

DOCKET NO. 174

NUMBER	TERM	YEAR
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<u>342</u>	<u>September</u>	<u>1961</u>
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Clifford William Nimmo

VERSUS

Barbara Ann Nimmo

Clearfield County, ss:

The Commonwealth of Pennsylvania, to ERVIN S. FENNELL, JR., 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

Clifford William Nimmo Plaintiff ,  
and

Barbara Ann Nimmo 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 18th day of January, in the year of our Lord one thousand nine hundred and Sixty-two.

*Carl E. Walker*

Prothonotary

PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1966

To the Honorable, the Judge, &c.:

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

*Ervin S. Fennell Jr.*   
COMMISSIONER.

No. 342 September Term. 1961

Clifford William Nimmo

VERSUS

Barbara Ann Nimmo

COMMISSION

Gleason, Cherry & Attorney.  
Cherry

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

Clifford William Nimmo :  
-vs- : 342 SLP TR. PEP JEPK, 1961  
Barbara Ann Nimmo :  
:

DOCKET ENTRIES

CC'D MR 23, 1961, COMPLAINT IN DIVORCE filed. One copy certified to Attorney.

December 4, 1961, Sheriff's Return, filed:  
TCI, November 21, 1961, served the within Complaint In Divorce on Barbara Ann Nimmo by sending by Registered Mail, Return Receipt Requested, Addressee Only, a true and attested copy of the original Complaint in Divorce to Barbara Ann Nimmo, 1670 Preston Ave., Akron, Ohio, that being her last known address. Registered Receipt signed by Barbara Ann Nimmo is hereto attached and made part of this return of service. So Answers, Charles G. Amerman, Sheriff.

MC, January 1<sup>st</sup>, 1962, by motion on the Watch Book, Ervin S. Fennell, Jr. Esquire, is appointed Master to take the testimony and report same with form of Decree.

February 5, 1962, Petition for Appointment of Guardian filed by Gleason, Cherry & Cherry, Attorneys.

FILE: And now, this 5 day of February, 1962, upon consideration of the foregoing Petition, the Court grants a rule upon the Defendant, BARBARA ANN NIMMO, a minor, to show cause why a competent person should not be appointed Guardian for the said Minor Defendant. Service of notice and rule to be by registered mail.

Rule returnable the 12th day of February, 1962, at 10:00 o'clock A.M. the Proceedings to stay meanwhile. By the Court, John J. Pentz, President Judge.  
February 5, 1962, Rule issued and 1 copy of Petition Certified to Attorneys.

Certified from the Records this 5th day of February, 1962

Carl E. Walker

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 344 SEPTEMBER TERM, 1961  
IN DIVORCE

CLIFFORD WILLIAM NIMMO,  
Plaintiff;

-vs-

BARBARA ANN NIMMO,  
Defendant.

COMPLAINT

TO WITHIN NAMED DEFENDANT:

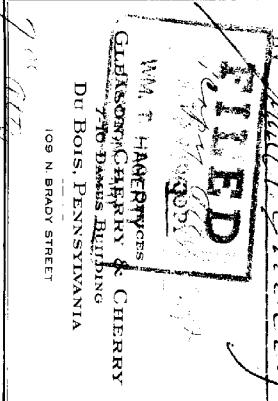
You are hereby notified to  
plead to the enclosed  
Complaint within twenty (20)  
days from the service hereof.

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

W.M. T. HANERTY, Esq.  
GLEASON, CHERRY & CHERRY  
100 DuBois Building  
DuBois, Pennsylvania

109 N. BRADY STREET

**FILED**



RECEIVED

JULY 1961

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO, :  
Plaintiff; :  
-vs- : No. 342 SEPTEMBER TERM, 1961  
BARBARA ANN NIMMO, : IN DIVORCE  
Defendant. :

COMPLAINT

AND NOW, comes CLIFFORD WILLIAM NIMMO, Plaintiff above named, and brings this Complaint in Divorce against his wife, BARBARA ANN NIMMO, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is CLIFFORD WILLIAM NIMMO and the name of the Defendant is BARBARA ANN NIMMO.
2. That the said Plaintiff and Defendant were married on June 24, 1961 in DuBois, Pennsylvania.
3. That the said Plaintiff is an adult; that the said Defendant is a minor of the age of twenty (20) years, having been born on November 1, 1940.
4. That at the time of the said marriage, the Plaintiff and Defendant were natural born citizens of the United States; said Plaintiff having resided in the Commonwealth of Pennsylvania for a period of five (5) years and upwards prior to the institution of this Complaint.
5. That the present residence of the Plaintiff is 16 Olive Avenue, DuBois, Pennsylvania; and the present residence of the Defendant is 212 Highland Street, DuBois, Pennsylvania.
6. That there were no children born to said marriage.
7. That the said Defendant, in violation of her marriage vows and of the laws of the Commonwealth of Pennsylvania,

has offered such indignities to the person of the Plaintiff as to render his condition intolerable and life burdensome.

