

DOCKET NO. 175

NUMBER	TERM	YEAR
344	November	1961

Bessie Irene Duke

VERSUS

Raymond Edward Duke

Clearfield County, ss:

The Commonwealth of Pennsylvania, to PAUL SILBERBLATT

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

BESSIE IRENE DUKE Plaintiff ,
and

RAYMOND EDWARD DUKE 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 30th day of March, 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.

Paul Silberblatt
COMMISSIONER.



No. 344 NOVEMBER Term. 19 61

Bessie Irene Duke

VERSUS

Raymond Edward Duke

COMMISSION

Clarence R. Kramer Attorney.

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

Bessie Irene Duke

vs.

Raymond Edward Duke

:
:
:
:
:

No. 344 NOVEMBER TERM, 1961

DOCKET ENTRIES

DECEMBER 26, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

February 23, 1962, Sheriff's Return filed:

NOW, February 23, 1962, by direction of Attorney Clarence R. Kramer, Attorney for the Plaintiff, I return this Complaint in Divorce "Unserved". So answers, James B. Reese, Sheriff.

February 21, 1962, On praecipe filed by Clarence R. Kramer, Attorney the above case is reinstated. One copy of Complaint certified to the Sheriff.

March 6, 1962, Sheriff's Return filed: NOW, March 3, 1962 at 12:40 P. M. o'clock served the within Complaint in Divorce on Raymond Edward Duke at his residence, R.D. Woodland, 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, James B. Reese, Sheriff.

March 30, 1962, By motion on the Watch Book, Paul Silberblatt, Esquire is appointed Master to take the testimony and report in the form of a Decree. By the Court, John J. Pentz.

Certified from the records this 30th day of March, 1962.

Carl E. Walker

Prothonotary

Bessie Irene Duke	Plaintiff	}	In the Court of Common Pleas	
vs.			of	Clearfield County
Raymond Edward Duke	Defendant		No.	November Term, 19 61

COMPLAINT IN DIVORCE

1. The name of the plaintiff is Bessie Irene Duke
and the name of the defendant is Raymond Edward Duke

2. The residence of the plaintiff is Goshen Township, Clearfield County,
Post Office Address R. D. 2, Clearfield, Pa.

3. The defendant is a citizen of R. D. Woodland, Pa.
and his last known residence was R. D. Woodland, Pa.
; the present whereabouts of the defendant is
R. D. Woodland, Pa.

4. The plaintiff has been a resident of the Commonwealth of Pennsylvania since
All my life which is a period of 27
years, months, and days immediately preceding this action.

5. The plaintiff and defendant were married on the 28th
day of January, 1950 at Winchester, Virginia

6. The ground upon which this action is based is as follows: A course of indignities rendering the condition of plaintiff intolerable and her life burdensome so that she could no longer co-habit with the defendant.

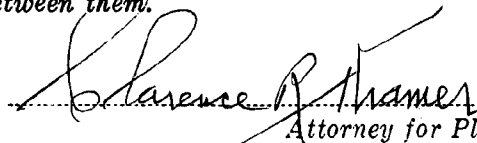
6 $\frac{1}{2}$. That three children were born to this marriage, who now reside with defendant at R. D. Woodland, Pa.

- a. Bessie Eileen Duke, born November 18, 1951,
age 10 years
- b. Marjorie Jean Duke, born March 20, 1953,
age 8 years
- c. Edward Ashley Duke, born September 24, 1955,
age 6 years

7. This action is not brought through collusion between the plaintiff and defendant, but in sincerity and truth for the reason hereinabove set forth.

8. No action for divorce or annulment of marriage between the parties hereto has been brought in this or any other jurisdiction.

Wherefore, plaintiff prays that a decree be entered divorcing plaintiff and defendant from the bonds of matrimony heretofore contracted between them.


Attorney for Plaintiff

State of Pennsylvania

County of Clearfield

ss.

Before me, the subscriber, personally appeared Bessie Irene Duke

, plaintiff in the within action; who, being by me duly sworn according to law, deposes and says that the averments contained in the foregoing complaint are true on personal knowledge as to those facts of which he has personal knowledge, and on information and belief as to those facts of which she does not have personal knowledge.

Sworn and subscribed to before me this 18th day of December

A. D. 1961

Fred B. Hamell

NOTARY PUBLIC, PENN.

My Commission Expires June 10, 1966

Bessie Irene Duke

Plaintiff

In the Court of Common Pleas

of Clearfield County

No. November Term, 1961

Bessie Irene Duke

Plaintiff

vs.

