

DOCKET NO. 175

NUMBER TERM YEAR

377 September 1961

Dolores J. Weygandt

VERSUS

John C. Weygandt

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

L. R. BROCKBANK, 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

DOLORES J. WEYGANDT Plaintiff

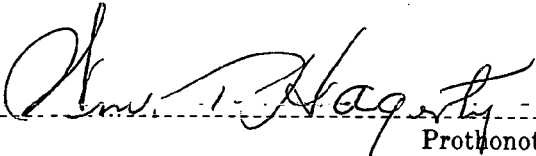
and

JOHN C. WEYGANDT 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.

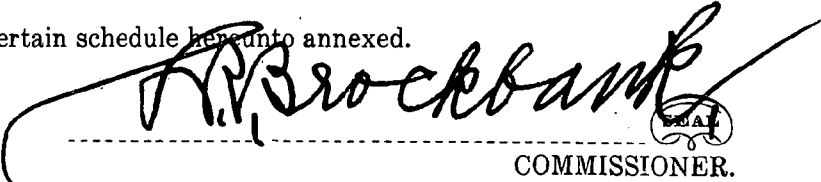
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 12th day of December, in the year of our Lord one thousand nine hundred and Sixty-one.

 Prothonotary

To the Honorable, the Judge, &c.:

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

 COMMISSIONER.

No. 377 September Term. 19 61

DOLORES J. WEYGANDT

VERSUS

JOHN C. WEYGANDT

COMMISSION

Cherry.
Gleason, Cherry & Attorney.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 322 SEPTEMBER TERM, 1961
IN DIVORCE

DOLORES J. WEYGANDT,
Plaintiff;

-VS-

JOHN C. WEYGANDT,
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

By *Edward V. Cherry*

FILED

OCT 30 1961

WM. T. HAGERTY

CLEARFIELD COUNTY

PROthonotary

GLEASON, CHERRY & CHERRY

7-10 DAMUS BUILDING

DU BOIS, PENNSYLVANIA

109 N. BRADY STREET

7.00 *Att'y*

Now Oct. 30, 1961

Service of Complaint in
Return Accepted.

*Boff. Acknowledged & Surgo
By David Acknowledged
Atty for Defendant*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DELORES J. WEYGANDT	:	NO. 377 September Term, 1961
VS.	:	
JOHN C. WEYGANDT	:	IN DIVORCE

D O C K E T E N T R I E S

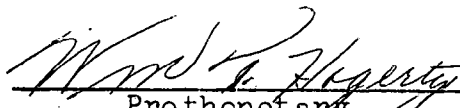
October 30, 1961, COMPLAINT IN DIVORCE filed:

October 30, 1961, on praecipe filed, Bell, Silberblatt & Swoope, Attorneys, enter their appearance for the Defendant.

NOW, October 30, 1961, service of Complaint in Divorce accepted. Bell, Silberblatt & Swoope, by Paul Silberblatt, Attys for Defendant.

December 12, 1961, by motion on the Watch-book, L. R. Brock-Bank, Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pentz, President Judge.

Certified from the record this 12th day of December, A. D., 1961.


Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES J. WEYGANDT, :
Plaintiff; : No. 327 SEPTEMBER TERM,
 : 1961
-vs- : IN DIVORCE
 :
JOHN C. WEYGANDT, :
Defendant. :

COMPLAINT

And now comes, DOLORES J. WEYGANDT, the above entitled Plaintiff, by her attorneys, GLEASON, CHERRY & CHERRY, and brings this Complaint in Divorce of which the following is a statement:

1. That the Plaintiff, DOLORES J. WEYGANDT, is and individual residing at 815 South Brady Street, DuBois, Clearfield County, Pennsylvania.
2. That the Defendant, JOHN C. WEYGANDT, is an individual residing at DuBois, R. D. #1, Clearfield County, Pennsylvania.
3. That the said Plaintiff and Defendant were married on July 18, 1952, in Reynoldsville, Pennsylvania.
4. That neither the said Plaintiff nor the said Defendant is a minor or is incompetent.
5. That both the said Plaintiff and the said Defendant are natural born citizens of the United States.
6. That the said Plaintiff has resided in the Commonwealth of Pennsylvania all of her life.
7. That there was one child born as a result of the said marriage, JEFFREY MICHAEL WEYGANDT, born March 5, 1953, who has resided since birth and continues to reside with said Plaintiff, at 815 South Brady Street, DuBois, Pennsylvania.
8. That the said Defendant, contrary to his marriage vows and the laws of this Commonwealth, has offered such indignities

-2-

to the person of the Plaintiff as to render her condition intolerable and life burdensome.

