

DOCKET NO. 175

NUMBER	TERM	YEAR
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<u>358</u>	<u>September</u>	<u>1961</u>
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Florence I. Eckberg

VERSUS

Robert Eckberg

Clearfield County, ss:

The Commonwealth of Pennsylvania, to WILLIAM U. SMITH, ESQ.,

----- Greeting:

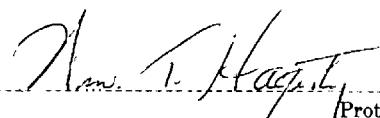
Know you, that in confidence of your prudence and fidelity we have appointed you, and by these presents do give unto you full power and authority, in pursuance of an order made in our County Court of Common Pleas, for the County of Clearfield, in a certain cause there depending, wherein

----- Florence I. Eckberg Plaintiff ,
and .

----- Robert Eckberg 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.

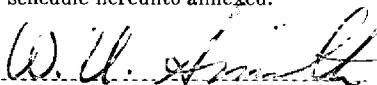
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz , President of our said Court, at Clearfield, the
15th day of December , in the year of our Lord one thousand nine hundred and
sixty-one .


John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

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


W. U. Smith
SEAL
COMMISSIONER.

No. 353 September Term. 19. 61

Florence I. Fokberg

VERSUS

Robert Eickberg

COMMISSION

Edward T. Kelley Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG : No. 358 September Term, 1961
vs : IN DIVORCE
ROBERT ECKBERG :
:

DOCKET ENTRIES

OCTOBER 25, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Sheriff.

November 22, 1961, Sheriff's Return filed: NCL, November 22, 1961, by direction of Edward T. Kelley, Attorney for the Plaintiff, I return this Complaint In Divorce "UNSERVED". So answers, Charles G. Ammerman, Sheriff.

December 11, 1961, AFFIDAVIT OF SERVICE OF COMPLAINT IN DIVORCE, filed:

EARL VOGLE, being duly sworn according to law, deposed and says, that he is a Constable of the Commonwealth of Pennsylvania in Woodward Township, Clearfield County, Pennsylvania and that on the 22nd day of November, 1961, at 11:45 o'clock P.M. EST, he did in his capacity of Constable of the Commonwealth of Pennsylvania, personally serve upon ROBERT ECKBERG, the defendant above-named, in the above captioned divorce action, a true and correct copy of the Complaint In Divorce by handing the said copy to said defendant Robert Eckberg in person at the corner of Hanrahan Street and Good Street, in Houtzdale Borough, Clearfield County, Pa., and further making known to him the contents thereof.

Said certified copy of the within Complaint In Divorce was duly endorsed with notice thereon for Defendant to appear and answer same within twenty (20) days from the date of service thereof or the cause of action would proceed without him. /s/ Earl Vogle, Constable.

Now, December 14, 1961, by motion on the Watch-Book, William J. Smith, Esquire, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 15th day of December, A.D., 1961

Wm J. Hayney
Prothonotary

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

Elorance I. Eckberg
vs
Robert Eckberg

No 358 Sept Term 1961

Complaint In Divorce

*
(SheriffsReturn)

Now, November 22, 1961 by direction of Edward T. Kelly
Attorney for the Plaintiff, I return this Complaint In
Divorce "UNSERVED".

Costs Sheriff Ammerman \$7.35
(Paid by Atty Kelly)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 22nd
day of November 1961.A.D.

Wm T. Hager
Prothonotary.

(E)

Copy Compl. sent to Atty

Wm T. Hager
PROTHONOTARY

FLORINE E. LCKBORG, PLAINTIFF:

VS : NO. 358, September Term, 1961
ROBERT LCKBORG, DEFENDANT :

AFFIDAVIT OF SERVICE OF COMPLAINT
IN DIVORCE

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

EARL VOGLE, being duly sworn according to
law, deposes and says, that he is a Constable of the Commonwealth
of Pennsylvania in Woodward Township, Clearfield County, Penn-
sylvania, and that on the 22 day of November, 1961 at
11:45 o'clock P.M. E.S.T. he did in his capacity of
Constable of the Commonwealth of Pennsylvania, personally serve
upon ROBERT LCKBORG, the defendant above-named in the
above captioned divorce action, a true and correct copy of the
Complaint in Divorce by handing the said copy to said defendant
ROBERT LCKBORG in person at the corner of Hannah Street
and Good Street, in Houtzdale Borough, Clearfield County
Pa. and further making known to him the contents thereof.

