

DOCKET NO. 174

NUMBER TERM YEAR

378 May 1961

Robert Garthwaite

VERSUS

Betty Lou Garthwaite

Clearfield County, ss:

The Commonwealth of Pennsylvania, to DAVID E. BLAKLEY, 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

Robert Garthwaite

Plaintiff

and

Betty Lou Garthwaite

Defendant

to call before you at a certain day and place by you for that purpose to be appointed, all and every person who
be named to you on the part of the parties

as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report the same with form of Decree and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

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

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the
21st day of October, in the year of our Lord one thousand nine hundred and
sixty-one

Wm T. Hayter

Prothonotary

To the Honorable, the Judge, &c.:

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

David Blakley



COMMISSIONER.

No. 378 May Term. 1961

ROBERT GARTHWAITE

VERSUS

BETTY LOU GARTHWAITE

COMMISSION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT GARTHWAITE :
: :
-vs- : No. 378 MAY TERM, 1961
: :
BETTY LOU GARTHWAITE : IN DIVORCE
*** ***

*

MASTER'S REPORT

The Master, David E. Blakley, Esquire, files the following report in the above stated action of divorce.

I.

SUPPLEMENTAL DOCKET ENTRIES

October 30, 1961 Notice of Master's Hearing issued by certified mail to defendant.
November 16, 1961 Notice of Master's Hearing issued by certified mail returned, as "moved, and left no address", envelope so indicating attached hereto.
November 6th,
& 13, 1961 Notice of Master's hearing published in DuBois Courier-Express, proof of publication hereto attached.
November 20, 1961 Monday, 5 o'clock P.M. E.S.T., hearing at which time there was present Edward V. Cherry, Attorney for Plaintiff, Robert Garthwaite, Plaintiff. Defendant did not appear at the hearing nor was she represented by counsel.

II.

The Complaint and all filed papers are arranged in the order of filing and attached hereto.

III.

Cause of divorce: Desertion.

IV.

Findings of fact:

1. The Plaintiff and Defendant were married in DuBois, Pennsylvania on December 26, 1950.
2. The Plaintiff has been a resident of the State of Pennsylvania, City of DuBois, all of his life except for a

period of five years from 1951 to 1956 when he resided in Jefferson County, and the Defendant resided in DuBois during the period she lived with her husband, and since that time it is unknown where she resides.

3. Citizenship. Both the Plaintiff and Defendant are citizens of the United States, both having been born in the United States.

4. The Plaintiff is thirty (30) years of age and is employed as a laborer.

5. The Defendant is thirty (30) years of age and her occupation is unknown.

6. There were two children born as a result of this marriage, namely, April aged ten (10) and Robert, aged seven (7), both of whom reside with the Plaintiff in DuBois, Clearfield County, Pennsylvania.

7. Military service. Plaintiff is not a member of the military service, and insofar as can be ascertained, the Defendant is not a member of the military service.

8. Findings on the merits: The Master finds from the evidence produced that the Plaintiff is entitled to a divorce on the grounds of desertion.

9. Discussion: It appears from the testimony presented at the hearing, which was uncontradicted, that the parties to the divorce have not resided together as husband and wife since April 15, 1957, which is a period of greater than two years. On April 15, 1957, the wife never returned from work to the home. She has never contacted the plaintiff, never returned to visit the children and has absented herself so that the Plaintiff has been unable to even find out the whereabouts of the defendant. There is no doubt in the mind of the Master that this was a willful desertion on the part of the wife, and has continued for

a period of greater than two years. Therefore, the Plaintiff is entitled to a divorce on the grounds of desertion.

V.

Conclusions of Law:

The Plaintiff and Defendant are legally married and the marital relationship still subsists between them.

The parties are properly before the Court. The Plaintiff is a resident of DuBois, Clearfield County, Pennsylvania, and has been for all of his life, and that proper service was made on the Defendant.

That the facts found establish grounds for divorce a vinculo matrimonii.

VI.