Raymond Edward Duke

Defendant

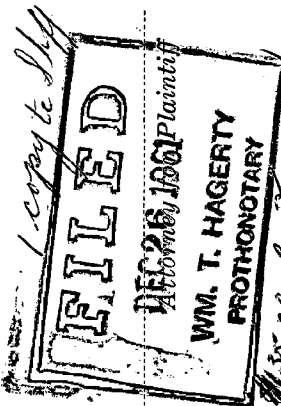
Complaint in Divorce

To Raymond Edward Duke

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

Fred B. Hamell
Attorney for Plaintiff

223



Clearfield, Pennsylvania

344 Nov 1961

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BESSIE IRENE DUKE,
Plaintiff

vs.

RAMOND EDWARD DUKE,
Defendant

No. 344 November Term, 1961

IN DIVORCE

PRAECIPE FOR REINSTATEMENT
OF COMPLAINT

To Carl E. Walker, Esq., Prothonotary:

Reinstate the Complaint in the above action.


ATTORNEY FOR PLAINTIFF

February 21, 1962

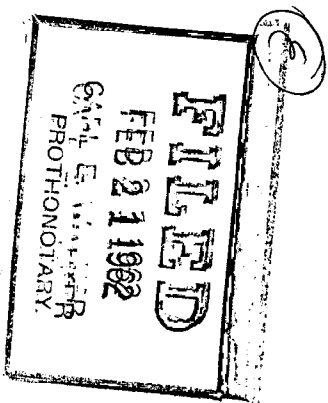
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 344 November Term, 1961
IN DIVORCE

BESSIE IRENE DUKE, Plaintiff

vs.

RAYMOND EDWARD DUKE,
Defendant

PRAECIPE FOR REINSTATEMENT
OF COMPLAINT



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

Bessie Irene Duke,
vs
Raymond Edward Duke

No. 344 November Term, 1961

Complaint in Divorce

Sheriff's Return

Now, February 23, 1962 by direction of Attorney Clarence R. Kramer,
Attorney for for the Plaintiff, I return this Complaint in Divorce
"Unserved"

Costs: Sheriff Reese \$5.35 — 50¢
(Costs Pd. by ~~Atty. Kramer~~)
C.C. 1065.

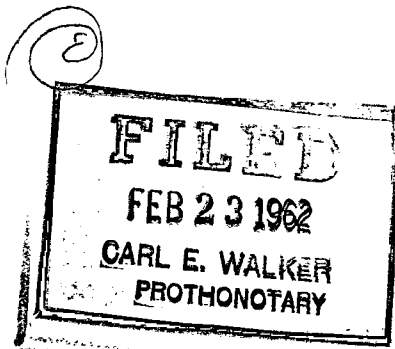
Sworn to before me this 23rd
day of February A.D. 1962

Prothonotary

So Answers,

James B. Reese
Sheriff

4.85



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

Bessie Irene Duke

No. 344 November Term, 1961

vs

Complaint in Divorce

Raymond Edward Duke

Sheriff's Return

Now, March 3, 1962 at 12:40PM o'clock served the within Complaint in Divorce on Raymond Edward Duke at his residence, RD Woodland, 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.

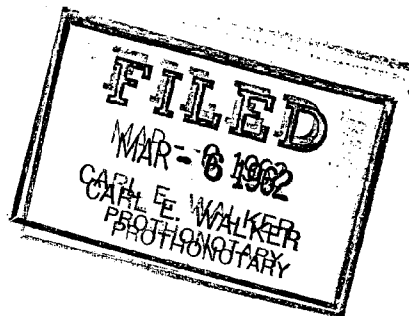
Costs: Sheriff Reese \$8.70
(Pd. by ~~Atty. James~~
OK. 1080

So Answers,

James B. Reese
James B. Reese
Sheriff

Sworn to before me this 5th
day of March A.D. 1962

Carl E. Walker
Prot. Notary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BESSIE IRENE DUKE

vs.

RAYMOND EDWARD DUKE

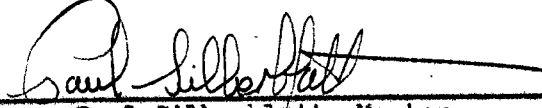
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: No. 344 November Term, 1961
:
: IN DIVORCE
:

NOTICE OF MASTER'S HEARING

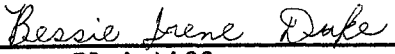
To: Bessie Irene Duke
R. D. #2
Clearfield, Pennsylvania

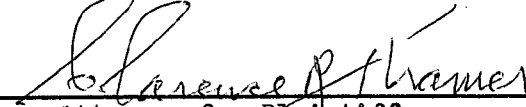
Raymond Edward Duke
R. D.
Woodland, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Tuesday, April 24, 1962, at 10:00 a.m. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.