9. That this action is not collusive.

10. That there has been no prior action for divorce or annulment of the marriage between the parties hereto in this or any other jurisdiction.

WHEREFORE, Plaintiff prays that a divorce a vinculo matrimonii be entered in her favor and against the said Defendant.

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By Edward V Cherry

COMMONWEALTH OF PENNSYLVANIA :
: COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, DOLORES J. WEYGANDT, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct and that the same is not made out of levity or by collusion between herself and the said Defendant for the mere purpose of being freed and separated from each other, but in sincerity and truth for the purposes mentioned in the Complaint.

Dolores J. Weygandt

Sworn to and subscribed before me this 24th day of October, 1961.

Josephine M. Cherry
Notary Public
My Commission expires Jan. 7, 1963.

DOLORES J. WAYGANDT

VERSUS

JOHN C. WEYGANDT

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

No. 377 Term September 1961

To William T. Hagerly

Prothonotary.

Sir: Enter our appearance for John C. Weydandt, Defendant

in above case.

BELL SILBERBLATT & SWOOPE

By

Carol Silberblatt

Attorney for Defendant

Oct. 30, 1961

No. 377 Term September 19 61

DOLORES J. WEYGANDT

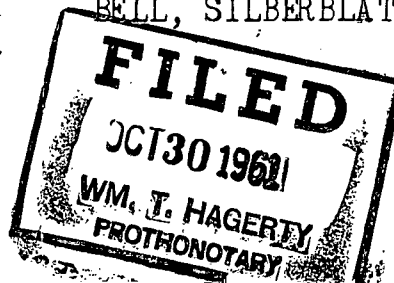
VS.

JOHN C. WEYGANDT

APPEARANCE

For Defendant

BELL, SILBERBLATT & SWOOPE



DuBois, Pa.,
December 12, 1961.

L. R. Brockbank,
DuBois, Pa.

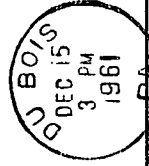
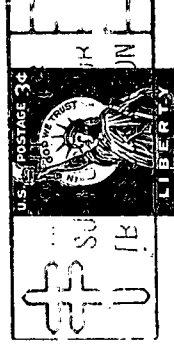
Dear Sir:

This will acknowledge receipt of Divorce
Notice from you showing Hearing set for Thursday,
December 28, 1961, at 4:00 o'clock P.M., at your
office.

(Sign)

John C. Weygandt
John C. Weygandt Defendant

Sign and mail back to M.C.



THIS SIDE OF CARD IS FOR ADDRESS

L. R. Brockbank, Esq.,
Attorney at Law, DuBois
Suite 240-242-244 Deposit National Bank
Building,
DuBois, Penna.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES J. WEYGANDT

-vs-

JOHN C. WEYGANDT

:
:
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:
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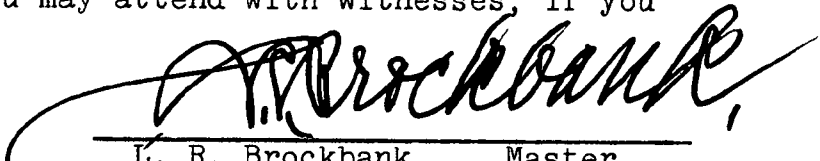
No. 377 SEPTEMBER TERM, 1961

IN DIVORCE

TO: JOHN C. WEYGANDT, late of R.D. #1, DuBois, Clearfield County, Pennsylvania.

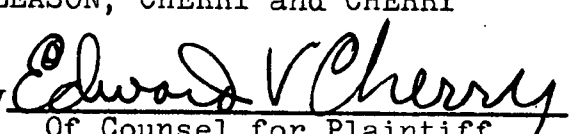
You are hereby notified that I have been appointed Master in the Divorce Action of DOLORES J. WEYGANDT, your wife, against you in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 377 September Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, on Thursday, December 28, 1961 at 4:00 o'clock P.M., Eastern Standard Time, when and where you may attend with witnesses, if you so desire.