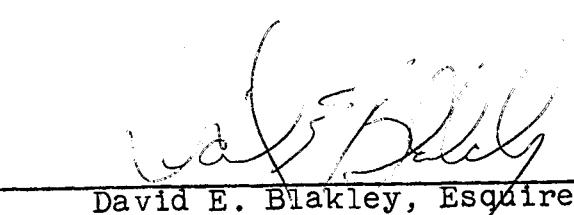
Recommendation:

The Master finds that the evidence of the complaint relating to desertion are sustained and recommends that the prayer of the Plaintiff be granted and that a decree be entered by the Honorable Court divorcing Robert Garthwaite, the Plaintiff and Betty Lou Garthwaite, the Defendant, from the bonds of matrimony now subsisting between them.

VII.

Suggested form of decree:

A suggested form of decree is hereto attached and made a part hereof. All of which is respectfully submitted.



David E. Blakley, Esquire
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

¶¶¶¶¶¶¶¶¶¶¶¶¶¶¶¶¶¶

ROBERT GARTHWAITE } Of MAY Term, 19 61

No. 378
VERSUS
BETTY LOU GARTHWAITE }

DIVORCE

And Now, the 29th day of Nov 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Robert Garthwaite be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and Betty Lou Garthwaite.
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 _____

Robert Garthwaite his costs expended in this action.
75⁰⁰

ATTEST

BY THE COURT

W. T. Haggerty John Reed
Prothonotary President Judge

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

No. _____ Term 19 _____

Libellant

VERSUS

Respondent

DECREE

Attorney

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE DUBOIS-COURIER-EXPRESS
PUBLISHED BY COURIER-EXPRESS PUBLISHING COMPANY**

Under Act No. 587, Approved May 16, 1929, P. L. 1784

STATE OF PENNSYLVANIA }
COUNTY OF CLEARFIELD }

ss:

M. L. Bloom, Genl. Mgr. of The DuBois Courier-Express,

of the County, and State aforesaid, being duly sworn, deposes and says that The DuBois Courier-Express is a daily newspaper published by Courier-Express Publishing Company at 56-58 West Long Avenue, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said daily newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the daily newspaper on the following dates, viz: the 6th & 13th

day of November, A.D., 1961.

Affiant further deposes that he is an officer duly authorized by The DuBois Courier-Express, a daily newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

By *M. L. Bloom, Genl. Mgr.*

Sworn and subscribed to before me this

14 day of Nov, 1961.

Merritt J. Edm

Notary Public, Notary Public
No. 1010, CL A-44200, PA
Commission expires Jan. 16, 1962

Statement of Advertising Costs

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

DuBois, Pa.

To *David E. Blyley, att.
(wre; divorce - Garthwaite)* Dr.

For publishing the notice or advertisement
attached hereto on the above stated dates \$ 7.60

Probating same \$.50

Total \$ 8.10

Publisher's Receipt for Advertising Costs

The DuBois Courier-Express, a daily newspaper hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: 56-58 West Long Avenue, DuBois, Pa.
Established 1879, Phone 42.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

By *M. L. Bloom, Genl. Mgr.*

I hereby certify that the foregoing is the original Proof of Publication and Receipt for the Advertising costs in the subject matter of said notice.

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to
addressee

Show address where
delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

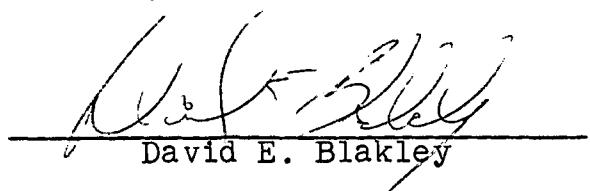
DATE DELIVERED	ADDRESS WHERE DELIVERED (copy if requested in Item #1)
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GSF-16-7144-4 GPO

STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD :

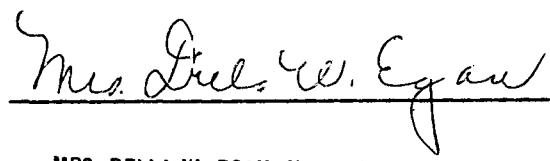
Personally appeared before me, the undersigned officer, DAVID E. BLAKLEY, who being duly sworn according to law, deposes and says that he is the Master in the above entitled divorce action and that on October 30, 1961 he did mail to the Defendant therein, Betty Lou Garthwaite, a notice of Master's hearing, in the form attached hereto, by certified mail, Addressee only, Return receipt requested, and that attached hereto is said certified notice, which has been returned to the Master, marked "moved and left no address" and that the Master was unable to locate any further address or the whereabouts of the Defendant, and did proceed to serve notice on the said Defendant by publication as provided for, said proof of publication being hereto attached.