Paul Silberblatt, Master

Service of the above Notice accepted this 2nd day of
April, 1962.


Plaintiff


Attorney for Plaintiff

Affidavit of Service

Bessie Irene Duke

vs.

Raymond Edward Duke

No. 344 November Term, 19 61

Notice of Master's Hearing

Returnable within _____ days
from date of service hereof

NOW April 7, 19 62 at 7:00PM o'clock

served the within Notice of Master's Hearing

on Raymond Edward Duke

at place of residence, RD Woodland, Pa. Bradford Township

by _____ to him personally

a true and attested copy of the original Notice of Master's Hearing and made

known to him the contents thereof.

Costs. Sheriff Reese \$ 8.90
(Pd by Atty. P. Silberblatt)

Sworn to before me this 10th

So answers,

day of April A. D. 19 62

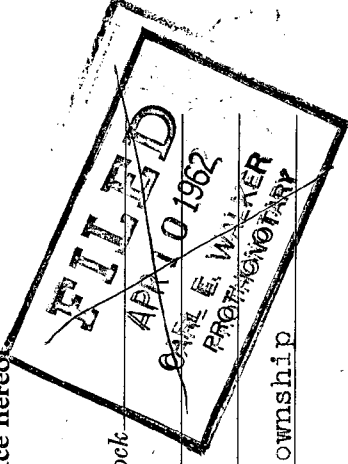
Carl E. Walker

PROTHONOTARY

My Commission Expires
Prothonotary Monday Jan. 1966

James B. Reese

Sheriff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BESSIE IRENE DUKE

vs.

RAYMOND EDWARD DUKE

:
: No. 344 November Term, 1961
:
: IN DIVORCE
:

MASTER'S REPORT

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

December 26, 1961

Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 344 November Term, 1961. One copy certified to the Sheriff.

February 21, 1962

Praecipe filed by Clarence R. Kramer, Attorney for Plaintiff, to reinstate the Complaint. One copy of Complaint certified to the Sheriff.

February 23, 1962

James B. Reese, Sheriff, makes return that by direction of Attorney Clarence R. Kramer, he returns the Complaint in Divorce "Unserved".

March 6, 1962

James B. Reese, Sheriff, makes return that on March 3, 1962, at 12:40 p.m. he served the within Complaint in Divorce personally on Raymond Edward Duke, the Defendant, at his place of residence at R. D. Woodland, Pennsylvania.

March 30, 1962

By Motion on the Watchbook, Paul Silberblatt, Esquire, is appointed Master to take testimony and report the same with form of Decree.

April 2, 1962

Service of Notice of Master's Hearing accepted by Plaintiff and Attorney for Plaintiff.

April 10, 1962

James B. Reese, Sheriff, makes return that on April 7, 1962, at 7:00 p.m. he served the within Notice of Master's Hearing personally on Raymond Edward Duke, the Defendant, at his place of residence at R. D. Woodland, Pennsylvania.

April 24, 1962

Master's hearing held in accordance with the Notice of Master's Hearing, at which time the Plaintiff appeared, together with her counsel and witnesses, and the Defendant also appeared.

II. SERVICE OF PROCESS.

A copy of the original Complaint in Divorce was returned by the Sheriff "Unserved". On praecipe filed by the attorney for the Plaintiff, the Complaint in Divorce was reinstated and served on the Defendant personally by the Sheriff, as set forth in the Docket Entries and Schedule. Service of the Notice of Master's Hearing was accepted by the Plaintiff and her attorney, and a copy of the Notice of Master's Hearing was served on the Defendant personally by the Sheriff, as set forth in the Docket Entries and Schedule.

III. CAUSE OF DIVORCE.

Indignities.

IV. FINDINGS OF FACT.

(1). Marriage:

The Plaintiff and Defendant were married on January 28, 1950, at Winchester, Virginia.

(2). Residence:

At the time of the marriage, the Plaintiff was residing at R. D. #3, Clearfield, Pennsylvania; and the Defendant was residing at Barrett, Pennsylvania. Following the marriage, the Plaintiff and Defendant lived with the Defendant's mother at Barrett, Pennsylvania, for approximately two and one-half months and then moved to an apartment over a garage owned by the Defendant's father at Barrett. The Plaintiff and Defendant lived in the apartment for a few years and then moved to Youngstown, Ohio for seven months, after which they returned to Barrett and lived with the Defendant's family for a short time and again moved into the apartment above the garage. Following this, they bought a home in Bigler, Pennsylvania, where they lived for approximately two years, then

moving to Woodland, Pennsylvania, where the Defendant is still residing.

