Divorce

Now, June 14, 1961 deputized the Sheriff of Elk County to serve the within Complaint In Divorce on Garfy E. Winslow.

Now, July 5, 1961 served the within Complaint In Divorce on Garry E. Winslow by deputizing the Sheriff of Elk County. The return of service of Ivan J. Herzing Sheriff of Elk County is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$ 6.00
Sheriff of Elk County \$18.20
(Paid by Attys B.S.S.)

So Answers,
Charles H. Amerman
Sheriff

Sworn to before me this 13th
day of July 1961 A.D.

Prothonotary.

AFFIDAVIT OF SERVICE

Donna Winslow

Versus

Garry Elton Winslow

IN THE COURT OF COMMON PLEAS
Clearfield
OF ~~ELK~~ COUNTY

No. 323

May Term 19 61

Complaint in Divorce

STATE OF PENNSYLVANIA

COUNTY OF ELK

} SS:

Ivan J. Herzling, Sheriff, being duly sworn according to law, deposes and says, that he served a Complaint in Divorce on the defendant, Garry Elton Winslow, by handing to him personally a true and attested copy of the same and making known to him the contents thereof in Caledonia, Jay Township, Elk County, Pennsylvania on July 5, 1961 at 10:10 P.M.

Sworn to and subscribed before me this
10th day of July A.D. 1961

J. P. Schinner
Deputy Prothonotary

My Commission expires January 6, 1964

So Answers

Joseph Herzling
Sheriff

Deputy

No. 323 May Term 19 61

Donna Winslow

VS.

Garry Elton Winslow

AFFIDAVIT OF SERVICE

Sheriff Paid \$17.20
Affidavit 1.00
18.20

FILED

Attorney for the Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GARY ELTON WINSLOW, :
Plaintiff; :
-vs- : No. 323 MAY TERM, 1961
DONNA LOUISE WINSLOW, : IN DIVORCE
Defendant. :

(CONSTABLE'S RETURN)

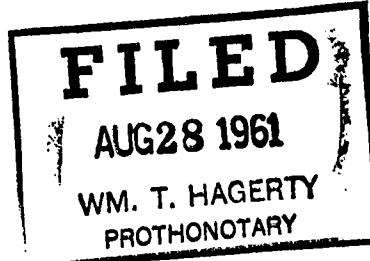
Now, August 25th, 1961, 12:30 P.M., E.D.S.T., served
DONNA LOUISE WINSLOW, at her residence, to wit, Tyler, Clearfield
County, Pennsylvania, with a true and attested copy of the within
Complaint in Divorce No. 323 May Term, 1961, by handing the same
to and leaving with her, personally, and making known to her the
contents thereof.

So answers,

Alex Campbell
Constable

Sworn to and subscribed before me this 26th day of
August, 1961.

Josephine M. Cherry
JOSEPHINE M. CHERRY
Notary Public, My Com-
mission expires Jan. 7, 1963



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

DONNA WINSLOW : No. 323 May Term, 1961
VS :
GARY ELTON WINSLOW :
:

DOCKET ENTRIES

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

JULY 13, 1961, SHERIFF'S RETURN filed: Ivan J. Herzing, Sheriff, being duly sworn according to law, deposes and says that he served a Complaint In Divorce on the Defendant, Gary Elton Winslow, by handing to him, personally, a true and attested copy of the same and making known to him the contents thereof in Caledonia, Jay Township, Elk County, Pennsylvania on July 5, 1961 at 10:10 P.M. So answers, Ivan J. Herzing, Sheriff.

NOW, June 14, 1961, deputized the Sheriff of Elk County to serve the within Complaint In Divorce on Gary E. Winslow.

NOW, July 5, 1961, served the within Complaint In Divorce on Gary E. Winslow by deputizing the Sheriff of Elk County. The return of service of Ivan J. Herzing, Sheriff of Elk County, is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

AUGUST 28, 1961, Constable's Return, filed:

NOW, August 25, 1961, at 12:30 P.M. EDST, served DONNA LOUISE WINSLOW at her residence, to wit, Tyler, Clearfield, County, Pennsylvania, with a true and attested copy of the within Complaint In Divorce, No. 323 May Term, 1961, by handing the same to and leaving with her, personally, and making known to her the contents thereof. So answers, Alex Campbell, Constable.

AUGUST 29, 1961, Petition filed by Bell, Silberblatt & Swoope, Attys.