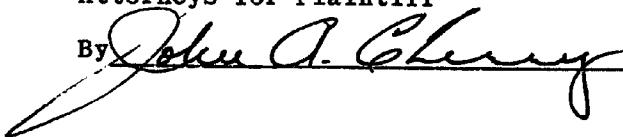
8. Neither the Plaintiff nor the Defendant has instituted any prior action for divorce.

9. This action is not brought out of collusion.

WHEREFORE, the Plaintiff prays that he be freed and separated from the bonds of matrimony heretofore contracted between the said Plaintiff and Defendant and that he 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, CLIFFORD WILLIAM NIMMO, who, 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 his knowledge, information and belief, and that the same is not made out of levity or by collusion between himself 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.

Clifford William Nimmo

Sworn to and subscribed before me this 19<sup>th</sup> day of October, 1961.

Josephine McHenry  
Notary Public  
My Commission expires Jan. 7, 1963.

## 1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee  Show address where delivered

*(Additional charges required for these services)*

### RETURN RECEIPT

Received the numbered article described on other side.

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

**Deliver to Addressee Only**

DATE DELIVERED

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

CS5-16-71048-4 670

C55-16-71545-4

CLEARFIELD, PA		INSURED NO.	
718 Sheriff's Office		CITY, ZONE AND STATE	
P.O. Box 373		STREET AND NO. OR P.O. BOX	
REGISTERED NO.		CERTIFIED NO.	
NAME OF SENDER		NAME OF RECIPIENT	
RETURN		TO	
INSTRUCTIONS: Fill in items below and come on front of article Return Recipient Requested. Place #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article Return Recipient Requested.			
ABILITY COUNTS		OHIO	
POSTMASTER OF		KRON 1951 7 PM	
OFFICIAL BUSINESS			
PENALTY FOR PRIVATE USE TO AVOID			
PENALTY FOR PRIVATE USE TO AVOID			

Post Form 3611, 1958

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

Clifford W. Nimmo  
vs  
Barbara Ann Nimmo

No 342 Sept Term 1961  
Complaint In Divorce  
Notice by Reg Mail

## Sheriffs Return )

Now, Nov 21, 1961 served the within Complaint In Divorce on Barbara Ann Nimmo by sending by Registered mail, Return Receipt Requested, Addressee Only ~~XX~~ a true and attested copy of the original Complaint In Divorce to Barbara Ann ~~Nimmo~~ 1670 Preston Ave, Akron, Ohio that being her last known address. Registered Receipt signed by Barbara Ann Nimmo is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$8.74  
(Paid by Atty Cherry)

50 Answers,

Charles G. Ammerman  
Sheriff

Sworn to before me this 27th  
day of November 1961 A.D.

Wm T. Hazen  
Prothonotary.

---

**#1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

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Deliver ONLY to  
addressee       Show address where  
delivered

*(Additional charges required for these services)*

---

**RETURN RECEIPT**

Received the numbered article described on other side.

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

*Barbara Ann Durme*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

 **DELIVER TO ADDRESSEE ONLY.**

DATE DELIVERED

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

*166 STATE Rd*

055-16-71548-4 GPO

*C.H.E.*



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**#1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

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Deliver **ONLY** to addressee       Show address where delivered

*(Additional charges required for these services)*

---

**RETURN RECEIPT**

Received the numbered article described on other side.

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

*Clifford M. Deacon*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*4 Olive Ave*

*Deliver to addressee ONLY*

*Depos, Pa.*

DATE DELIVERED	ADDRESS WHERE DELIVERED (only if requested in item #1)
<u>JAN 20 1962</u>	<u>(Delivered at Depos Post office)</u>

G55-16-71540-4

POST OFFICE DEPARTMENT		OFFICIAL BUSINESS	
PENALTY FOR PRIVATE USE TO AVOID POSTMASTER OF DELIVERY OFFICE		PENALTY FOR PRIVATE USE TO AVOID POSTMASTER OF DELIVERY OFFICE	
HIGH SUPPORT YOUR TB ASSOCIATION		PA. DU BOIS 1962 5 PM JAN 20	
INSTRUCTIONS: Fill in items below and continue on reverse side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article. Return Receipt Stamp is read.			
REGISTE <sup>RE</sup> NO.		NAME OF SENDER	
CERTIFIED NO.		STREET AND NO. OR P. O. BOX	
INSURED NO.		CITY, ZONE AND STATE	
842953 P. O. Box 213 Cooper & V. Main Duluths RA			

1183 Form 1951 Jul 1951

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO :  
v. : No. 342 September Term, 1961  
BARBARA ANN NIMMO : In Divorce

MASTER'S NOTICE

TO: Clifford William Nimmo  
Barbara Ann Nimmo

You are hereby notified that I have been appointed Master in the divorce action of Clifford William Nimmo, Plaintiff, v. Barbara Ann Nimmo, Defendant, in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 342 September Term, 1961, and that I will hold a hearing for the purpose of taking testimony in the said case on Friday, February 9, 1962 at 11:00 a. m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, when and where you may attend with witnesses, if you so desire.

*Ervin S. Fennell, Jr.*  
Ervin S. Fennell, Jr.

Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO, :  
Plaintiff :  
: No. 342 September Term, 1961  
v. :  
: In Divorce  
BARBARA ANN NIMMO, :  
Defendant :  
:

AFFIDAVIT OF SERVICE OF MASTER'S NOTICE

The undersigned, Ervin S. Fennell, Jr., hereby certifies that on the 30th day of January, 1962 he sent by certified mail, return receipt requested, deliver to addressee only, copies of the attached Master's Notice to Barbara Ann Nimmo, 1670 Preston Avenue, Akron, Ohio and to Clifford W. Nimmo, 16 Olive Avenue, DuBois, Pennsylvania and that the attached U. S. Post Office Department return receipts show delivery personally to the said Barbara Ann Nimmo on February 6, 1962 and to the said Clifford W. Nimmo on February 1, 1962.

*Ervin S. Fennell, Jr.*  
(Ervin S. Fennell, Jr.)

Subscribed and sworn to before me  
this 2nd day of March, 1962.

*Mrs. Jean M. Weaver*

**#1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

Deliver ONLY to \_\_\_\_\_  show address where  
addressee delivered

*(Additional charges required for these services)*

**RETURN RECEIPT**

Received the numbered article described on other side.

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

*Bonita Munro  
1670 Pender Ave.*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*Deliver to addressee only*

DATE DELIVERED	ADDRESS WHERE DELIVERED (only if requested in item #1)
<i>3-6-62</i>	<i>1670 Pender Ave.</i>

F65-16-71548-4 GPO



**#1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

Deliver ONLY to addressee       Show address where delivered

*(Additional charges required for these services)*

**RETURN RECEIPT**

Received the numbered article described on other side.

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

Clifford W. M. Marrow

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to addressee only

DATE DELIVERED

FEB 1 1962

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

Stamp Window  
Dulles Pa Post Office

POST OFFICE DEPARTMENT		OFFICIAL BUSINESS	
PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300			
<b>REGISTRATION OFFICE</b> <b>DELIVERING OFFICE</b>			
<b>RIGHT TO SUPPORT YOUR ASSOCIATION</b> <b>TO RETURN</b>			
<b>INSTRUCTIONS: Fill in items below and come Please #1 on other side, when applicable. Moisture Gummed ends and attach to back of article. Print on front of article. Return Receipt Requested.</b>			
REGISTERED NO. 842954		NAME OF SENDER 1662-1 Moline	
STREET AND NO. OR P. O. BOX 5213		CITY, ZONE AND STATE DuBois Pa	
INSURED NO. 842954		CARRIER NO. Form 1118, 1961, Jan 1961	
C55-16-71548-4			



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO :  
:  
v. : No. 342 September Term, 1961  
:  
BARBARA ANN NIMMO : In Divorce

MASTER'S NOTICE  
NOTICE OF RESCHEDULED DATE FOR HEARING

To: Clifford William Nimmo  
Barbara Ann Nimmo

You are hereby notified that the Master's hearing in the divorce action of Clifford William Nimmo, Plaintiff, v. Barbara Ann Nimmo, Defendant, at No. 342 September Term, 1961, originally scheduled for Friday, February 9, 1962 at the Robert V. Maine Law Offices, DuBois, Pennsylvania, has been rescheduled and that the hearing in said action will be held on Wednesday, February 28, 1962 at 11:00 a. m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania, when and where you may attend with witnesses, if you so desire.

The necessity for the rescheduling of the hearing arises from the fact that Barbara Ann Nimmo, Defendant, was served by the Master by certified mail with the notice of the original Master's hearing on January 25, 1962, which was fewer than 15 days prior to the date of the hearing, and that such notice was therefore invalid under the Rules of Court of the 46th Judicial District.

  
Ervin S. Fennell, Jr.

Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO

-vs-

NO. 342 SEPTEMBER TERM, 1961

BARBARA ANN NIMMO

IN DIVORCE

PETITION FOR APPOINTMENT OF GUARDIAN

The Petition of CLIFFORD WILLIAM NIMMO respectfully  
represents:

1. That the said CLIFFORD WILLIAM NIMMO is the Plaintiff in the above stated action.
2. That the Defendant, BARBARA ANN NIMMO, is a minor, for whom no Guardian has been appointed.
3. That said Defendant is not represented by legal counsel in this action.
4. That he proposes that the Court appoint a Guardian of the said BARBARA ANN NIMMO in this action, and suggests that a Probation Officer be designated as such Guardian.

WHEREFORE, he prays that a Guardian be appointed for the said Defendant in this action.

Clifford William Nimmo  
Petitioner

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

Personally appeared before the undersigned, a Notary Public in and for the County and State aforesaid, CLIFFORD WILLIAM NIMMO, who, 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 his knowledge, information and belief.

Clifford William Nimmo

Sworn to and subscribed before me this 2<sup>nd</sup> day of February, 1962.