Following the separation in January or February of 1957, the Plaintiff has resided at R. D. #3, Clearfield, Pennsylvania.

(3). Citizenship:

Both the Plaintiff and Defendant are residents of Clearfield County, Pennsylvania, and both are citizens of the United States.

(4). Age and Occupation:

The Plaintiff is twenty-seven (27) years of age and is employed by the Circle F Manufacturing Company at Trenton, New Jersey, where she makes light switches; and the Defendant is twenty-eight (28) years of age but the testimony does not reveal where or for whom he is working.

(5). Children:

There were three children born to this marriage:

Bessie Eileen Duke, born November 18, 1951, age 10 years;

Marjorie Jean Duke, born March 20, 1953, age 8 years;

Edward Ashley Duke, born September 24, 1955, age 6 years, all of whom

reside with the Defendant at Woodland, Pennsylvania.

(6). Armed Forces:

Neither Plaintiff nor Defendant are at present in the military services of the United States or any foreign country.

(7). Findings on the Merits:

The ground for divorce averred in the Complaint is indignities to the person. The testimony revealed that the marital difficulties arose between the parties approximately five years after their marriage and continued without interruption until the Plaintiff left their home in January or February of 1957.

The testimony revealed that in 1955 the Defendant started a course of conduct towards his wife which consisted primarily of beating his wife every weekend when he would come home after drinking. The Defendant would hit his wife with his hand and sometimes his fist, and caused the Plaintiff to be in fear

of him whenever he would come home. There is an apparent conflict in the testimony, since at one part the Plaintiff states the course of conduct continued for five years and in another part she indicated it commenced in 1955 and ended when she left the Defendant. In one incidence the Defendant pulled the telephone out of the wall and threw it at the Plaintiff. Fortunately his aim was not good.

The Plaintiff testified that when her husband was not drinking, she had absolutely no complaints but when he was drinking his entire attitude changed and it usually ended with the Plaintiff receiving a beating at the hands of her husband. Besides the physical injuries to her body, this course of conduct caused the Plaintiff to become nervous and necessitated her consulting Dr. Roger Hughes, a physician at Clearfield, for which condition she was placed in the hospital several times.

After leaving the Defendant in 1957, the Plaintiff, for the sake of her children, requested permission to come back to the Defendant's home, but he refused to have her. The Defendant had another woman living with him in their home in Bradford Township and the Plaintiff has visited her children periodically at this home but has never gone beyond the living room.

At present, the Plaintiff resides in Clearfield County, although she has secured employment at Trenton, New Jersey.

The Plaintiff had Mrs. Hannah Rowles and Mrs. Dessie Mitchell as her corroborating witnesses and they both testified to the occurrences which the Plaintiff had related in her testimony.

The Defendant attended the Master's hearing, although he was not represented by counsel. At the conclusion of the testimony of the Plaintiff and the witnesses, the Master offered the Defendant the opportunity to ask any questions but he indicated that he had none. At the conclusion of the hearing, the Master asked the Defendant whether it was his desire to contest the divorce and he indicated that it was not. The Master naturally was impressed with the fact that the Defendant sat through the entire hearing listening to the testimony against him and made no effort to explain or deny it. The truth of

the evidence presented by the Plaintiff and her witnesses became more apparent with the presence of the Defendant.

(8). Discussion:

Indignities to the person has been defined by the Courts as vulgarity, unmerited reproach, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule and every other plain manifestation of settled hate and estrangement. The course of conduct in this case was primarily the Defendant's physical abuse of his wife on the average of once a week when he would come home after drinking on the weekends.

In the case of Trimbur, Appellant vs. Trimbur, 171 Pa. Superior Ct. 541, the Court, at page 546, states:

"An indignity to the person is an affront to the personality of another, a lack of reverence for the personality of one's spouse. It consists of various acts, so varied in their nature and impact that the courts have not undertaken to define the offense in more than general terms. Crawford v. Crawford, 64 Pa. Superior Ct. 30; Breene v. Breene, 76 Pa. Superior Ct. 568. But the offense is complete when a continued and persistent course of conduct demonstrates that the love and affection upon which the matrimonial status rests has been permanently replaced by hatred and estrangement. For then, when the foundation has collapsed the super structure falls, and inevitably the married condition becomes intolerable and life is indeed a burden. This is the doctrine of all the cases. Phipps v. Phipps, 368 Pa. 291, 81 A. 2d 523; Hahne v. Hahne, 168 Pa. Superior Ct. 324, 77 A 2d 682; Korona v. Korona, 166 Pa. Superior Ct. 297, 70 A. 2d 399; Gross v. Gross, 165 Pa. Superior Ct. 532, 69 A. 2d 190; DeDomenico v. DeDomenico, 161 Pa. Superior Ct. 196, 54 A. 2d 67."