DuBois, Pa.
December 12, 1961.


L. R. Brockbank - Master

Service of the above Notice accepted December 12, 1961, by copy.

GLEASON, CHERRY and CHERRY

By 
Of Counsel for Plaintiff

Sign & return this

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES J. WEYGANDT

-vs-

JOHN C. WEYGANDT

No. 377

SEPTEMBER TERM, 1961

IN DIVORCE

TO: JOHN C. WEYGANDT, late of R.D.#1, DuBois, Clearfield County, Pennsylvania.

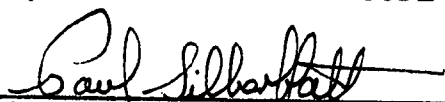
You are hereby notified that I have been appointed Master in the Divorce Action of DOLORES J. WEYGANDT, your wife, against you in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 377 September Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, on Thursday, December 28, 1961 at 4:00 o'clock P.M., Eastern Standard Time, when and where you may attend with witnesses, if you so desire.

DuBois, Pa.
December 12, 1961.


L. R. Brockbank - Master

Service of the above Notice accepted December 12, 1961, by copy.

BELL, SILBERBLATT & SWOOPE

By 
Of Counsel for Defendant

Sign & return this.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 377 September Term, 1961 IN DIVORCE	
DOLORES J. WEYGANDT VS. JOHN C. WEYGANDT	
<u>POWER OF ATTORNEY</u>	
<div>FILED DEC 19 1961 WM. T. HAGERTY PROTHONOTARY</div>	
BELL, SILBERBLATT & SWOOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES J. WEYGANDT	:	
	:	
VS.	:	No. 377 September Term, 1961
	:	
JOHN C. WEYGANDT	:	IN DIVORCE

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That I, JOHN C. WEYGANDT, do hereby make, constitute and appoint PAUL SILBERBLATT, Esq., of the City of Clearfield, my true and lawful attorney, in law and in fact, to appear for me in a certain action in divorce pending in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 377 September Term, 1961, wherein Dolores J. Weygandt is Plaintiff, and I, the said John C. Weygandt, am Defendant, and to make defense and to use all lawful ways and means in my name therein, in as full and effectual manner as I could if personally present in the said Court; hereby confirming and sanctioning whatsoever my said attorney in the said action, touching the defense thereof, may do according to law in the premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of December, 1961.

John C. Weygandt
John C. Weygandt (SEAL)

STATE OF PENNSYLVANIA:
SS:
COUNTY OF CLEARFIELD :

BE IT REMEMBERED that on this 15th day of December, 1961, before me, the undersigned, a Notary Public in and for the State of Pennsylvania and County of Clearfield, personally appeared the above named JOHN C. WEYGANDT, who, in due form of law, acknowledged the above letter of attorney to be his act and deed.

Marion J. Edwards (SEAL)
Notary Public
My Comm. exp. 11/6/63

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. NO. 377 IN DIVORCE SEPTEMBER TERM, 1961	
DOLORES J. WEYGANDT -VS- JOHN C. WEYGANDT	
MASTER'S REPORT "UNCONTESTED"	
L. R. BROCKBANK, .. Master's Report.....\$85.00	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> FILED JAN - 4 1962 CARL E. WALKER PROthonotary </div> LEO R. BROCKBANK ATTORNEY AT LAW SUITE 240, 242, 244 DU BOIS DEPOSIT NATIONAL BANK BUILDING DU BOIS, PENNSYLVANIA	

Now, December 30, 1961
 Notice of Master's Hearing
 Accepted and Time Waived
 Gleason Cherry & Cherry
 by Edward V. Cherry

Now Jan. 4, 1962 / notice of master's hearing accepted and
 time waived.
 Bell, Silberblatt & Seeger
 By Saul Silberblatt
 Atty's for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES J. WEYGANDT

-vs-

JOHN C. WEYGANDT

No. 377

SEPTEMBER TERM, 1961

IN DIVORCE

MASTER'S REPORT

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

L. R. Brockbank, Esq., the Master appointed by your Honorable Court in the above proceedings of Divorce to take the testimony of the witnesses in the case and return the same with a report thereof, respectfully reports as follows:

1. SCHEDULE

October 30, 1961

Complaint filed.