ORDER OF COURT: NOW, August 28, 1961, Rule to Show Cause why said counsel fees and support Order should not be paid is issued against Gary Elton Winslow.

Returnable next arg. court. By the Court, John J. Pentz, President Judge.

September 13, 1961, Service accepted, John A. Cherry, Attorney.

NOW, October 21, 1961, by motion on the watch-book, John K. Reilly, Jr., Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 23rd day of October, A.D., 1961

Wm T. Hagerty
Prothonotary

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

DONNA WINSLOW, Plaintiff :

vs. : : No. 323 May Term, 1961
: :
GARY ELTON WINSLOW, : In Divorce
Defendant :

PETITION

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

The Petition of Donna Winslow respectfully represents:

(1). That your Petitioner began an action in divorce, and had the Complaint served on her husband, but is without funds to proceed therewith.

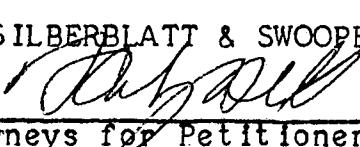
(2). That her husband, Gary Elton Winslow, has been under an Order of support to No. 63 May Sessions, 1956, for support and has only made regular payments during the time he was in the Army, a period of 2 years, and is now in arrears in the amount of \$1027.50.

WHEREFORE, your Petitioner requests that the said Gary Elton Winslow be required to pay such sums as your Court shall deem sufficient for attorneys fees and costs, and be required to pay the Order of support for herself and 2 children, to No. 63 May Sessions, 1956.

And she will ever pray.

BELL, SILBERBLATT & SWOOP

by


Attorneys for Petitioner

STATE OF PENNSYLVANIA : SS:
COUNTY OF CLEARFIELD :

DONNA WINSLOW, being duly sworn according to law, deposes and says, that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief.

Donna Winslow

Sworn and subscribed to
before me this 28th day
of August, 1961.

Wm. T. Haggerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

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

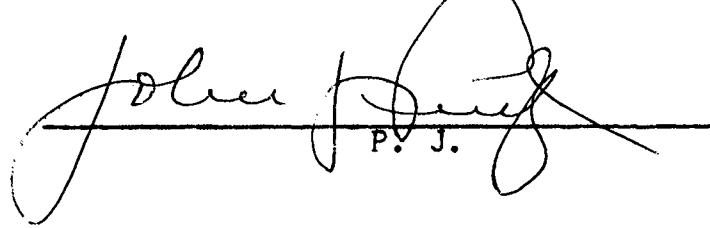
DONNA WINSLOW, Plaintiff :
vs. : No. 323 May Term, 1961
GARY ELTON WINSLOW, : In Divorce
Defendant :
:

ORDER OF COURT

NOW, August 28, 1961, Rule to show cause why said counsel fees and support Order should not be paid is issued against Gary Elton Winslow.

Returnable, next day Court

BY THE COURT,


John F. Dugay
P. J.

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

No. 323 May Term, 1961

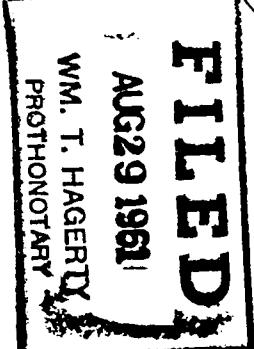
DONNA WINSLOW, Plaintiff

vs.

GARY ELTON WINSLOW,
Defendant

PETITION

Service accepted
September 13, 1961
John G. Elton



BELL, SILBERBLATT & SWOOPER
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

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

DONNA WINSLOW

* No. 323, May Term, 1961

-VS-

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*

GARRY ELTON WINSLOW

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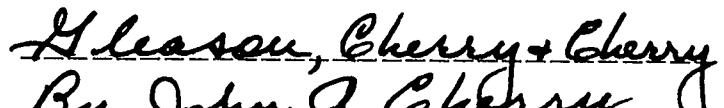
NOTICE OF MASTER'S HEARING

TO: GARRY ELTON WINSLOW
Caledonia, Elk County, Pa.

You are hereby notified that I have been appointed Master in the Divorce Action of Donna Winslow -vs- Garry Elton Winslow, in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 323, May Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office in the Keystone Building, Clearfield, Pennsylvania, on November 14, 1961 at 10:00 A.M., when and where you may attend with witnesses, if you so desire.