From the statement of the facts hereinbefore stated and the law as applicable thereto, the Master believes that a cause of action for divorce on the grounds of indignities to the person has been made out.

V. CONCLUSIONS OF LAW.

(1). The proceedings are in accordance with the requirements of the Divorce Code and Rules of Court relative to such proceedings.

(2). The Court has jurisdiction of the parties and subject matter of this action.

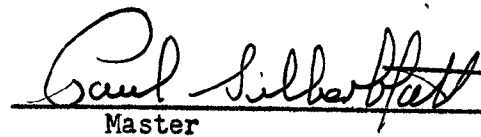
(3). The facts establish cause for action for divorce on the grounds of indignities to the person.

(4). The legal domicile of the Plaintiff is Clearfield County, Pennsylvania; and the legal domicile of the Defendant is Clearfield County, Pennsylvania.

VI. RECOMMENDATION.

The Master, therefore, recommends that a decree of absolute divorce be granted to the Plaintiff on the grounds of indignities to the person, and form of decree is herewith attached.

Respectfully submitted,


Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BESSIE IRENE DUKE

vs.

RAYMOND EDWARD DUKE

:
: No. 344 November Term, 1961
:
: IN DIVORCE
:

TESTIMONY

Master's hearing in Divorce held Tuesday, April 24, 1962, at 10:00 a.m. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania. There appeared at the hearing Bessie Irene Duke, the Plaintiff, together with her counsel, Clarence R. Kramer, Esquire, and her witnesses, Mrs. Dessie Mitchell and Mrs. Hannah Rowles. There also appeared at the hearing, Raymond Edward Duke, the Defendant.

BESSIE IRENE DUKE, being duly sworn, testified as follows:

By Mr. Kramer:

Q. Your name is Bessie Irene Duke?

A. Yes.

Q. And how old are you?

A. Twenty-seven (27).

Q. You were married to Raymond Edward Duke?

A. That's right.

Q. Where and when?

A. Winchester, Virginia - January 28, 1950.

We offer for inspection by the Master a certified copy of the marriage certificate from the records of the Court at Winchester, Virginia.

Q. At the time of your marriage in Winchester, Virginia, where were you living?

A. You mean after we got married? I was living with my parents.

Q. Where?

A. Clearfield R. D. #3.

Q. That's at Croft?

A. Yes.

Q. Your maiden name was what?

A. Bessie Irene Shirey.

Q. And at the time you got married, where was Raymond Edward Duke living?

A. Barrett.

Q. In Clearfield County?
A. Yes.

Q. I think you magnified your age getting your license, didn't you?
A. Yes.

Q. You both said you were twenty-one (21)?
A. That's right.

Q. How old is your husband now?
A. About twenty-eight (28).

Q. So that neither of you were twenty-one (21) when you got married?
A. That's right.

Q. At that time, what was your occupation?
A. I wasn't working.

Q. What was your age?
A. Fifteen (15).

Q. Were you still in school?
A. No, I had quit.

Q. What was your husband's occupation?
A. He worked at Clearfield Cheese Company.

Q. Following your marriage, where did you live?
A. With his mother.

Q. Where did she live?
A. Barrett.

Q. In Clearfield County?
A. Yes.

Q. How long did you live there?
A. We were there from the 29th of January to the 15th of April.

Q. 1950?
A. That's right.

Q. To the 15th of April?
A. Yes.

Q. And then where did you go to live?
A. We made an apartment over his father's garage.

Q. Still in Barrett?
A. Yes.

Q. How long did you live there?
A. I don't know exactly how many years.

Q. After you ceased living there, where did you go?
A. Youngstown, Ohio.

Q. When did you go there?
A. I don't know.

Q. How long did you stay at Youngstown?
A. About seven (7) months.

Q. Then where did you go to live?
A. We came back and I stayed at his peoples' again.

Q. And he stayed there, too?
A. That's right.

Q. How long did that continue?
A. We weren't at his home too long before we moved into the apartment over the garage.

Q. How long were you there?
A. I can't recall.

Q. Then where did you go?
A. He bought me a home in Bigler.

Q. And you lived in Bigler then?
A. Yes.

Q. Do you know when that was?
A. We moved in in June but I don't know what year. We were there for at least two years.

Q. When did you cease living together?
A. You mean the day I left?

Q. Yes.
A. I don't remember exactly. It was the last of January or the first of February.

Q. Of what year?
A. It has been about five (5) years.

Q. So that you lived together at Bigler approximately two years before you left him about five years ago?
A. I was living in Woodland when I left.