October 30, 1961

Service of Complaint in Divorce accepted.
Bell, Silberblatt & Swoope by Paul Silberblatt, Attorneys for Defendant.

October 30, 1961

On Praecipe filed, Bell, Silberblatt & Swoope, Attorneys, enter their appearance for the Defendant.

December 12, 1961

L. R. Brockbank, Esq., appointed Master to take the testimony in the above matter.

December 12, 1961

Notice of Master's Hearing accepted by Gleason, Cherry and Cherry, Attorneys for Plaintiff. Acceptance of Service being attached to this report and made a part hereof.

December 12, 1961

Notice of Master's Hearing accepted by Bell, Silberblatt & Swoope, Attorneys for Defendant. Acceptance of Service being attached to this report and made a part hereof.

December 12, 1961

Notice of Master's Hearing served personally on Defendant. Postal Card Acknowledgment by Defendant being attached to this report and made a part hereof.

December 19, 1961

Power of Attorney under seal and with Notary Public acknowledgment dated December 15, 1961 by John C. Weygandt, Defendant, appointing Paul Silberblatt, Esq., his true and lawful attorney, in law and in fact, to appear for him in this Divorce Action, etc., etc. Said Power of Attorney being attached to this report and made a part hereof.

December 28, 1961

At 4:00 o'clock, P.M., Eastern Standard Time, the Master called a Hearing at his office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street in the City of DuBois, Clearfield County, Pennsylvania, and at that time, the Attorneys for the Plaintiff requested that the Hearing be postponed until the following Saturday, to wit, Saturday, December 30, 1961 at the Master's Office. The Defendant did not appear at the time scheduled for the Hearing and no one appeared on his behalf. The Master, therefore, granted the continuance until Saturday, December 30, 1961, at 10:00 o'clock, A.M., Eastern Standard Time, at the Master's Office.

December 30, 1961

At 10:00 o'clock, A.M., Eastern Standard Time, the postponed Hearing was called as hereinabove enumerated, and at that time, Edward V. Cherry, Esquire, of Counsel for the Plaintiff, appeared together with Dolores J. Weygandt, the Plaintiff. The Defendant did not appear at the time of the postponed Hearing, and no one appeared on his behalf. The testimony of the Plaintiff, Dolores J. Weygandt, was previously transcribed, and it was presented to the Master at the time of the postponed Hearing, and the testimony of the Plaintiff was signed by the Plaintiff before the Master and sworn to before him. The testimony is attached hereto and made a part of this report.

II. SERVICE OF PROCESS

The original Complaint in Divorce was filed on October 30, 1961, and by Praecipe filed by Bell, Silberblatt & Swoope, Attorneys, they entered their appearance for the Defendant and also accepted service on the Complaint in Divorce on the same day. Notice of the Master's Hearing was accepted by Gleason, Cherry and Cherry, Attorneys for the Plaintiff, and Bell, Silberblatt & Swoope, Attorneys for the Defendant on December 12, 1961. Notice of the Master's Hearing was also served personally on the Defendant and acknowledgment of the service on December 12, 1961 is attached to this report. Power of Attorney by the Defendant dated December 15, 1961 was filed on December 19, 1961. All other provisions of the Rules of Court of Clearfield County, Pennsylvania, have been complied with, in full.

III. CAUSE OF DIVORCE

Indignities to the person.

IV. FINDINGS OF FACT

1. The Plaintiff and the Defendant were married at Reynoldsville, Pennsylvania, on July 18, 1952.

2. That at the time of their marriage, the Plaintiff resided at Cemetery Hill, Monongahela, Pennsylvania, where they did not reside very long, as the landlady put them out. They then moved in with the Defendant's family on Hospital Street, Monongahela, Pennsylvania, where they resided for about one year. After that, they moved back with the Plaintiff's family at 815 South Brady Street, DuBois, Pennsylvania, in the last part of November, 1952 (this is the testimony, but the year is probably wrong). They continued to reside at 815 South Brady Street for about eight months, after which they moved back to Pittsburgh, Pennsylvania, where they resided for about another year. The testimony then shows that they came back to DuBois and located at 302 South Main Street, DuBois, Pennsylvania, where they resided together as husband and wife for about five years. The testimony also shows that at the end of this period, the Plaintiff and Defendant purchased a residence at 215 South Main Street, DuBois, Pennsylvania, where they continued to reside until the time of their separation, after which the Plaintiff moved in with her people at 815 South Brady Street, DuBois, Pennsylvania, where she still resides. The Defendant has been living in Sandy Township, Pennsylvania, and operates the Little Times Square Gas Station at the junction of Routes 219 and 322.