Said certified copy of the within complaint in Divorce
was duly endorsed with notice thereon for Defendant to appear and
answer same within twenty (20) days from the date of service
thereof or the cause of action would proceed without him.

Earl Vogle
Constable

Sworn and subscribed to

before me this 1 day of
November, 1961

Notary Public

NOTICE OF SERVICE OF COMPLAINT

TO: John S. McNamee, Jr., Esq., 1961

100 South Main Street, Johnstown, Pa.

AFFIDAVIT OF SERVICE OF COMPLAINT
IN DIVORCE

STATE OF PENNSYLVANIA :
; S.B.
COUNTY OF CLEARFIELD :

EARL VOGLE, being duly sworn according to law, deposes and says, that he is a Constable of the Commonwealth of Pennsylvania in Woodland Township, Clearfield County, Pennsylvania, and that on the 22 day of November, 1961 at 11:45 o'clock P.M. U.S.T. he did in his capacity of Constable of the Commonwealth of Pennsylvania, personally serve upon John S. McNamee, the defendant above-named in the above captioned divorce action, a true and correct copy of the Complaint in Divorce by handing the said copy to said defendant John S. McNamee in person at the corner of Hannah Street and Good Street, in Houtzdale Borough, Clearfield County Pa., and further making known to him the contents thereof.

Said certified copy of the within complaint in Divorce was duly endorsed with notice thereon for Defendant to appear and answer same within twenty (20) days from the date of service thereof or the cause of action would proceed without him.

Carl Vogle
Constable

Sworn and subscribed to

before me this 1 day of

November, 1961

Notary Public

358 Sept 1961

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

FLORENCE I. ECKBERG

VS

ROBERT ECKBERG

COMPLAINT IN DIVORCE

TO THE WITHIN Defendant -
YOU ARE HEREBY ORDERED TO FILE
an Answer

WITHIN FORTY DAYS FROM THE SERVICE
HEREOF

RECORDED
and Teller

AT ATTORNEY FOR PLAINTIFF:

FILED

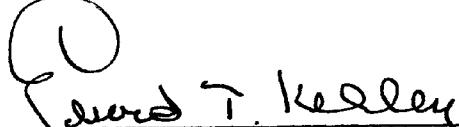
JCT 25 1961

EDWARD T. KELLEY
WILLIAM H. KELLEY
CLERK & CLERK
7.00 *My 6th*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG Plaintiff :
versus : No. 358 Sept Term, 1961
: COMPLAINT IN DIVORCE
ROBERT ECKBERG Defendant :

1. The plaintiff is Florence I. Eckberg, and the defendant is Robert Eckberg.
2. The plaintiff's residence is 512 Eliza Street, Houtzdale, Pennsylvania.
3. The defendant is a citizen of Pennsylvania whose last known residence was Houtzdale, Pennsylvania and whose present address is 512 Eliza Street, Houtzdale, Pennsylvania.
4. The plaintiff has resided in the Commonwealth of Pennsylvania thirty-two years immediately previous to the filing of this Complaint.
5. The plaintiff and defendant were married on May 14, 1949 at Cumberland, Maryland.
6. The defendant has:
 - (a) Offered such indignities to the person of the plaintiff who is the injured and innocent spouse, as to render her condition intolerable and her life burdensome.
 - (b) Committed adultery.
7. Plaintiff avers that this action is not collusive.
8. No action of divorce has been started by either party in this jurisdiction, or in any other jurisdiction.
9. Four children were born of this marriage; Donald Robert, born June 6, 1950; Diane Jean, born June 24, 1951; Barbara Ann, born July 17, 1954; and Joan Kay, born December 22, 1957.
10. Plaintiff asks for divorce from Robert Eckberg; a vinculo matrimonii.