Q. From the house at Bigler you moved to Woodland?
A. Yes, we sold our home.

Q. And you moved to Woodland?
A. Yes.

Q. Did you buy a home there?
A. No, we were just renting.

Q. You left in January or February five years ago, which would be about 1957?
A. Yes.

Q. At that time, where did he work?
A. Woolridge Coal Company. He was a bulldozer operator.

Q. Was he a miner?
A. Bulldozer operator.

Q. And at that time, you were a housewife?
A. I was working at the General Cigar plant.

Q. At Philipsburg?
A. Yes.

Q. Since you left him in January or February five years ago, you have not lived together?

A. That is right.

Q. Has he made any effort to get you back?

A. No, but I have him.

Q. Has he ever agreed to go back and live together?

A. No.

Q. You have made an effort to go back together, have you?

A. I tried twice in August to go back, for the kids.

Q. You were willing to go back and try to make a home and live with him?

A. That's right.

Q. What did he say?

A. He said he would think about it. On the 21st of August I was talking to him and he said he would call me on Wednesday and let me know and I said I would go out of town if he didn't call, and he didn't.

Q. Where did you go?

A. Trenton.

Q. Is your residence still at Croft?

A. Yes.

Q. But you are employed at Trenton?

A. Yes.

Q. What is your occupation?

A. Circle F, making light switches.

Q. The Circle F Manufacturing Company at Trenton?

A. Yes.

Q. Do you know your husband's occupation now?

A. No.

Q. Or for whom he is working?

A. No.

Q. Do you know where he is living?

A. Woodland.

Q. Three children were born to this marriage?

A. That's right.

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

A. Bessie Eileen Duke, born November 18, 1951, age 10 years;
Marjorie Jean Duke, born March 20, 1953, age 8 years;
Edward Ashley Duke, born September 24, 1955, age 6 years.

Q. Where are these children?

A. He has them.

Q. At Woodland?

A. Woodland.

Q. Who else constitutes his household?

A. Eileen Neff.

Q. She is living in the house with him?
A. That's right.

Q. Do you know anything about the relationship between them?
A. No, I don't. I go to see the kids and go as far as the front room.

Q. Have you been refused in trying to see the children?
A. No.

Q. You get as far as the front room?
A. That is all the farther I ever go.

Q. When did you last see the children?
A. A week ago Sunday.

Q. While you lived with him, how did he treat you?
A. Well, when he wasn't drinking, he was good. You wouldn't want a better husband.

Q. But when he was drinking, what was he like?
A. He was mean.

Q. What did he do?
A. He would hit me on the head or mouth.

Q. Did he frequently hit you?
A. Every time we would get in an argument. I couldn't hold my temper and he couldn't his.

Q. Did you hit him?
A. No.

Q. What would he hit you with?
A. His hand.

Q. His open hand?
A. Sometimes his fist.

Q. And when he hit you in the mouth, would it be about the same?
A. That is right.

Q. How long did this course of conduct continue?
A. About five years.

Q. You say this was his conduct when he was drinking. How frequently did he drink?
A. Every weekend.

Q. So you were subjected to this abuse on the average of every weekend?
A. I was in fear of him whenever he came home.

Q. What was his language under these conditions?
A. He never used too much bad language in front of the kids, I will say that.

Q. Did he raise his voice in anger?
A. At times.

Q. Did he talk mean to you?
A. Just insulting.

Q. For the benefit of the record, can you tell us what he said?
A. He called me Jimmy Durante because of my nose. I had it broken.

Q. And he did that in derision or fun?

A. When people were around.

Q. To insult you?

A. Yes.

Q. What else did he say to you?

A. He swore at me once in a while but not too much when the kids were around.

Q. What were your living conditions due to this treatment?

A. Not too pleasant.

Q. Could you tolerate this conduct of his any longer than you did?

A. No, I couldn't. My nerves wouldn't take it.

Q. Why did you finally leave him?

A. I just took all I could from him.

Q. You felt it necessary for your own health to leave him?

A. Yes.

Q. You are not in the Armed Forces of the United States, are you?

A. No.

Q. And your husband, do you know if he is in the Armed Forces?

A. No, he isn't.

Q. Do you have any agreement with your husband to get this divorce?

A. No.

By the Master:

Q. Mr. Duke, have you any questions you would like to ask your wife?

A. No.

Let the record show that the Master gave the Defendant the opportunity to question the Plaintiff and he advised the Master that he had no questions.

Q. Mrs. Duke, where were you born?

A. Goshen Township.

Q. In Clearfield County, Pennsylvania?

A. That is right.

Q. With the exception of the seven months that you and your husband resided in Ohio, you have lived continuously within the Commonwealth of Pennsylvania?