3. The Plaintiff is a citizen of the United States and the Defendant is also a citizen of the United States.

4. The present age of the Plaintiff is thirty-five (35) years and her occupation is housewife; the present age of the

Defendant is thirty (30) years, and he is self employed, operating a Gas Station.

5. One child was born to this union, namely: Jeffrey Michael Weygandt. He is eight (8) years old and he resides with his mother and his grandmother at 815 South Brady Street, DuBois, Pennsylvania.

6. Military Service - Armed Forces. - The testimony in this case shows that the Plaintiff is not in the Military Service of the United States. It also shows that the Defendant is thirty (30) years old and is self employed, operating a Gas Station known as Little Times Square, located in Sandy Township, Clearfield County, Pennsylvania. Also, on December 15, 1961, the Defendant executed a Power of Attorney before Merritt I. Edner, Notary Public, said Power of Attorney being part of the record in this case. Also, the Master's Notice was served personally on the Defendant on December 12, 1961. Based upon the testimony, etc., above enumerated, the Master makes a specific Finding of Fact that the Defendant is not now a member of any branch of the Armed Services of the United States.

7. The Complaint in this case charges "That the said Defendant, contrary to his marriage vows and the laws of this Commonwealth, has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome." The Plaintiff testified that she thought the chief cause of their marital difficulties was the husband's temper. He would smash the furniture, beat up the Plaintiff, pound the boy; on times when he would have troubles during the day, he would come home and take out his spite on his wife and son, and the last time this happened, the Plaintiff required a doctor's attention. He beat her up twelve or thirteen times, according to her testimony, and these marks were seen by the doctor and also at the lawyer's office; at one time, she testified that in 1955 or 1956, he threw her down the stairs because he did not think his dinner was

ready soon enough, he then threw fruit around the room, poured ketchup on the stove burners and spattered chocolate syrup on the ceiling. The Plaintiff also testified that he never took her or the boy out anywhere, but he went to the taverns; at one time he threatened to get rid of her in such a manner that it would seem like a natural death; he also threatened her and her son with a shot gun. The Plaintiff testified that her husband showed no love or affection for her or their boy, and that he also humiliated and embarrassed her in the presence of other, and also used much abusive and profane language in the presence of the child and other people. The Plaintiff testified that at one time, as the result of information from her girl friend, she caught her husband out with a "Girl Friend," and that at that time, he told her he wanted the girl friend instead of his wife. Later on, when they were both home that evening, the Defendant gave the Plaintiff an awful beating. She also testified that she had been informed by other people that her husband ran around with other women. Near the close of the Plaintiff's testimony, she testified that she had no agreement between herself and her husband to obtain a divorce, and that this abusive treatment, hereinabove enumerated, had quite an effect on her health, and that she was not able to work because of this mistreatment. She concluded her testimony by stating that since he left, she feels that she is getting along better.

The Master is of the opinion that there is ample evidence to support the divorce on the grounds of Indignities to the Person. It is impossible to lay down a general rule for the determination of what indignities render the condition of the injured sponse intolerable. It has been held by many courts that they may consist of 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 Master, after a perusal of the testimony, believes

that a good many of the above qualifications are in this case. There is also considerable evidence as to cruel and abusive treatment, but that charge was not pled in the Complaint.

V. CONCLUSIONS OF LAW

1. That the proceedings are in accordance with the requirements of the Divorce Code and the Rules of Court of Clearfield County, Pennsylvania.

2. That the Court has jurisdiction of the parties and the subject matter of this action.

3. The facts establish Indignities to the Person of the Plaintiff, within the meaning of the Act of Assembly.

4. The legal domicile of the Plaintiff is 815 South Brady Street, DuBois, Clearfield County, Pennsylvania; the legal domicile of the Defendant is Sandy Township, Clearfield County, Pennsylvania.