JOSEPHINE M. CHERRY  
Notary Public, My Com.  
Commission expires Jan. 7, 1964

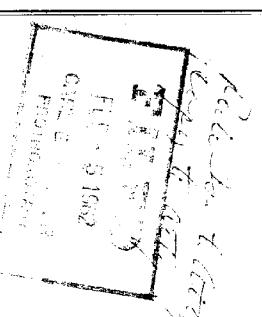
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNS.  
NO. 342 SEPTEMBER TERM, 1961  
IN DIVORCE

CLIFFORD WILLIAM NIMMO

-vs-

BARBARA ANN NIMMO

PETITION FOR APPOINTMENT  
OF GUARDIAN



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO

-vs-

NO. 342 SEPTEMBER TERM, 1961

BARBARA ANN NIMMO

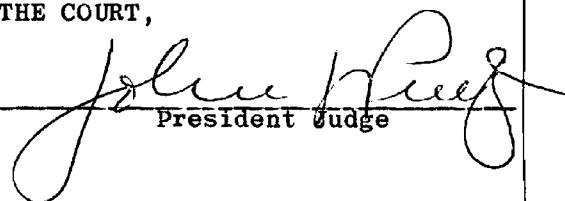
IN DIVORCE

R U L E

And now, this 5 day of February, 1962, upon consideration of the foregoing Petition, the Court grants a rule upon the Defendant, BARBARA ANN NIMMO, a minor, to show cause why a competent person should not be appointed Guardian for the said minor Defendant. Service of notice and rule to be by registered mail.

Rule returnable the 12<sup>th</sup> day of February, 1962, at 10:00 o'clock A.M. The proceedings to stay meanwhile.

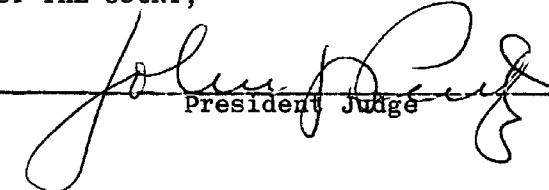
BY THE COURT,

  
\_\_\_\_\_  
President Judge

O R D E R

And now, this 17 day of February, 1962, \_\_\_\_\_  
James Kenna is appointed Guardian of BARBARA ANN  
NIMMO, minor Defendant in this action.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

## #1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee       Show address where delivered

(Additional charges required for these services)

### RETURN RECEIPT

Received the numbered article described on other side.

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

John Clifford (Barbara Ann) Mims

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Norman J. Smith

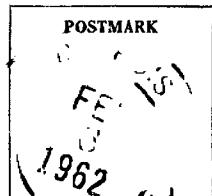
DATE DELIVERED      ADDRESS WHERE DELIVERED (only if requested in item #1)

FEB 1 1964

CR-16-7448-4      G-3

POST OFFICE DEPARTMENT PENALTY 10¢ PER POUND - USE TO PAY POSTAGE		POSTMASTER'S OFFICE DELIVERING OFFICE	INSTRUCTIONS. Fill in items below and complete gummed ends and stretch to back of article. Print on front of article RETURN RECIPIENT REQUESTED. Place #1 on other side, when applicable. Moistener RETURN
REGISTERED NO. <i>John &amp; Company</i>		CERTIFIED NO. <i>Box 118</i>	NAME OF SENDER STREET AND NO OR P.O. BOX CITY, ZONE AND STATE INSURED NO.
Gummed & Stretchy			

1147  
REGISTERED NO. 1147  
Value \$ 10 Spec. del'y fee \$ 10  
Fee .60 Ret. receipt fee \$ .10  
Surcharge \$ .08 Rest. del'y fee \$ .00  
Postage .08  Airmail



From Glaser Cherry & Cherry  
To Mrs Clefford Minimo  
1670 Dresden Ave  
Akron 5, Ohio

POD Form 3806—Oct. 1960

e48-16-70493-5

**SAVE THIS RECEIPT.** Present it when making inquiry or  
claim.

Claim must be filed within 1 year from the date of  
mailing.

Consult postmaster as to fee chargeable on registered  
parcel post packages addressed to foreign countries.

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

February 6, 1962

Mrs. Clifford (Barbara Ann) Nimmo  
1670 Preston Avenue  
Akron 5, Ohio

In re: Nimmo vs. Nimmo

Dear Mrs. Nimmo:

You will find enclosed herewith a copy of the Petition for Appointment of Guardian for you, since you are not 21 years of age. You will note that we are asking that a Court Officer (Probation Officer) be designated as such Guardian. The rule for appointment of Guardian is fixed for February 12, 1962 at 10:00 o'clock A.M., in the Court House, Clearfield, Pennsylvania, when and where you may appear if you so desire.

Also enclosed is the original of the notice, issued by the Court, showing the fact of Petition, Order, and date and hour of hearing.