A. Yes.

Q. And in that seven-month period, did you just go to Ohio to work?

A. Yes.

Q. And did you continue to maintain your residence in Pennsylvania?

A. Yes.

Q. Do you know where your husband was born?

A. Bradford Township, I am pretty sure.

Q. That is also in Clearfield County, Pennsylvania?

A. That is right.

Q. Mrs. Duke, when did your husband start to mistreat you after you were married?

A. About five years.

Q. In other words, it would be some time in 1955?

A. After his father got killed it was worse.

Q. Did this course of conduct, which started after you had been married for approximately five years, continue up until the time you left your husband?

A. That's right.

Q. During the period of time that you were having these marital difficulties, how did his course of conduct affect you?

A. It just got my nerves all worked up and I would be irritable to the kids and he would snap at me and that is when we would start.

Q. During this period of time, Mrs. Duke, did you find it necessary to consult a physician concerning your nerves?

A. I was going to Dr. Hughes for my nerves.

Q. Did he prescribe medicine for you?

A. He put me in the hospital a couple of times for it.

Q. The times you were hit by your husband, was there any degree of regularity there?

A. No.

Q. Was it once a week?

A. Just on weekends when he went out drinking.

Q. Did it ever leave marks on your head or face?

A. My mouth, yes.

Q. What marks were there?

A. He busted my lip.

Q. Did he ever draw blood?

A. No, it would just seem like it was cracked.

Q. Did you ever hit him back?

A. No.

Q. Did he ever hit you with anything else besides his hand?

A. He threw the telephone at me one night when Mrs. Rowles was there..

Q. Did he hit you with it?

A. No, I ducked it.

Q. Did he ever hit you with anything else?

A. No.

Q. Did this ever occur in the presence of the children?

A. Yes.

Q. Did any of this conduct ever occur in the presence of other individuals?

A. Mrs. Rowles.

Q. How did this affect you?

A. I asked him something about the girl he was going out with and asked him if he had been out with her and he said, "Why don't you call her and find out for yourself?", and when I did he pulled the phone out of the wall and threw it at me.

Q. Did this embarrass you?
A. No.

Q. Was it because you were accustomed to this course of conduct?
A. Well, we had that argument that day because we took Mrs. Rowles to Pittsburgh to see her crippled daughter.

Q. Did you try everything possible to make a successful marriage?
A. Yes, I did.

MRS. HANNAH ROWLES, being duly sworn, testified as follows:

By Mr. Kramer:

Q. Where do you live?
A. In Croft, Clearfield R. D. #2.

Q. You lived near the Dukes, did you?
A. I visited their place.

Q. When they were living where?
A. In Woodland.

Q. What is your husband's name?
A. Donald Rowles.

Q. Did you see any of his treatment of his wife?
A. She came to my place the night he slapped her in the mouth and she said he had hit her but I didn't see him hit her, but the night she took me to Pittsburgh when we got back Raymond asked her something and asked if she had seen Eileen and she said she hadn't and she asked if he had been out with her, and he said, "If you want to know whether I saw her, you go call her." So she went to call on the phone and he yanked the phone out of the wall and just as he did I bent down to pick something up and he threw it and I had to duck it.

Q. How far did he throw the telephone that time?
A. He was in one room and I was in another and there was a big arch way.

Q. In feet, how far?
A. About the full length of this room.

Q. And you successfully ducked it?
A. Yes.

Q. Where did it land?
A. On the other side of the wall by me.

Q. On the floor?
A. Yes.

Q. What hour of the day did that happen?
A. In October. I don't know what date but I think it was in 1956.

Q. Was it late in the day?
A. In the evening. We had come back from Pittsburgh and she was on her way to my home.

Q. From time to time did you see her through those years she testified she had trouble with him?

A. She was always nervous.

Q. Did you know of her having to go to the hospital for medical treatment?

A. I knew she was in and out but I didn't know what for.

Q. But this was during the time they weren't getting along?

A. Yes.

Q. Having been in her home, did you have a chance to see how she took care of her home and children?

A. She took care of her home and children like any mother should.

Q. Do you know of anything adverse in her behavior?

A. No, sir, I do not.

Q. Did you know of her abusing or mistreating her husband in any way?

A. No, I didn't.

Q. Do you know of any agreement between the two of them to get a divorce?

A. No, sir.

Q. She is not in the military service, is she?

A. No.

Q. You wouldn't know as to him?

A. As far as I know, no.

By the Master:

Q. Do you know of anything that Mrs. Duke did towards her husband which would cause him to act the way he did?

A. No.

Q. Mr. Duke, do you have any questions to ask this witness?

A. No.

Let the record show that the Master gave the Defendant the opportunity to question the witness and he advised the Master that he had no questions.