Edward T. Kelley
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA : SS:
COUNTY OF Clearyfield :

Before me, the undersigned authority appeared _____
Florence Eckling, who being duly sworn deposes and says
that _____ he knows of her own personal knowledge that
the facts contained in the Complaint in Divorce are true.

Plaintiff

Sworn and subscribed before me, the 25th day of October, 1961, a Resident in and for the County of Clearfield and State of Pennsylvania.

71) $m \rightarrow$ Hasty

Now 17 Jan 62 service accepted and notice
of time waived.

Edward T. Kelley
(typewriter)

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.	
No. 358 Sept. Term, 1961	
In Divorce	
FLORENCE I. ECKBERG	
VS	
ROBERT ECKBERG	
MASTER'S REPORT	
UNCONTESTED	
Master's Fee \$35.00 Costs: (constable) 6.00	
FILED JAN 17 1962 CARL E. WALKER PROTHONOTARY	
SMITH, SMITH & WORK ATTORNEYS-AT-LAW CLEARFIELD, PA.	

17

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PLAINTIFF, F. ECKBERG

VS

NO. 154 September Term, 1901

DEFENDANT, ROBERT ECKBERG

CAUSE OF DIVORCE

NOTICE OF NOTICE

TO: Florence I. Eckberg
c/o Edward T. Kelley, Esq.
N. Third Street
Clearfield, Penna.

You are hereby notified that I have been appointed
Attor in the divorce action of Florence I. Eckberg vs. Robert
Eckberg, in the Court of Common Pleas of Clearfield County, Penn-
sylvania, on No. 154 September Term, 1901, and that I will hold a
meeting for the purpose of taking testimony at the office of Smith,
Smith & Park, Esq., 101 North Second Street, Clearfield, Penna.,
on Thursday, January 9, 1901, at 10 o'clock A. M., then and where
you may attend with witnesses, if you so desire.

William H. Smith
Attor

Jan 6th 1901 was served

Edward T. Kelley
Atty for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG

VS

ROBERT ECKBERG

: No. 358 September Term, 1961

: In Divorce

AFFIDAVIT OF SERVICE OF MASTER'S
NOTICE

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

EARL VOGLE, being duly sworn according to law, deposes and says that he is a Constable of the Commonwealth of Pennsylvania in Woodward Township, Clearfield County, and that on the 21st day of December, 1961, at 12:30 o'clock ~~P.M.~~, he did in his capacity of Constable of the Commonwealth of Pennsylvania, personally serve upon Robert Eckberg, the Defendant above named in the above captioned divorce action, a true and correct copy of the Master's Notice by handing the said copy to said Defendant in person at Robert Eckberg in Woodward Township, Clearfield County, Pennsylvania, and further making known to him the contents thereof.

Earl Vogle
Earl Vogle

Sworn and subscribed to
before me this 21st day
of December, 1961.

Robert Vogle

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG :
VS : No. 358 September Term, 1961
ROBERT ECKBERG : IN DIVORCE

MASTER'S NOTICE

TO: Robert Eckberg
R.D.
Houtzdale, Penna.

You are hereby notified that I have been appointed Master in the divorce action of Florence I. Eckberg vs. Robert Eckberg, in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 358 September Term, 1961, and that I will hold a meeting for the purpose of taking testimony at the office of Smith, Smith & Work, Esqs., 101 North Second Street, Clearfield, Penna., on Tuesday, January 9, 1961, at 10 o'clock A.M., when and where you may attend with witnesses, if you so desire.

D. Edward J. Smith
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXX

FLORENCE I. ECKBERG VERSUS ROBERT ECKBERG	Of <u>358</u> September <u>Term, 19</u> <u>61</u> No. <u>358</u>
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DIVORCE

And Now, the 18 day of January 1962, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that Florence I. Eckberg be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between herself and Robert Eckberg. 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 _____

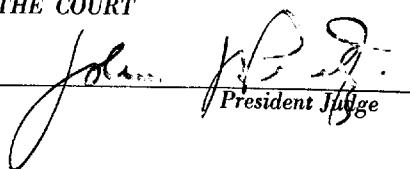
_____ his her costs expended in this action.