5. The Complaint in Divorce was served on the Defendant by Acceptance of Service by Bell, Silberblatt & Swoope, Attorneys for Defendant; the Notice of the Master's Hearing was served personally on the Defendant by mail and receipt of said Master's Notice being acknowledged by returned Postal Card, signed by the Defendant, and attached hereto; the Notice of the Master's Hearing was also served on the Defendant by Acceptance of Service by copy by Bell, Silberblatt & Swoope, Attorneys for the Defendant, said Acceptance of Service being attached hereto.

6. There has been no collusion, connivance, or levity between the parties.

VI. RECOMMENDATIONS

The Master, therefore, finds that the averments of the Complaint have been sustained, and recommends that the Prayer of the Complaint be granted, and that a Decree be entered by your Honorable

Court divorcing DOLORES J. WEYGANDT, the Plaintiff, and JOHN C. WEYGANDT, the Defendant, from the bonds of matrimony now existing between them; and a suggested form of Decree is hereto attached.

All of which is respectfully submitted.

(T. Brockbank
Master

DuBois, Pa.
December 30, 1961.

In the Court of Common Pleas of Clearfield County, Pennsylvania



DOLORES J. WEYGANDT
Plaintiff

VERSUS

JOHN C. WEYGANDT
Defendant

Of SEPTEMBER Term, 1961
No. 377

DIVORCE

And Now, the 4th day of January 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to

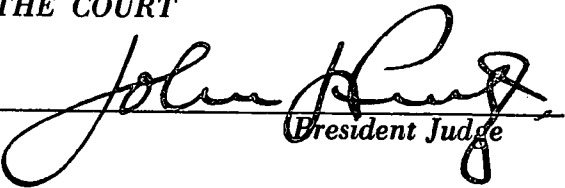
We, therefore, DECREE that Dolores J. Weygandt be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ herself and John C. Weygandt.
Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of
said marriage, shall cease and determine, and each of them shall be at liberty to marry again as
though they had never been heretofore married, except that

The Prothonotary is directed to pay the Court costs, including Master's fees, as not-
ed herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said
Dolores J. Weygandt ^{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. 3272 Sept. Term 1961.

DOLORES J. WEYGANDT
Libellant

VERSUS

JOHN C. WEYGANDT
Respondent

DECREE

Attorney

DOLORES J. WEYGANDT, being produced and sworn testifies
as follows:

BY MR. CHERRY:

Q. When and where were you married?

A. In Reynoldsville on July 18, 1952.

Q. Where did you reside at the time of your marriage?

A. Cemetery Hill, Monongahela, Pennsylvania.

Q. How long did you reside at this residence?

A. It wasn't too long because the landlady put us
out.

Q. Then where did you move to?

A. We had to move in with his family.

Q. Where was that?

A. Hospital Street, Monongahela, Pennsylvania.

Q. How long did you reside at this residence?

A. About a year.

Q. And then where did you move to?

A. Then we had to come back with my family?

Q. Where is that?

A. At 815 South Brady Street, DuBois, Pa.

Q. What date approximately would that be?

A. Late November, 1952.

Q. How long did you reside at this residence?

A. About eight months.

Q. Then where did you move to?

A. Back to Pittsburgh, Pennsylvania.

Q. How long did you reside in Pittsburgh, Pennsyl-
vania?

A. About another year.

Q. Then where did you move to?

A. We came back to DuBois.

Q. And where did you live at in DuBois, Pennsylvania?

A. At 302 South Main Street.

Q. How long did you and your husband reside at this residence?

A. I think it was about five years.

Q. And then where did you move to?

A. Then we bought this house across the street and moved there - 215 South Main Street, DuBois, Pennsylvania.

Q. Did you live at that residence up until the time of separation?

A. Yes.

Q. What is your present residence?

A. 815 South Brady Street, DuBois, Pennsylvania.

Q. Are you a citizen of the United States?

A. Yes.

Q. Is your husband a citizen of the United States?

A. Yes.

Q. What is your age and present occupation?

A. I'm 35 and a housewife.

Q. What is the age and present occupation of your husband?

A. He's 30 and self-employed and operates a Gas Station.

Q. Were there any children born to this marriage?

A. Yes, one.

Q. What is his name, age and with whom is he residing?

A. His name is Jeffrey Michael Weygandt, he is eight years old and he resides with me.

Q. What residence is that?

A. 815 South Brady Street, with my mother.

Q. Is that in DuBois, Pennsylvania?

A. Yes.

Q. Are you a member of the armed services of the United States at the present time?

A. No.

Q. Is your husband a member of the armed services of the United States at the present time?

A. No.

Q. Mrs. Weygandt, what would you say was the chief cause of your marital difficulties?

A. My husband's temper.

Q. Did this cause a lot of trouble in your household?

A. Yes, he would always be smashing furniture, beating up me and pounding at the boy, and it didn't have to be anything that we done. It was something he admitted himself was something that other people had done and he punished us for it. He came home and took it out on us.

Q. Did your husband ever beat you up Mrs. Weygandt?

A. Well, the last time he beat me up, he beat me so bad that I had to have Doctor's attention.

Q. How often during your married life did your husband give you these beatings?

A. Well you never knew when he was going to get like this. You'd be sitting down and would be as calm as could be and all of a sudden he would just up and start.

Q. How many times during your married life would you say that he gave you these beatings?

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A. I would say twelve or thirteen times anyhow.

Q. And then were there other beatings that you received from him?

A. He would slap you or punch you and then he would throw things at you.

Q. Now, you say one time you had to receive the services of a Doctor because of the beating that he gave you?

A. Yes, I did, in March of 1961.

Q. What happened at that time?

A. Well, he came home, he had already left us, and he came home and started removing things out of the cellar that he had no right to remove and I asked him to leave the stuff there for Michael - it was Camera equipment because he didn't buy it in the first place, it was my money that bought it. He said he was taking it and I said he wasn't so he grabbed me and just started beating me up.

Q. Was anybody present at this time?

A. My girl friend was upstairs.

Q. What happened?

A. She was so afraid she didn't know what to do so she just stayed there and was quiet and after he was done he came upstairs and spoke to her just like there was nobody there, but no conscience at all.

Q. Did you receive any marks on your body as a result of these beatings?

A. My throat was all marked up where he choked me and I went to the Doctor and from there I came to the Lawyers here and I believe it was seen in this office here the marks on my throat and my arms.

Q. Now this was after he left you, is that correct?

A. Yes.

Q. When did he leave you, Mrs. Weygandt?

A. Two days after Thanksgiving last year.

Q. Was that in 1961? 1960

A. That's right.

Q. Did he have any reason or cause to give you these beatings, Mrs. Weygandt?

A. None whatsoever.

Q. Were these beatings you received done in the presence of other people?

A. No, he was pretty careful about that, but he took his temper fits in front of several people.

Q. Did any of these previous beatings you received leave any marks on your body?

A. Yes, I have some marks on my body from where he threw me down the steps.

Q. You say he threw you down the steps?

A. Yes.

Q. When was this?

A. This was about 1955-56.

Q. What happened on that occasion?

A. Well, he came home from work one dinnertime and I was in the basement ironing and he asked me where dinner was and I didn't realize it was that close to dinnertime and so he hollered down the steps, "Where's my dinner", and I just jokingly said, "Still in the can." I came up the stairs to take care of his dinner and he just started punching me and he threw me down the basement stairs. And after I came back up the stairs I went

to fix his dinner and I had had a large bowl of fruit on the kitchentable and he took every bit of it and threw it against the ceiling and the walls and poured ketchup in the burners of the stove and got chocolate syrup and splattered it all over the ceilings and my girl friend right next door came over and saw it and she said it didn't look human.