John K. Reilly, Jr., Master

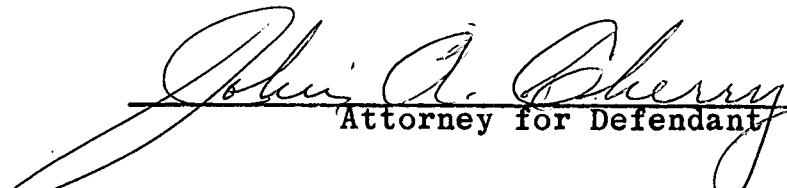
Now, October 25, 1961, Service of Master's Hearing
Notice is hereby accepted.



By John A. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DONNA WINSLOW, :
 Plaintiff :
 : NO. 323 MAY TERM, 1961
-vs- :
GARY ELTON WINSLOW, : IN DIVORCE
 Defendant :
 :

NOW, this Sixteenth day of November, 1961, appears JOHN A. CHERRY, ESQ., Attorney for GARY ELTON WINSLOW, Defendant above named, and does, on behalf of said Defendant, waive the benefits of the Soldiers' and Sailors' Relief Act.



John A. Cherry
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 323 MAY TERM, 1961
IN DIVORCE

DONNA WINSLOW,
Plaintiff

-VS-

GARY ELTON WINSLOW,
Defendant

LAW OFFICES
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
Du BOIS, PENNSYLVANIA
109 N. BRADY STREET

Clearfield County, ss:

The Commonwealth of Pennsylvania, to JOHN K. REILLY, JR., 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

..... DONNA WINSLOW Plaintiff ,
and

..... GARY ELTON WINSLOW 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
21st day of October , in the year of our Lord one thousand nine hundred and
sixty-one

Wm T. Haggerty
Prothonotary

To the Honorable, the Judge, &c.:

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

John K. Reilly, Jr.
COMMISSIONER.



No. 323 May Term. 19 61

DOINA WINSLOW

VERSUS

GARY WILTON WINSLOW

COMMISSION

Swoope
Bell, Silberblatt & Attorney.

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

DONNA WINSLOW

* No. 323, May Term, 1961

-VS-

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GARRY ELTON WINSLOW

MASTER'S REPORT

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

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:

I SCHEDULE

6/13/61	Original Complaint in Divorce filed, one (1) copy certified to the Sheriff of Clearfield County.
7/13/61	Sheriff's Return on original complaint in Divorce filed, showing that the Original Complaint was served on the Defendant, Garry Elton Winslow, at his residence in Caledonia, Jay Township, Elk County, Pa., on July 5, 1961 at 10:10 P.M.
6/14/61	Ivan J. Herzing, Sheriff of Elk County, deputized to serve Complaint on Garry Elton Winslow.
8/28/61	Constable's Return on original complaint in divorce filed showing that the original complaint was served on Donna Winslow at her residence in Tyler, Clearfield County, Pa., On August 25, 1961 at 12:30 P.M.
8/29/61	Petition filed by Bell, Silberblatt & Swoope, Attorneys for Rule to Show Cause why said counsel fees and a Court Order should not be paid and executed against Garry Elton Winslow. Returnable next Argument Court. Service accepted September 13, 1961 by John A. Cherry, Esq.
10/21/61	By Motion on Watch Book, John K. Reilly, Jr., Esq., was appointed Master to take testimony and report the same with form of Decree to the Court.
10/25/61	Notice of Master's Hearing was served on the Defendant on October 29, 1961 at 10:00 A.M. by John A. Cherry, Esq.

11/14/61

At 10:00 A. M. , Master called the hearing at his office in the Keystone Building, Clearfield, Pa., at which time, F. Cortez Bell, Esq., Attorney for the Plaintiff; the Plaintiff, Donna Winslow and Mrs. Elsie Rhoads, witness for the Plaintiff, appeared. The Defendant did not appear either in person or by counsel.

10/16/61

Appearance of John A. Cherry, Esq., Attorney for Garry Elton Winslow, by which Garry Elton Winslow waives the benefits of the Soldiers and Sailors Relief Act.

II SERVICE OF PROCESS

The original Complaint in Divorce was served on the Defendant, Garry Elton Winslow, by the Sheriff of Elk County, Ivan J. Herzing, at his residence at Caledonia, Jay Township, Elk County, Pa., by handing to him a true and attested copy of the original Complaint at 10:10 P.M. on July 5, 1961. Notice of Master's Hearing was served personally on the Defendant, Garry Elton Winslow, on October 25, 1961 at 10:00 A.M. by his attorney, John A. Cherry, Esq.