ATTEST

BY THE COURT

Prothonotary

President Judge



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

No. _____ *Term 19* _____

Libellant

VERSUS

Respondent

DECREE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG :
VS : No. 358 September Term, 1961
ROBERT ECKBERG : IN DIVORCE

TESTIMONY TAKEN AT HEARING BEFORE THE MASTER,
WILLIAM U. SMITH, ESQ., ON TUESDAY, JANUARY
9, 1962, AT 10 A.M., AT THE OFFICE OF SMITH,
SMITH AND WORK, 101 NORTH SECOND STREET,
CLEARFIELD, PENNSYLVANIA

APPEARANCES: Florence I. Eckberg, Plaintiff, and Ada Elizabeth Hawkins and Max Eugene Hawkins, witnesses for the Plaintiff, and Edward T. Kelley, Attorney for the Plaintiff.

FLORENCE I. ECKBERG, being duly sworn, testified as follows:

BY MR. KELLEY:

Q. What is your full name?

A. Florence Irene Eckberg.

Q. And your husband's name?

A. Robert Eckberg.

Q. Where did you live at the time you brought this divorce?

A. At 512 Eliza Street, Houtzdale, Pennsylvania.

Q. Where were you born?

A. Houtzdale R.D.

Q. When?

A. November 18, 1929.

Q. Have you been a resident of Pennsylvania all your life?

A. Yes.

Q. Where was your husband born?

A. Houtzdale.

Q. Has he lived in the Houtzdale area his entire life-time?

A. Yes.

Q. How many children were born of this marriage?

A. Four.

Q. What are their names and ages?

A. Donald Robert - age 12, Diane Jean - age 10,
Barbara Ann - age 7, Joan Kay - age 5.

Q. Is your husband in the Services of the United States?

A. No.

Q. How old is your husband?

A. 32.

Q. How old are you?

A. 32.

Q. Where were you married?

A. Cumberland, Maryland.

Q. By whom?

A. Rev. Sharp.

Q. After you were married, where did you live?

A. Mostly in Houtzdale, around that area.

Q. Now, tell us about when your trouble started?

A. Approximately in 1954 before my third child, Barbara, was born. He started going with a girl in Tyrone. He went with her for two or three years.

Q. How did that affect you?

A. I felt bad about it and was nervous, but there wasn't much I could do about it.

Q. Did you complain about it?

A. Yes and I even begged him to stay home.

Q. How much time did your husband spend at home?

A. He very seldom stayed at home, maybe one or two nights a week.

Q. You mean he would be away for couple nights at a time?

A. Yes.

Q. About this Tyrone girl, what happened?

A. He was out with her and didn't come home until about 4 o'clock in the morning to take me to the hospital with Barbara. I was all ready and had to wait for him to come home.

Q. This going around with this other woman, was this a secret or did other people know about it?

A. Other people knew about it. He would go to the

Legion in Houtzdale with this Tyrone girl and take her out in public. I even talked to her and went to her house and talked to her mother. I went to her house one time and talked to her mother. She said she didn't know she was still going with Bob and it would stop, but it didn't.

Q. What affect did this have on you?

A. I was nervous and couldn't sleep.

Q. Did you finally try to make a go of it?

A. Yes.

Q. When did you leave him?

A. In December of 1954 and I moved to Houtzdale. I sued him for nonsupport and we had a hearing before Mr. Anderson above Penney's, and then we went back together, and he stayed home that night, New Year's eve, but the next day he went out again.