Very truly yours,

GLEASON, CHERRY & CHERRY

By

JAC:1

Encls. 2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CLIFFORD WILLIAM NIMMO,	:	
Plaintiff	:	
	:	No. 342 September Term, 1961
v.	:	
	:	In Divorce
BARBARA ANN NIMMO,	:	
Defendant	:	

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

The undersigned Master, appointed by the Court to take testimony and report the same with form of Decree, represents as follows:

SCHEDULE

1. Complaint in Divorce: Complaint filed October 23, 1961. One copy certified to attorney.

2. Service: Service of the Complaint was made upon the defendant by sending to her a true and attested copy of the Complaint by Registered Mail, Deliver to Addressee Only, with Return Receipt Requested; said attested copy of the Complaint was delivered to the defendant on November 21, 1961 as shown by the Return Receipt which is attached hereto.

3. Appointment of Master: Ervin S. Fennell, Jr. was appointed Master on January 18, 1962.

4. Date and Place fixed for Hearing: The Master's hearing was originally scheduled for Friday, February 9, 1962 at 11:00 a. m. in the Robert V. Maine Law Offices, 228 DuBois Deposit National Bank Building, DuBois, Pennsylvania. Because the defendant, Barbara Ann Nimmo, was not served by certified mail until January 25, 1962, which was fewer than 15 days prior to the date of the hearing, the said Master's hearing was rescheduled for Wednesday, February 28, 1962 at 11:00 a. m. in the Robert V. Maine Law Offices at the address aforesaid.

5. Notice of Master's Hearing: Service of the notice of the rescheduled Master's hearing was made upon the defendant on February 6, 1962 at 1670 Preston Avenue,

Akron, Ohio, by certified mail as will appear from the enclosed Postal Department return receipt, signed by the defendant and showing the address and date of service. Service of the notice of the rescheduled Master's hearing was made upon the plaintiff on February 1, 1962 at the U. S. Post Office, DuBois, Pennsylvania, as also will appear from the enclosed Postal Department return receipt, signed by the plaintiff and showing the address and date of service.

6. Appointment of Guardian ad litem for Defendant: At the time of the filing of the complaint, on October 23, 1961, the plaintiff had indicated to his attorney that the defendant was born November 1, 1940 and was therefore under 21 years of age. Subsequently it was discovered that the defendant was born November 1, 1941. By petition filed February 5, 1962 plaintiff alleged that the defendant was a minor and requested that a guardian ad litem be appointed for said defendant. Service of the petition was made upon the defendant on February 15, 1962 as appears from the registered mail return receipt bearing the signature of the defendant. The Court of Common Pleas thereafter appointed James M. Kenna, County Probation Officer, as guardian ad litem for said defendant, on February 17, 1962. The petition, rule, order and registered mail return receipt are included in this report, together with a letter written by defendant, included as an exhibit in the testimony, whereby defendant stated she had no objection to Mr. Kenna's acting as her guardian ad litem.

7. Master's Hearing: The Master's hearing was held at the time and place aforesaid. John A. Cherry appeared as attorney for the plaintiff, who appeared in person with his mother, Mrs. Laverda Nimmo, as a witness. The defendant did not appear in person but was represented by her duly appointed guardian ad litem, James M. Kenna, County Probation Officer of Clearfield County. Testimony was taken in question and answer form.

#### CAUSE OF DIVORCE

##### Indignities

#### FINDINGS OF FACT

1. Marriage: The plaintiff and defendant were married in DuBois, Pennsylvania on June 24, 1961.

2. Residence and Citizenship: The plaintiff and defendant are natural born citizens of the United States, the plaintiff having been a resident of DuBois, Pennsylvania all of his life and the defendant having been a resident of Ohio until approximately three years before her marriage. They lived in Clearfield County after their marriage until September 5, 1961, at which time the defendant left the plaintiff. The plaintiff has maintained his residence in DuBois and the present address of the defendant is 1670 Preston Avenue, Akron, Ohio.

3. Ages and Occupations: The age of the plaintiff is 23 and that of the defendant is 20. The plaintiff is employed as a journeyman apprentice by the Courier-Express Publishing Company of DuBois, Pennsylvania and the defendant is employed as a clerk by Ceoran in Akron, Ohio.

4. Children: There were no children born to this marriage.

5. Armed Forces: Neither the plaintiff nor the defendant is a member of any branch of the armed forces of the United States, as appears from the attached testimony.

6. Findings on the Merits: The evidence submitted in support of the charge of indignities justifies the following findings:

(a) The defendant, in her brief married life with plaintiff, demonstrated a total lack of capacity to adjust to the marital state. Plaintiff testified that defendant said she did not love him, refused to talk, was cold and indifferent, wanted to be left alone, refused to go out with plaintiff but went out with her girl friends, refused to accept her husband's friends, refused plaintiff's offer of help around the household, complained about bills, said she preferred the single life and failed to respond to plaintiff's overtures of love and affection. Plaintiff also testified that while he was away serving with the Army reserves the defendant was running around with a married man and that when he questioned her about the matter she admitted her relationship with the other man. Plaintiff's mother testified that defendant stated she had made a mistake in getting married, said she didn't want her husband to touch her, couldn't adjust to married life and wasn't going to have anything to do

with her husband. Plaintiff testified that shortly after he learned that his wife was running around with another man he became highly nervous and disturbed and that his employer warned him that he would have to stop making mistakes and that unless he began correcting himself he would lose his job. Plaintiff testified his lapses of duty on his job were caused by the nervous condition which was in turn caused by the situation at home and his relationship with his wife. Plaintiff testified that after the parties separated in September of 1961 his nervous condition disappeared and his general health improved noticeably. Plaintiff's mother offered similar corroborating testimony regarding plaintiff's state of health and subsequent improvement after the parties separated.