On November 14, 1961 at 10:00 A.M. , Master's Hearing was called in the Office of the Master, John K. Reilly, Jr., Esq., Keystone Building, Clearfield, Pennsylvania, and was attended by the Plaintiff, Donna Winslow; witness for the Plaintiff, Mrs. Elsie Rhoads; and F. Cortez Bell, Esq., Attorney for the Plaintiff. The Defendant did not appear either in person or by counsel.

III CAUSES OF DIVORCE

Desertion, Cruel and Barbarous Treatment, and Indignities to the Person.

IV FINDINGS OF FACT

1. Marriage---The Plaintiff, Donna Winslow and the Defendant, Garry Elton Winslow, were married on June 15, 1955 in the Baptist Church in Cooper Township, Clearfield County by Reverend Fleming.

2. Residence---At the time of their marriage the Plaintiff was a resident and citizen of Clearfield County, Pa., and the Defendant was a resident and citizen of Elk County, Pa., and immediately following their marriage, the parties lived in Clearfield County, Pa.

3. Citizenship---Both the Plaintiff and Defendant are citizens of the United States and the Plaintiff is a resident and citizen of the Village of Tyler Clearfield County, Pa., and the Defendant is a resident and citizen of Caledonia, Elk County, Pa., but is presently on active duty with the United States Army at Fort Bragg, N. C.

4. Age and Occupation---The Plaintiff is twenty-two (22) years of age and is unemployed. The Defendant's date is unknown, but he is twenty-five (25) or twenty-six (26) years of age.

5. Children---There were two children born to this marriage: Jeanette Ann Winslow born November 12, 1955 in the Maple Avenue Hospital, DuBois, Pa., and Wade Eugene Winslow, born September 17, 1957 in the Maple Avenue Hospital, DuBois, Pa.

6. The Master finds it a fact that the Defendant, Garry Elton Winslow, is a member of the United States Army now serving on Active Duty at Fort Bragg, N. C., and attached to this report is a waiver of benefits of the Soldiers and Sailors Relief Act, signed by John A. Cherry, Esq., Attorney for the Defendant.

7. Findings on the Merits--The Plaintiff and Defendant were married on June 15, 1955 at the Baptist Church in Cooper Township by Reverend Fleming. After their marriage, the Plaintiff and Defendant lived in Winburne, Clearfield County, Pa. Although it may be argued here that Plaintiff is a deserted spouse, the time requirement of two years has not been satisfied, since the Defendant had returned to Plaintiff on several occasions, even though only for one night. See Trussell v. Trussell 116, Super. Ct. 592; 177 A 215; Troianowski v id 155 Super. Ct. 110, 30 A 2nd. 367.

Cruel and barbarous treatment consists of actual personal violence or a reasonable apprehension thereof, or such course of treatment as endangers the life or health and renders cohabitation unsafe. See 23 PS 510 (e); Appeal of Grove 37 Pa. 443; 8 PCJ 10; Appeal of Detrick 11 A 882, 117 Pa. 452. Here it appears that after the first child was born on November 12, 1955, Defendant began to drink to excess quite frequently and on each occasion that he did so, he would beat the Plaintiff. By her own testimony, he often threatened her life and placed her in danger. Due to his beatings, Plaintiff lost a child and was hemorrhaging. Such treatment continued from the time the first child was born until they separated in May, 1956. The testimony discloses a merciless and ravage disposition in Defendant when he has been drinking, which occurred continually, leading to conduct amounting to actual personal violence and renders further cohabitation dangerous to physical safety. See Sharpe v id 110 A 2nd, 804, 177 Pa. Super 76; Verbeck v id 52 A 2nd 241, 160 Pa. Super. 515. Plaintiff is thereby provided with a statutory ground for divorce from the bonds of matrimony.