Q. Would your husband take you out to places of entertainment?

A. Never, he never took us anywhere.

Q. Would he go out himself to places of entertainment?

A. Yes, always.

Q. Would you ask him to take you out to places of entertainment?

A. Yes.

Q. What would he say to you?

A. What for?

Q. You mean he wouldn't give you any other reason or answer than that?

A. That's all he would say, "What for?"

Q. Did you tell him you would like to do things together?

A. Yes.

Q. What was his answer to that?

A. He always told me I had a paper head.

Q. What places would he go to?

A. He always went to the taverns.

Q. Would he come home at reasonable hours?

A. No.

Q. Would he show up at meal time?

A. Most generally he would show up at meal time because he loved to eat.

Q. Would he tell you where he was going?

A. No, and he would never tell me where he had been when he came home.

Q. Did you ever ask him where he was going?

A. Yes, and he always told me that he figured that that came under the category of his business.

Q. When he came back in the evenings from frequenting these places, would he tell you where he had been?

A. No, never.

Q. Did you ask him?

A. Yes.

Q. What would he tell you?

A. Out.

Q. You testified you received many beatings from your husband. Beside these beatings during your married life did he ever threaten you during your married life?

A. Yes, he told me in February they had planned (I don't know who he meant when he said they) a way to get rid of me so that it wouldn't look like I died only by a natural death and he said that he promised me that.

Q. Did he threaten you any other time during your married life?

A. Yes, one time he ran up stairs and he got the shot gun and he said he was going to shoot Michael and I both and I ran next door to get the lady next door and just as she came in it sounded like he had already cocked the gun and she became frightened and she ran. Then he stayed up there for a while and he didn't do anything, but he sat up there for a while and then he came back down. He said he was going to shoot us both that night.

Q. Did he show much affection towards you, Mrs. Weygandt?

A. He had no love nor affection. From what I hear how he was raised he couldn't have any because he had none from his own family.

Q. And you say he showed you no affection during your married life?

A. No, nor did he the boy either.

Q. How did he treat the boy during the time that you lived together?

A. I have never seen him pick the boy up or ever tell him he loved him, never.

Q. Did you ever ask him why he didn't show any more affection towards you and the child?

A. He thought it was silly to show affection. He wasn't the kind.

Q. Did your husband ever embarrass you in the presence of others?

A. Always.

Q. Do you remember any incident when he embarrassed you?

A. Yes, he always embarrassed me when anybody he thought was a friend of mine was there. He would say things that would make you feel bad. My husband got it natural - his father was the same way.

Q. Were your friends welcome in your home by your husband?

A. Well, he always put the show on for them and then after they would go he would run them down so badly I'd always hate to ask them back.

Q. How did he treat your family, were they welcome in your home by him?

A. When they were standing face to face, yes.

Q. What would happen after your family would leave?

A. It would always end up in an argument.

Q. What do you mean by that?

A. He'd pick at them. He'd always find something to say about them and naturally I had to defend them.

Q. Did you always prepare his meals for him?

A. Yes, always. He never had to wait a minute. When he came home his meals were always on the table.

Q. Did you keep a good home for him?

A. I think I did.

Q. Did you take good care of your child for him?

A. Yes, I did.

Q. What kind of language did your husband use, Mrs. Weygandt?

A. Mr. Cherry, I'm a middle aged woman now, and there is words that he used that I have never heard in my life. He didn't care who was standing there, the child, or anybody, he would say them.

Q. Were these words of profanity?

A. Yes, they were.

Q. Were they said in the presence of other people?

A. Yes, they were.

Q. Including your child?

A. Yes.

Q. How did this make you feel?

A. Terrible. I can't put something like that into words. You don't want to believe that someone would say things

like that.

Q. Did this happen most of your married life?

A. Yes, from the time that he was caught stealing that time, after that he didn't care what he done or what he said he just went to pieces. One time a girl friend of mine called me and she said that she had seen him with this girl in the car and she wanted to know if I wanted to come out that she would come after me if I wanted to go and catch him at it and at first I told her no that I didn't believe it. She said she saw him and she knew where he was so she came and she got me and when I got there I faced them both and I asked him if he wanted her and he said yes and I asked her the same thing and she said yes. Then when I got home I got an awful beating from him.

Q. Did your husband run around with other women during the time of your married life?

A. Well, this one I told you I caught him with and everyone tells me now that he has been running around and he tells me with his own mouth that he has been.

Q. Was there any agreement between you and your husband to obtain this divorce?

A. No.

Q. What effect did all of this have on your health, Mrs. Weygandt?

A. Quite a bit. I'm not able to work because of this all.

Q. Since he left do you feel that you are getting along better?

A. Yes.

Witness
W. Brockbank

Dolores J. Weygandt