- (b) The plaintiff was a good and dutiful husband.
- (c) There is no evidence of collusion.

#### DISCUSSION

In the opinion of the Master the charge of indignities was established by the testimony of the plaintiff and corroborated by the testimony of plaintiff's mother. The conduct of the defendant was completely incompatible with the conduct ordinarily expected of a spouse and such conduct clearly rendered the plaintiff's condition intolerable and life burdensome. Such conduct made the plaintiff highly nervous and adversely affected his health. Any continuation of the marital relationship under these circumstances would be intolerable.

#### CONCLUSIONS OF LAW

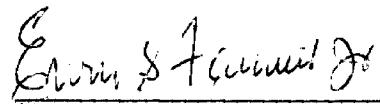
1. The Court has jurisdiction of the subject matter and the parties.
2. The defendant is guilty of indignities to the person of the plaintiff, rendering his condition intolerable and life burdensome, contrary to subsection 1(f) of the Act of May 2, 1929, P. L. 1237, section 10, and (23 P. S. 10) as amended and supplemented.
3. The proceedings conform to the rules of Court and the requirements of the law.

4. The plaintiff is an injured and innocent spouse.

RECOMMENDATION

The Master recommends a Decree granting Clifford William Nimmo a divorce a vinculo matrimonii from Barbara Ann Nimmo, a form of Decree being hereto attached.

Respectfully submitted,



Master

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 342 September Term, 1961

CLIFFORD WILLIAM NIMMO,  
Plaintiff

v.

BARBARA ANN NIMMO,  
Defendant

Master's Report  
(Uncontested)

Master's Fee	
Ervin S. Fennell, Jr.	\$85.00
Postage	<u>3.56</u>
	\$88.56

ROBERT V. MAINE  
ATTORNEY-AT-LAW  
DUBOIS, PA.

Service accepted this 2nd day of March,  
1962 and time waived.  
Gleason Cherry & Cherry  
by Edward V. Cherry

JAMES M. KENNA, being produced and sworn, testifies as follows:

BY MR. CHERRY:

Q. Your name is James M. Kenna and you are County Probation Officer of Clearfield County?

A. That is right.

Q. You were appointed as guardian ad litem of Barbara Nimmo, the defendant in this case?

A. Yes.

Q. Did you contact her pertaining to her desires in this matter?

A. Yes. On February 21, 1962.

Q. Did she indicate to you what she wished to do in this regard?

A. She did.

Q. Verbally or in writing?

A. In writing.

Q. I show you a letter dated February 24, 1962 being sent from 1670 Preston Avenue, Akron 5, Ohio. Is that the letter you received?

A. That is right.

Q. What advice did she direct?

A. She said she had no objections at all and wished to complete the case as soon as possible.

Q. Do you have any reason to believe that you should enter any contest in this matter?

A. No.

Q. Do you feel satisfied that all matters have been complied with and that the action insofar as your ward is concerned should proceed according to the law and procedures of the Commonwealth and the County?

A. Yes.

In the Court of Common Pleas of Clearfield County, Pennsylvania

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CLIFFORD WILLIAM NIMMO } Of September Term, 19 61  
VERSUS } No. 342  
BARBARA ANN NIMMO }  
DIVORCE

And Now, the 21<sup>st</sup> day of November 1962, the  
report of the Master is acknowledged. We approve his findings and recommendations; ~~except~~  
~~except~~

We, therefore, DECREE that CLIFFORD WILLIAM NIMMO be  
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-  
tracted between himself and BARBARA ANN NIMMO.

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~~

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 Master  
a fee of \$85.00 his costs expended in this action.

ATTEST

Carl E. Walker  
Prothonotary

BY THE COURT

J. E. J. L.  
President Judge

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

No. \_\_\_\_\_ *Term 19* \_\_\_\_\_

*Libellant*

*VERSUS*

*Respondent*

**DECREE**

*Attorney*

CLIFFORD WILLIAM NIMMO, being produced and sworn, testifies as follows:

BY MR. CHERRY:

Q. Mr. Nimmo, what is your full name?

A. Clifford William Nimmo.

Q. And what is the name of your wife?

A. Barbara Ann Nimmo.

Q. And you are the plaintiff in this action against your wife for a divorce?

A. Yes, I am.

Q. Now, when were you married?

A. June 24th of 1961.

Q. Where and by whom were you married?

A. In the Evangelical United Brethren Church, by Rev. H. G. Reese.

Q. And that was where?

A. In the City of DuBois.

Q. Clearfield County, Pennsylvania?

A. Yes.

Q. Now, at the time of your marriage what was your residence?

A. 16 Olive Avenue, DuBois, Pa.

Q. And what was the residence of your wife at that time?

A. 212 South Highland Street, DuBois, Pa.

Q. Were you born here?

A. Yes.

Q. And where was your wife born?

A. Ohio.

Q. How long had she been a resident of Pennsylvania before your marriage?

A. Approximately three years.

Q. Have you been a constant resident of DuBois?

A. Yes.

Q. All your life?

A. Yes.

Q. What is your age?

A. 23, I will be 24 on March 2nd.

Q. What is your occupation?

A. Journeymen apprentice.

Q. Where?

A. Courier-Express, DuBois, Pa.

Q. What is the age of your wife?

A. 21.

Q. Is she 21 yet?

A. Yes.

Q. What is your wife's birthdate?

A. November 1 of 1941.

Q. Had you indicated in your Complaint that she had been born November 1, 1940?

A. That is correct.

Q. Why did you give that date?

A. I just misunderstood.

Q. However, she is now not yet twenty-one then?

A. That is correct.

Q. And for that reason you have sought and obtained the appointment of a guardian for her, who is Mr. James Kenna, the Probation Officer of Clearfield County?

A. That's correct.

Q. Mr. Nimmo, what is the occupation of your wife?

A. You can classify her as a clerk.

Q. Is she working at the present time?

A. In Akron, Ohio, at Zeoran.

Q. How do you spell that?

A. Z-E-O-R-A-N.

Q. And does she reside in Akron, Ohio?

A. Yes.

Q. At what address?

A. 1670 Preston Avenue.

Q. Does she reside with anyone there?

A. Yes.

Q. Who?

A. Her mother.

Q. How long has she resided there?

A. Approximately since September 5th, 1961.

Q. Did she leave you?

A. Yes.

Q. When leaving you did she immediately go to Akron, Ohio?

A. Yes.

Q. Has she remained there ever since?

A. Yes she has.

Q. That would seem to indicate that you didn't have much living together from the time of your marriage until your separa-

tion, wouldn't it?

A. Yes.

Q. Well, we'll get back to that; now, are you both  
Citizens of the United States?

A. Yes.

Q. Are you in Military Service?

A. No.

Q. Is your wife in Military Service?

A. No.

Q. Were there any children born to this marriage?

A. No.

Q. Are any children expected?

A. No.

Q. Now after your marriage, did the two of you go into  
housekeeping?

A. Yes.

Q. Where?

A. At 212 Highland Street, at the address where she had  
been living.

Q. Was her mother there at the time?

A. No.

Q. Then you took over the place in which her mother had  
been living?

A. Her mother stayed in Akron, her mother had never came  
back to DuBois.

Q. Oh I See. Now you separated September 5th, 1961 and  
you brought this divorce action on the grounds of Indignities to  
the Person?

A. Yes.

Q. Will you tell me what caused the separation?

A. It all started when I went to summer camp and came back from my two weeks. She was not what you would say warm, she didn't have that warm feeling. I didn't get that warm feeling from her when I came back. She seemed to be pretty much on the cold side, she cried.

Q. Did you tell her about it?

A. Yes, I asked her what was wrong and she cried a couple of times and she just told me she just did not care for married life at all.

Q. Did she declare whether or not she loved you?

A. No, she said she did not.

Q. Did she indicate by her actions whether she did or did not?

A. Definitely.

Q. How else did she treat you?

A. Well, by meals, she didn't want to cook any meals, and she just wanted to be left alone, in general that is what she told me.

Q. And did you do anything to try to overcome this situation?

A. A lot of times I would cook the meals and be real nice to her as I always was; but she just didn't want to respond.

Q. Now, did she do any running around?

A. At the time with girl friends.

Q. Do you know whether or not she run around with any boys or men at that time?

A. When I was at Camp she was running around with a married man.

Q. And did she acknowledge to that?

A. Not right away, but later.

Q. What effect did that have on you?

A. It upset me and it could have cost me my job.

Q. Why?

A. I started making mistakes and I was told that if I didn't start correcting myself, they would have to get rid of me.

Q. And was that because of a nervous condition or being upset?

A. That's right, I was very nervous; and also in my eating.

Q. Now, let's get back as to how she treated you in the home? What else did she do or not do?

A. Well she wouldn't talk, she just wanted to be left alone. She would sit around and read and I would ask her to go out and she would say, no, that she just wanted to be left alone.

Q. Didn't she want to go anywhere with you?

A. No.

Q. Would she accept your friends?

A. No.

Q. Would you enlarge on that answer?

A. Well, a friend of mine often said that she didn't seem receptive, she just seemed cold, she didn't want to talk and she would be very quiet, compared to what she had been before we were married.

Q. And would they return to your home for visitations?

A. No.

Q. Did they declare to you the reason why?

A. Because she was very cold and didn't seem friendly, that is all they would say.

Q. What was the treatment she accorded the members of your family?

A. Well, she would talk, she would be friendly to the members of the family but she would often indicate to my mother that she wanted to be left alone.