Q. Then you lived together?

A. I lived with him and had another baby. I also worked at Sylvania for six years and supported the family.

Q. In other words, the affair was over with the Tyrone girl?

A. Yes, she had a baby and went to Baltimore.

Q. What happened then?

A. He started going with a girl from Philipsburg.

Q. When?

A. In March of 1957, I think.

Q. What was her name?

A. Velma Ennis. She was a McDonald before her marriage.

Q. Did he make any bones about telling you the fact he was going with her?

A. No. She would even call at the house for him and came to the house a couple of times that I know of.

Q. Did you have any trouble about him going with her?

A. Yes, we had arguments about it. One night he ripped the phone off the wall because I raised a scene when she called.

Q. What did he say about you interfering with his affair with this Philipsburg girl?

A. He said it was none of my business.

Q. Up until how long did he go with this girl?

A. He is still going with her and lives with her now.

Q. Where does she live?

A. 421 Pine Street, Philipsburg.

Q. At the time he started going with her, was that right after the affairs with the Tyrone girl?

A. Joan was born in December and for about six weeks he stayed home, and then I had to go back to the hospital and then he started going with the Philipsburg girl.

Q. Was she married?

A. Yes and her husband was in the Service. When he came home from the Service he divorced her and got remarried again.

Q. Did you know these things and did you try to keep the marriage going?

A. Yes and I did everything I could, but the less I said the better things would go at home.

Q. During this time he was going with Velma, how much time did he spend at home?

A. If he worked he might come home for supper and then he would leave for three or four days and then he would come home and maybe stay for one night and leave again.

Q. Did he admit to you where he was?

A. I have seen him with her and the kids and I have seen them together.

Q. Do other people know about this affair?

A. Yes.

Q. What was that affect on you?

A. I felt bad over it, but there wasn't much I could do. I worried about it, and he admitted it was his fault.

Q. But, what affect did this have on you in regard your neighbors?

A. They ignored me and thought I was foolish to live with him, but with four children I had to.

Q. When did you finally break up and leave him the last time?

A. In October when Sylvania shut down. Then I got my pension money and that was the first time I could afford to get a divorce. I went to stay with my family.

Q. Tell me, was there any trouble in connection with these talks about this woman?

A. We would fight about it. She had two children to him and gave them both away. Her husband took the one baby she had, and the same family adopted both children. Bob went to the hospital to see her when she had the children.

Q. Did he ever do anything violent?

A. He gave me a black eye one time over the first baby she had to him. He had gotten her a highchair, etc., for this baby. He had gotten this at Wolf's on credit and he said I said I would have to end up paying for this, but I didn't say that, and then we argued over it. He never had money for food or anything like that, but he had money to go out with her.

Q. Did he ever do it in front of the children?

A. Yes.

BY THE MASTER:

Q. Who has custody of the children, Mrs. Eckberg?

A. I do.

Q. They live with you?

A. Yes.

Q. What is your husband's occupation?

A. Drives truck, when he works.

Q. Do you and your husband have any agreement as to this divorce?

A. No.

ADA ELIZABETH HAWKINS, being duly sworn, testified as follows:

BY MR. KELLEY:

Q. What is your name?

A. Ada Elizabeth Hawkins.

Q. Are you any relation to the Plaintiff in this case?

A. Sisters.

Q. Where do you live?

A. Madera.

Q. Are you married?

A. Yes to Paul Hawkins.

Q. Do you know anything about this situation?

A. Yes. Whenever he was going with the girl from Tyrone, he brought her up to our place.

Q. That is the Tyrone girl?

A. Yes and he never came after her until 2 or 3 o'clock in the morning. That was before Barbara was born, and everybody talked about it. Then when he started going with the Philipsburg girl, all my neighbors knew about it and on October 10th I saw her driving his car. Then on October 25th Florence and I went down to her place and we waited all night for him to come out. He came out of this girl's apartment that morning he came out with a bag and got in his car, and we followed him back to Houtzdale.