Plaintiff in this action also is provided with Indignities to the Person as a ground for divorce. The Defendant displayed such a course of conduct or continued treatment as rendered Plaintiff's condition intolerable and her life burdensome. During their marriage, Defendant took Plaintiff's first child from her and gave the child away without her permission and against her wishes. Defendant took Plaintiff to Salamanca, New York, left her with relatives, and informed her that he wasn't coming back. During their marriage, Defendant drank continually and frequently publicly accused Plaintiff of being untrue to him, although such was not the case. Through this continued course of conduct on Defendant's part, Plaintiff's condition was rendered intolerable and her life burdensome causing her to lose 16 pounds,

thus providing Plaintiff with a statutory ground for divorce from the bonds of matrimony. See 23 PS § 10 (f) Romano v id 133 A 2nd 273, 183 Pa. Super 462; Rabenson v id 133 A 2nd 259, 183 Pa. Super 574.

V CONCLUSIONS OF LAW

1. That the proceedings are in accordance with "The Divorce Law" and Rules of Court Relative to such proceedings.
2. That the Court has jurisdiction of the parties and subject matter of this action.
3. The Plaintiff is a resident and citizen of Tyler, Clearfield County Pa., and the Defendant is a resident and citizen of Caledonia, Elk County, Pa.
4. That a sufficient cause for divorce on the grounds of cruel and barbarous treatment and indignities to the person has been established on the facts.

VI RECOMMENDATION

Your Master recommends that a Decree of Divorce "a vinculo matrimonii" be granted to Donna Winslow, in accordance with the Prayer of the Plaintiff, and a form of Decree is hereby attached.

respectfully submitted,

A handwritten signature in black ink, appearing to read "John K. Reilly, Jr." The signature is fluid and cursive, with "John K." on top and "Reilly, Jr." on the line below, separated by a comma.

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

DONNA WINSLOW

* No. 323, May Term, 1961

-VS-

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*

*

GARRY ELTON WINSLOW

* IN DIVORCE

MASTER'S HEARING

Master's Hearing was called on Tuesday, November 14, 1961 at 10:00 A.M. in the Office of the Master, John K. Reilly, Jr., Esq., Keystone Building, Clearfield, Pennsylvania.

Appearances: F. Cortez Bell, Esq, Attorney for Plaintiff; Donna Winslow, Plaintiff; and Mrs. Elsie Rhoads, witness for the Plaintiff.

The Defendant did not appear either in person or by counsel.

'DONNA WINSLOW, being duly sworn according to law, testified as follows

BY MR. BELL:

Q. Donna Winslow, are you the plaintiff in this divorce action?

A. Yes.

Q. How old are you?
A. Twenty-two (22).

Q. Where do you live?
A. Tyler.

Q. Is that in Clearfield County?
A. Yes.

Q. When were you married and to whom were you married?
A. June, 1955 to Gary Winslow.

Q. What was the exact date?
A. June 15, 1955.

Q. By whom?
A. Reverend Fleming, in the Baptist Church.

Q. Where did you and your husband go to housekeeping?
A. Winburne, Clearfield County.

Q. How long did you and your husband stay in Winburne?
A. About seven (7) months.

Q. Do you have any children?
A. Yes.

Q. Will you please give their names and ages?
A. Jeanette Ann Winslow, born November 12, 1955 and Wade Eugene Winslow, born September 17, 1957.

Q. Where was your daughter born?
A. Maple Avenue Hospital, DuBois, Pa.

Q. Where was your son born?
A. Also Maple Avenue Hospital, DuBois, Pa.

Q. How old were you when you were married?
A. Fifteen (15).

Q. You said that you and your husband lived together at Winburne for seven (7) months after your marriage?
A. Yes.

Q. How did your husband and you get along?
A. We got along good before the baby was born.

Q. You said she was born November 12, 1955?
A. Yes.

Q. What happened when you left the hospital and went home?
A. Well, I went home and I was sick all the time and he drank.

Q. Did you have the baby with you?
A. Yes.

Q. Did your husband drink before you had the baby?
A. He didn't before, no.

Q. What happened then?
A. We were always fighting over it.

Q. You were fighting about what?
A. He blamed me for not keeping the house clean.

Q. Was the house clean?
A. No.

Q. Why not?
A. I had my baby to take care of and I had a tough time having the baby and there was not anyone to help me do anything.