MRS. DESSIE MITCHELL, being duly sworn, testified as follows:

By Mr. Kramer:

Q. Mrs. Mitchell, where do you live?

A. Clearfield R. D. #2.

Q. At Croft?

A. Yes.

Q. How long have you known the Dukes?

A. Ever since we were courting. We went out on dates together. It would be about twelve years, I imagine.

Q. Since then, have you visited the Dukes?

A. Yes, once in a while.

Q. How did she seem to take care of her house and family?

A. It was fine.

- Q. Were you there at any time when there was any dissention between her and her husband?
- A. We were there one year, it was about four years ago, something like that, I think it was the last X-rays, but anyhow she and the kids had just got done eating dinner and we went over and Mr. Duke wouldn't come out and even speak to us so there must have been a quarrel or something. My husband and he were always friends but he wouldn't even speak to us.
- Q. Did you see any evidence of agony or distress on her face because of this?
- A. Yes, I could tell something was wrong because she wouldn't talk or say much.
- Q. Was there evidence that she had been crying?
- A. Yes, I think she had.
- Q. Did you see any cause or provocation that she gave her husband at that time to treat her in a rude manner?
- A. No.
- Q. Did you see them at any other time when they were together?
- A. After they were married, yes.
- Q. In recent years?
- A. Yes, I have seen them.
- Q. Did you hear him tell about returning to each other?
- A. Yes, I think that was in August when she said.
- Q. August of last year?
- A. Yes. He was on his way from work and she had caught him two times in one week and she asked him to take her back for the kids sake and he said he would call her on that Wednesday, which he didn't do, so then we caught him the next day and he said, "No, you walked out once and you would do it again".
- Q. He said that?
- A. Yes.
- Q. When she asked him to take her back, did she seem sincere?
- A. Yes, she has cried many a day for those kids.
- Q. You have seen that?
- A. Yes, she has come to me and cried about it.
- Q. Do you know of any collusion or agreement between these two to get a divorce?
- A. No, I don't.
- Q. And you know that she is not in the Armed Forces?
- A. No, she is not.
- Q. Do you have any knowledge of whether he is?
- A. I don't believe he is.
- Q. Do you know where he was working last August that you testified about?
- A. I don't know.

By the Master:

- Q. Mrs. Mitchell, from your knowledge of the Plaintiff and Defendant, are you of the opinion that Mrs. Duke had justification in leaving her husband when she did?
- A. I think she had reason to. I would have never taken that.

Q. During the period of time that they lived together, from your observation did she try to be a good wife and mother?

A. Yes. The kids were always neat and so was the house. She really tried.

Q. Mr. Duke, are there any questions you have to ask this witness?

A. No.

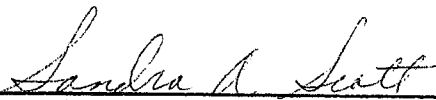
Let the record show that the Master gave the Defendant the opportunity to question the witness and he advised the Master that he had no questions.

Q. Mr. Duke, you have been given the opportunity to examine the Plaintiff or her witnesses and you have indicated that you do not so desire. May I ask you whether it is your desire to contest this divorce?

A. No, I don't want to contest it.

End of Testimony

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing on the above case, and that this is a correct transcript of the same.


Stenographer

May 3, 1962

In the Court of Common Pleas of Clearfield County, Pennsylvania



_____	}	Of _____ November _____ Term, 19 <u>61</u>
_____		No. <u>344</u>
VERSUS		

RAYMOND EDWARD DUKE		

DIVORCE

And Now, the 29th day of May 19 62, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that _____ Bessie Irene Duke _____ be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~himself~~ herself and _____ Raymond Edward Duke _____.

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 _____ Bessie Irene Duke _____ ~~his~~ her costs expended in this action.

ATTEST	BY THE COURT
_____	_____
Prothonotary	President Judge

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

No. 344 November Term 1961

BESSIE IRENE DUKE *Libellant*

VERSUS

RAYMOND EDWARD DUKE *Respondent*

DECREE

Attorney

Now May 21 1962, service accepted and time waived,
Elmer H. Kramer
Att'y for plaintiff

Mr. Kramer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, No. 344 November Term, 1961 IN DIVORCE	
BESSIE IRENE DUKE vs. RAYMOND EDWARD DUKE	Uncontested
MASTER'S REPORT	
Master's fee	\$ 85.00
<div>RECEIVED MAY 21 1962 CARL E. WALNER PROTHONOTARY</div>	
BELL, SILBERBLATT & SWOOPES ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	