Q. Had he been in the apartment all night?

A. Since 8 o'clock in the evening.

Q. What time did he leave?

A. Ten after 6.

Q. What kind of a bag was he carrying?

A. A brown paper bag.

Q. Do you mean he then went to work?

A. He came back to Houtzdale to his house.

Q. Was Mrs. Eckberg staying at the house at that time?

A. No.

Q. Do you know anything about any trouble they had physically?

A. Her little girl said to me one day that her daddy almost killed her mother.

Q. How old is the girl?

A. 5.

Q. When was that?

A. That was after she left him and told him she was going to get a divorce.

Q. Is this pretty well known in the area?

A. Everybody knows it and even talks about it.

BY THE MASTER:

Q. Mrs. Hawkins, did you visit your sister's home?

A. Yes.

Q. Was it presentable?

A. Yes, very clean.

Q. Did she provide for her husband, meals, etc.?

A. Yes.

Q. As far as you know, did she give him any reason to act the way he did?

A. No.

Q. Was she a good wife?

A. Yes.

MAX EUGENE HAWKINS, being duly sworn, testified as follows:

BY MR. KELLEY:

Q. What is your name?

A. Max Eugene Hawkins.

Q. What relation are you to the Plaintiff?

A. Nephew.

Q. What relation are you to the lady that just testified?

A. My mother.

Q. Do you know anything about this situation in regard the husband?

A. The Saturday night of the Fair in 1960 I saw this Velma and Bob over at the Fair Grounds together and she was pregnant at that time.

Q. Do you know anything else about this situation?

A. No, but I saw Florence with a black eye and bruises on her arm.

FLORENCE I. BECKBERG, further testified as follows:

BY MR. KELLEY:

Q. What affect this this have on you, I mean this entire thing?

A. My nerves were very bad and I got to the point I didn't know what to do and was just a nervous wreck over it, and I couldn't stand any more.

Q. Did you really try to make a go of it?

A. Yes, I did more than my share. I got his meals, worked at Sylvania and supported my children myself.

Q. Was he working during this time?

A. He worked some time, and he had a construction job at State College, but nothing too steady.

Q. You were the main support then for the family.

A. Yes. He always had money to run around, but nothing for bills.

Q. While he was going with Velma, was he quite often away at nights and with the Tyrone girl.

A. Yes.

Q. Did he even come up to the house with these women.

A. Yes.

Q. Did the neighbors around your area know about this situation?

A. Yes, they all thought I was foolish to live with him, but they didn't understand I had to.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FLORENCE I. ECKBERG :
VS : No. 353 September Term, 1961
ROBERT ECKBERG : In Divorce

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

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

S C H E D U L E

1. The Complaint in Divorce: Presented and filed on October 26, 1961.

2. Service of the Complaint: Service of the Complaint was made by Earl Vogle, a Constable, on the Defendant on November 22, 1961 at 11:45 P.M. in Houtzdale Borough.

3. Appointment of Master: William U. Smith was appointed Master on December 15, 1961.

4. Date and Place Fixed for Hearing: The hearing on this case was scheduled and took place at 10 A.M. on the 8th day of January, 1962, at the office of the Master, 101 North Second Street, Clearfield, Pennsylvania.

5. Notice of Master's Hearing: Notice of Master's Hearing was served upon the Defendant by Earl Vogle, Constable, by handing to him a true and correct copy thereof on December 21, 1961, at 10:20 A.M. in the Borough of Houtzdale. Notice of Master's Hearing was served upon the Plaintiff's attorney December 20, 1961.

6. Master's Hearing: Held at the time and place aforesaid. Edward T. Kelley, Esq., appeared for the Plaintiff. The

Plaintiff appeared in person, together with the following witnesscs:-
Ada Elizabeth Hawkins and Max Eugene Hawkins.

CAUSE OF DIVORCE

Adultery.

FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married on May 14, 1949 at Cumberland, Maryland.

2. Residence and Citizenship: The Plaintiff and Defendant are citizens of the United States, and at the time of the hearing the Plaintiff was residing at 512 Eliza Street, Houtzdale, Clearfield County, Pennsylvania, and the Defendant was residing at Houtzdale, Clearfield County, Pennsylvania.

After the parties were married, they lived continuously in Clearfield County.