Q. Did you and your husband ever come to blows?
A. Yes, he has hit me several times.

Q. How soon after you were married, was the first time he struck you?
A. Right after the baby was born.

Q. When was the first time after your baby was born that he struck you?
A. Two or three months.

Q. Where were you living?
A. Winburne.

Q. Where did he strike you?
A. Across the face and arms.

Q. What did he strike you with, his open hand or closed fist?
A. I don't remember.

Q. How many times did he strike you?
A. I don't know.

Q. How often did these quarrels happen?
A. We usually had a fight every Saturday night.

Q. Why on a Saturday night?
A. That was his pay day and we would go out Saturday night and hire a baby sitter.

Q. Who was the baby sitter?
A. Betty Jedansky.

Q. In your cause for divorce, you aver cruel and barbarous treatment. Did your husband endanger your life?
A. Yes.

Q. You said you were living in Winburne how long?
A. We lived there until 1956, about seven months.

Q. When, in 1956, did you leave?
A. May.

Q. How were you and your husband getting along then?
A. About average.

Q. Were you having arguments with him?
A. Yes we fought all the time.

Q. When he was drinking, did he ever strike you?
A. Yes, when he was drinking and that was every day.

Q. What happened in May of 1956 ?
A. We fought and he wanted to break up and give the baby away.

Q. Was your husband urging you to let him give the baby away ?
A. Yes.

Q. Did you agree ?
A. No, I wanted the baby.

Q. Was it taken away ?
A. Yes.

Q. When was that ?
A. Before we separated, about a week or two before.

Q. What happened after that ? That is, after the baby was taken away ? Did you and your husband continue to live in Winburne ?
A. No, he took me to Salamanca, New York.

Q. Where ?
A. To my Aunt's house in Salamanca.

Q. Who is your Aunt ?
A. Edith Waleski, 374 Washington St., Salamanca, N. Y.

Q. This letter I hold in my hand is dated June 9, 1956.
What is this letter ?
A. It is to me from Gary.

Q. It is addressed to you in care of your Uncle and Aunt in Salamanca, New York ?
A. Yes.

Q. Why did your husband take you to New York ?
A. I don't know.

Q. How old were you at that time ?
A. Sixteen (16).

Q. Did you know even if you went to New York and then when you came back that he wasn't coming back ?
A. No, he wasn't coming back.

Q. Then he left you with your Aunt in New York ?
A. Yes.

Q. Were you agreeable to separating with him ?
A. I guess so, I didn't have any choice.

Q. Well, were you willing to live in Winburne the way you had been?

A. No.

Q. In this letter, does your husband say to you that he is sorry that he treated you and sees his mistake?

A. Yes.

Q. Did he say anything about going back together?

A. He said he wanted another chance.

Q. On the first page he says that he wants you to understand that he realizes he didn't take care of you/~~H~~ before. Later in the letter, he said that to remember he will always love you and take you back any time you want me.

Q. How long did you stay in Salamanca?

A. three days.

Q. How did you get back to Pennsylvania?

A. My Mother and Dad brought me back.

Q. Where was Gary's home?

A. Caledonia.

Q. How close is that to your home?

A. About seven (7) miles.

Q. Where was your husband when you came back?

A. He was with his Mother, and he was working for Bob Bailey.

Q. Did you begin to bring a proceeding to regain custody of your daughter?

A. Yes.

Q. I refer to an Order of Court, No. 280, May Term, 1956, in the Court of Common Pleas directing that the child be turned over to you until further investigation. After you regained custody of this child, where did you go?

A. I lived with my Mother and Father in Tyler.

Q. Have you ever started a divorce action before?

A. No.

Q. Has your husband ever started a divorce action against you?

A. Yes.

Q. Your husband started one and that was never disposed of?

A. Yes.

Q. Is Jeanette Ann still living with you at your parents home?

A. Yes.

Q. Has she been there continuously since July, 1956?

A. Yes.

Q. After this hearing in June of 1956, when did you next see your husband? That is, did he continue to call on you at your parents home?

A. Yes.

Q. Did you at this time become pregnant with your second child?

A. Yes.

Q. Is your husband the Father of the child?

A. Yes.

Q. Was there a proceeding in Court for support of both children?

A. Yes.

Q. Did Judge Pentz make an Order on your husband for the support of the two children?

A. Yes.

Q. For how long did your husband continue to call on you at your husband's home in Tyler?

A. He has up until the first part of this year.

Q. During that period of time from 1956 until 1961, was there discussion between you about going back together again?

A. Yes.

Q. Was there discussion as to where you would go?

A. No.

Q. Did you tell him you would go back and live with him if he had a proper home and job?

A. Yes.

Q. Did he ever have that?

A. No.

Q. Did your husband ever make any statement that either of these children were not his?

A. No.

Q. You testified that you were willing to go back to live with him if he provided a home. Was he willing to go back with you and take the children?