Q. And did she declare anything regarding your marriage and how she felt about it?

A. She just told my mother what she had told me.

Q. Which was what?

A. That she did not like married life, and that she just wanted to be left alone.

Q. Now, what else can you give me as to how she treated you to make your condition the way it was?

A. Well, you mean in the home?

Q. In the Home?

A. Well, when my friends came up before, some younger friends, they just wanted to see me. She would not receive them at all, she would just stay in another room and when we were done talking, why she would come back out.

Q. What effect did that have on you?

A. It made me upset and nervous.

Q. Now, did she declare anything as to whether she had love and affection for you?

A. No, she did not.

Q. You mean she didn't say anything?

A. She did not.

Q. She didn't say she did or she didn't say she didn't?

A. Other than she just said she did not.

Q. Would you try to do things for her to overcome this situation?

A. Yes.

Q. What?

A. I helped her with the dishes and try and help her put the groceries away, which she was definitely against, she wanted to do that all herself.

Q. Did you do anything -- did you do any bossing or anything to lead her to act the way she did towards you?

A. No, I was just trying to get her to agree.

Q. She never did?

A. She never agreed on anything.

Q. Now, after she left in September, did you make any attempt to get her to reconcile the situation?

A. Yes I did.

Q. And what was her response then?

A. She just said that there were too many bills and everything was piled up and that she could--.

Q. Whose bills?

A. Our bills.

Q. But you were left to pay them, weren't you?

A. Well, we figured out that we would pay our own bills, I mean she would take half and I would take the other half. She

designated which ones I would pay.

Q. Now, has she made any attempt to overcome the difficulties and return to you?

A. Beg your pardon.

Q. Has she made any attempt to return to you? Since then, did she do anything that would indicate that she might?

A. No, well, she had written letters saying that she would, but then she changed her mind.

Q. Were these letters written in response to you?

A. Yes.

Q. Then what happened?

A. I had gone out several times, possibly a couple of months and tried to work out our situation.

Q. Now, then had she indicated that she was going to return here and to change her attitude?

A. She did.

Q. And did you consult anybody about it?

A. Yes, you.

Q. You consulted your attorney?

A. Yes.

Q. And as a result of that what did you determine to do?

A. I was to make one final stab and if she didn't want to come back then it would be best to give up.

Q. Had she agreed to come back with the attitude of changing her attitude toward you and your family and friends?

A. Yes.

Q. Were you ready to receive her on that condition?

A. I was.

Q. Then what did you do?

A. Well, during the length of the time she was out there she said that she missed the good times and that she wanted to go back and that she enjoyed single life in general.

Q. How did this bother you?

A. At that time I decided I had tried too long and it would be best to go ahead and get a divorce. I was very much disappointed with the outcome .

Q. Could you live with her?

A. You mean at the time or now?

Q. Now, under those conditions?

A. I could not now, no.

Q. How have you felt since your separation?

A. I've felt better, since we are separated.

Q. Do you have any nervous condition?

A. Not since we've separated, no.

Q. Did you doctor for this?

A. No I didn't.

Q. But you do feel better now than you did before your separation?

A. That's right.

Q. Are you able to take care of your work properly?

A. Yes, sir.

Q. And there has been no difficulty in that regard?

A. No, I am back to normal again.

Q. Now this divorce that your have instituted, are you seeking to obtain it by any agreement with your wife?

A. No sir.

*Richard William Hansen*  
66

A. Well, he is more relaxed and certainly has a wonderful appetite now and I know that his work has benefited from his state of mind right now.

Q. Mrs. Nimmo, were you welcomed in their home by her?

A. I never felt welcomed in her life at all.

Q. Why?

A. I don't know, she just kept me at her arm's length, I tried to -- I didn't want to be an interfering mother-in-law, but I wanted her to feel that she could turn to me if there was anything she would like to have, if there was any advice that she would like to have because her mother was away and I was here.

Q. Did she take offense to this?

A. No, she just wouldn't let me get personal with her whatsoever.

Q. Now was Bill able to have his friends in the home do you know?

A. Not that I know of.

Q. Was there anything that he did that caused her to act towards him as she did?

A. Not that I know of. I questioned him more than once.

Q. Did he provide well for her?

A. He provided very well for her.

Q. And do you know whether or not he ever struck her?

A. No, sir, he never struck her as far as I know.

Q. Or threaten to strike her or anything like that?

A. No, sir, and I don't think he is capable of striking a woman.

Q. In this conversation you had with her, over the difficulties, did she say that he had ever treated her wrong?

A. No, she said he treated her well.

Q. But she indicated that she just wasn't going to have anything to do with him, is that correct?

A. That's right.

Q. Do you have anything else that you would wish to add to this testimony with respect to these parties?

A. Well, not that I can think of, I know that she just didn't want him around.

Q. Mrs. Nimmo, do you know if he has ever been arrested for desertion and non-support by her?

A. No, he hasn't been.

Q. I'd like to ask you this, do you know whether or not they are in this divorce action just by agreement, that is, is he suing by agreement with her or is he suing because he feels he has just grounds?

A. He is suing because he has just grounds.

Q. And you know of no agreement in any respect?

A. No agreement whatsoever.

*Sandra Nimmo*