3. Ages and Occupations: The Plaintiff is 32 years old and is a housewife. The Defendant is 32 years old and drives a truck when working.

4. Children: Four children were born of this marriage:- Donald Robert - age 12, Diane Jean - age 10, Barbara Ann - age 7, and Joan Kay - age 5.

5. Armed Forces: The Defendant is not a member of any branch of the Armed Forces of the United States of America.

6. Findings on the Merits: The grounds for divorce alleged in the Complaint was indignities to the person. The Master finds as follows:

(a). Commencing in July of 1954 and continuing until the separation of the parties, the Plaintiff has been subjected to a course of treatment by the Defendant which was humiliating and manifested settled hatred and estrangement.

(b). The Defendant has since July of 1954 kept company with a member of the opposite sex, and has spent many nights with women other than the Plaintiff under circumstances indicating promiscuous behavior.

(c). The general course of Defendant's conduct toward the Plaintiff, we well as toward the children of the parties, has been degrading and humiliating to the Plaintiff, and has affect her physical and mental wellbeing.

(d). The conduct of the Defendant, in addition to being sufficient to lead to suspicions of promiscuous behavior, is indicative of settled hatred and estrangement on the part of the Defendant toward the Plaintiff.

(e). The Plaintiff has at all times been a dutiful and faithful wife, and has done everything within her power and reason to preserve the marriage.

(f). While it is true the Plaintiff has from time to time condoned this conduct, condonation is not a defense to an action for indignities; and, further, indignities continued even after the last condonation.

DISCUSSION

Commencing in July of 1954 the Defendant embarked upon a course of conduct which rendered the life of the Plaintiff intolerable and burdensome. The Plaintiff, an innocent and injured spouse, put up with the Defendant's actions with members of the opposite sex with the patience of a Job. From the evidence there is ample to support a finding that during this seven year period the husband consorted with members of the opposite sex frequently, continually, and under circumstances which raise grave suspicion of departure

from his marital vows. This conduct was known to the Plaintiff, to her friends and to her relatives. As such, it brought her shame and disrespect. The resultant shame caused her physical and mental suffering.

The ground of divorce being alleged as indignities and there being proof on the record which would lead to suspicion of promiscuous behavior, the Law of Pennsylvania has long held that conduct with a member of the opposite sex, even though not sufficient to support a charge of adultery, will support a divorce on the ground of indignities to the person - Lowe vs. Lowe, 148 Pa. Superior 439, (1942); Wick vs. Wick, 352 Pa. 25, (1945); Wilson vs. Wilson, 163 Pa. Superior 546, (1949).

The Defendant's course of conduct has been such as to demonstrate a settled hatred and estrangement for Plaintiff wife, and that conduct has made her life intolerable and burdensome. This course of conduct amounts to indignities - Davis vs. Davis, 180 Pa. Superior 404, (1956).

While the Plaintiff condoned from time to time some of these actions, such is not a defense to the action of indignities. In addition, the indignities complained of reoccurred after the last act of condonation. As such, these revived the former offenses - 2 Freedman, Law of Marriage and Divorce, Section 348; DiStefano vs. DiStefano, 152 Pa. Superior 115, (1943).

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.
2. Defendant is guilty of indignities to the person of the Plaintiff, rendering her condition intolerable and life burdensome, contrary to Subsection 1 (f) of the Act of May 2, 1929, P.L. 1237, Section 10, 21 P.S. 10.

3. The proceedings conform to the Rules of Court and requirements of law.

4. Plaintiff is an innocent and injured spouse.

5. This divorce proceeding is not the result of collusion between the parties.

6. Plaintiff has proved for divorce based on the grounds of indignities to the person, but has not proved cause for divorce on the charge of adultery.

RECOMMENDATION

The Master recommends a Decree granting Florence I. Eckberg a divorce a vincullo matrimonii from Robert Eckberg, form of Decree is attached hereto.

Respectfully submitted,

W. H. Eckberg
Master

NO. 358 Sept 1961 TERM, 19.....

Eckley vs Eckley.....

Wm W. Smith, Master.....

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