A. No.

Q. Is that one of the reasons you never got together again?

A. Yes.

Q. Did he ask you to go and leave the children?

A. He wanted me to leave them with my Mother and go with him.

Q. Is that the main reason you never went back?

A. Yes.

Q. When your husband took you to Salamanca, did he come back after you?

A. No.

Q. Did he say he wouldn't come after you?

A. He said he didn't want to live with me.

Q. Did your husband ever threaten your life?

A. Right after we separated, every time he saw me.

Q. When he came to Tyler to see you, how long would he stay?

A. He stayed all night a couple of times.

Q. You were willing to have him stay?

A. If he came at a decent hour and was sober.

Q. How often did he come to the house drunk?

A. He came drunk quite a few times.

Q. Were there times when he was not left in late at night?

A. Yes.

Q. How often did this happen?

A. About once a week.

Q. Were you born in Tyler?

A. No, I lived there since 1949.

Q. How far away does your husband live?

A. Seven (7) miles.

Q. Did you ever go out with your husband from your home?

A. Yes.

Q. Where would you go?
A. To his home sometimes.

Q. You never did definitely have any place to go?
A. No.

Q. You told me you were willing to go back with him if he provided a home for you and the children?
A. Yes.

Q. Did you ever return to live with your husband?
A. No.

Q. Was any home ever re-established?
A. No.

Q. During the period from 1956 until 1961, there was just talk about going back together?
A. Yes.

Q. There was never any date or place fixed?
A. No.

Q. Did he ever harm you any that you had to have medical attention?
A. When I lost the baby in March of 1956.

Q. Was that before you left?
A. Yes.

Q. How long before?
A. About a month.

Q. That would have been the second child?
A. Yes.

Q. Who treated you?
A. A doctor here in Clearfield.

Q. Were you taken to the hospital?
A. No. He gave me shots and told me I was supposed to go home and go to bed.

Q. Did the Doctor live here in Clearfield?
A. Yes.

Q. Why did he give you the shots?
A. I was hemorrhaging.

Q. Why were you in this condition?
A. He had pounded me around.

Q. Was he drunk?
A. Yes.

Q. How long was this before you went to New York?
A. A couple of months.

Q. Were you happy and contented with your life in
Winburne?
A. No.

Q. Did you have friends down there?
A. Only one, Mrs. Nelson next door.

Q. Were you willing to leave there?
A. I guess so.

Q. Did you lose weight over this?
A. Yes.

Q. Was it because your husband drank?
A. Yes.

Q. Did he ever accuse you of being untrue to him?
A. Yes.

Q. Was there any truth in his statements?
A. No.

Q. Were you true to your husband from the time you
married him until 1961?
A. Yes.

BY THE MASTER: JOHN K. REILLY, JR.

Q. When were you first married?
A. June 15, 1955

Q. When were you first separated?
A. May, 1956.

Q. Since 1956, have you ever lived together with
your husband?
A. No.

Q. Since 1956, has he ever stayed longer than over-
night?
A. No.

Q. When he did come back, was it at your invitation?
A. No.

Q. You never went to him?
A. No.

Q. During the period from 1956 to 1961, after you separated, did he drink during that time?

A. Yes.

Q. Would you say he drank a lot?

A. I guess, he did hide it from me.

Q. You said he struck you when you were living together?

A. Yes.

Q. Did this happen all the time you were living together?

A. When he was drinking and after the baby was born.

Q. Did he leave marks on you?

A. No, he didn't bruise me.

Q. Who has the children now?

A. I do.

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

A. Yes.

Q. How old is your husband?

A. twentyfive or twenty-six.

Q. Who does he work for now?

A. He is in the Army at Fort Bragg.

Q. Your age is what?

A. Twenty-two (22).

Q. Are you working?

A. No.

Q. Have you and your husband reached any agreement in bringing this divorce action?

A. No.

Q. You say there has been a proceeding for support brought?

A. Yes. It is in the Court of Quarter Sessions of Clearfield County, No, 63, May Term, 1956.

Q. Are you familiar with your husband's handwriting?

A. Yes.

Q. Is that his handwriting on the Notice of Master's Hearing?

A. Yes.

Q. What was the date your husband took you to Salamanca?

A. The first part of june of 1956.

Q. He gave you no reason for taking you there?

A. No.

Q. Was your child with you at that time?

A. No.

Q. Mr. Bell asked if you lost weight the period you were with your husband?

A. Yes, I did. I went from 105 to 89 pounds.

Q. Would you say that was due to the conditions under which your husband forced you to live?

A. Yes, I would.

Q. How long were you in Salamanca?

A. Two or three days.

BY MR. BELL:

Q. I have here a Petition which was filed to No. 280 September Term, 1956, in the Court of Common Pleas in which you averred in paragraph 4 that while you were attending a picture show in Philipsburg, your husband and baby were home, and when you returned home, both of them were gone?

A. Yes, that's right.

Q. In another paragraph you stated that you went to Bigler to look for them?

A. Yes.

Q. Did you find them there?

A. No.

Q. That happened on the 29th of May?

A. Yes.

Q. Did you continue to search for your baby around the neighborhood?

A. Yes, I did.

Q. You aver in the 6th paragraph that on the 5th of June, 1956, your husband's sister had her husband contact you?

A. Yes.

Q. Who was he?

A. Carl woodring.

Q. In the next sentence, you state your husband took you to New York State?

A. Yes, but I saw the baby before I went there.

Q. Who took you to New York?

A. My husband.

Q. He took you there on June 6, 1956?

A. Yes.

Q. You have already testified that on Saturday, June 9, your parents got you and brought you home?

A. Yes.

Q. Did you find your baby the following week?

A. Yes.

Q. Where?

A. At my husband's Mothers.

Q. Why did you go to New York and leave the baby?
A. They wouldn't let me have the baby.

Q. As a result of that proceeding for your child, was it turned over to you?

A. Yes.

Q. Who is this picture of?

A. My husband.

Q. This was used and marked Exhibit B at the proceeding on June 29, 1956. Whose refrigerator is that in the picture?

A. Ours.

Q. What does the refrigerator contain?

A. It shows a lot of beer in the refrigerator.

BY THE MASTER, JOHN K. REILLY, JR:

Q. You said your husband had made false accusations about you?

A. Yes.

Q. Did he make them in front of anyone?

A. He told other people about it.

Q. There was no truth in what he was telling?
A. No.

BY MR. BELL: MRS. ELSIE RHOADS being duly sworn according to law, testified as follows:

Q. You are the Mother of Donna?

A. Yes.

Q. Where do you live?

A. At Tyler.

Q. How long have you and your husband lived there?

A. Since 1949.

Q. How long has Donna been with you?

A. Since June of 1956 when they separated.

Q. Did she get another baby after that?

A. Yes.

Q. Did you know her husband?

A. Yes.

Q. Did he come to the house to see her?

A. Yes, he usually came late at night drunk.

Q. You have heard your daughter's testimony and is it true?

A. Yes.

Q. Did you know about this first baby being taken away?

A. Yes, after it had been done.

Q. Did you and your husband go to New York and bring Donna home?

A. Yes.

Q. Do you know of any agreement between them as to the bringing of this divorce action?

A. No.

Q. Has your daughter always behaved herself since she came back to live with you?

A. Yes.

Q. As far as you know, has she ever had sexual relations with anyone up until 1961?

A. No.

Q. Did you know of the stories her husband was telling?

A. Yes, but as far as I know there was not truth in them.

Q. Did these stories upset her?

A. At first, but they seemed not to bother her after a while.

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXX

DONNA WINSLOW } Of May Term, 19 61
VERSUS } No. 323
GARRY ELTON WINSLOW }
DIVORCE

And Now, the 2nd day of June 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Donna Winslow be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ ^{herself} and Garry Elton Winslow.
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 _____

Donna Winslow ~~six~~ costs expended in this action.
her

ATTEST

Mr. J. Hagerty
Prothonotary

BY THE COURT

John H. Hagerty
President Judge

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

No. 323, May Term 19_61

Libellant

DONNA WINSLOW

VERSUS

GARRY ELTON WINSLOW
Respondent

DECREE

F. Cortez Bell, Esq.
Attorney

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 323, May Term, 1961
IN DIVORCE

DONNA WINSLOW

-VS-

GARRY ELTON WINSLOW

MASTER'S REPORT

Master's Fee $\$5.00$



WILLIAM C. CHASE
ATTORNEY AT LAW
KEYSTONE BUILDING
CLEARFIELD, PA.