And further deponent sayeth not.



David E. Blakley

Sworn to and subscribed
before me this 22nd day of
November, 1961.



Mrs. Della W. Egan

MRS. DELLA W. EGAN, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Sept. 30, 1962

Robert Barthmaste

VERSUS

Betty Lou Barthmaste

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

No. 378 Term May 1961

To William T. Hargrave Prothonotary.

Prothonotary.

Sir: Enter appearance for select the name
to be named by publication in the
MacBain - Courier Express

in above case.

Attorney for Plaintiff, Plaintiff

No. _____ Term _____ 19 _____

vs.

APPEARANCE

For _____

FILED
AUG 17 1961
WM. T. HAGERTY
PROTHONOTARY

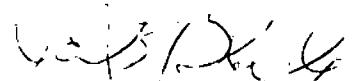
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT GARTHWAITE, :
PLAINTIFF :
VS: : No. 378 MAY TERM, 1961
BETTY LOU GARTHWAITE, : IN DIVORCE
DEFENDANT :
/

MASTER'S NOTICE

TO: Edward V. Cherry, Esq., Attorney for Plaintiff
TO: Betty Lou Garthwaite, 145 Mill St., Bradford, Penna.

You are hereby notified that the undersigned has been appointed Master in the above entitled divorce action, for the purpose of taking testimony and reporting the same, together with suggested form of decree to the Court. For the purpose of carrying out said duties, the Master will hold a hearing in his offices, Suite 218 DuBois Deposit National Bank Building, DuBois, Pennsylvania, on Monday, November 20, 1961, at 5:00 o'clock P.M. E. S.T., when and where you may appear along with witnesses, if you so desire.



David E. Blakley,
Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT GARTHWAITE : No. 378 May Term, 1961
vs :
: IN DIVORCE
BETTY LOU GARTHWAITE :
:

DOCKET ENTRIES

JUNE 22, 1961, Complaint In Divorce filed: One copy certified to the Sheriff.

NOW, June 22, 1961, deputized the Sheriff of McKean County to serve the within Complaint In Divorce on Betty Lou Garthwaite.

NOW, August 9, 1961, the within Complaint in Divorce to be served on Betty Lou Garthwaite is returned "NOT FOUND". The affidavit of service of Jessie Taylor, Sheriff of McKean County is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

Before me, M. F. Raver, Prothonotary in and for said County, personally appeared Jesse Taylor, who, being duly sworn according to law doth depose and say that he is High Sheriff of said County, that he had made diligent search and inquiry for Betty Garthwaite, the defendant named in the within Complaint and that she was not found. So answers, Jesse Taylor, Sheriff of McKean County, Pennsylvania.

AUGUST 17, 1961, On praecipe filed by Gleason, Cherry & Cherry, Attorneys, service by publication is directed. One copy certified to the Sheriff.

SEPTEMBER 19, 1961, SHERIFF'S RETURN filed: NOW, September 7, 1961, served the within Complaint In Divorce on Betty Lou Garthwaite by advertising the printed notice hereto attached in the DuBois Courier Express, a newspaper of general circulation, published in the City of DuBois, Pa., on the dates mentioned in the affidavit of the publisher, hereto attached and made part of this return of service.

NOW, August 18, 1961, sent a true and attested copy of the original complaint in divorce by registered mail, addressee only, return receipt requested, to Betty Lou Garthwaite, 145 Mill Street, Bradford, Pa., that being her last known address. Registered letter, marked, MOVED, LEFT NO ADDRESS, is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

NOW, October 21, 1961, by motion on the watch-book, David E. Blakley, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

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

Wm T. Haggerty
Prothonotary

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

Robert Garthwait
vs
Betty Lou Garthwait

No 378 May Term 1961
Complaint In Divorce

Now, June 22, 1961 deputized the Sheriff Of McKean County to serve the within Complaint In Divorce on Betty Lou Garthwait.

Now, August 9, 1961 within Complaint In Divorce to be served on Betty Lou Garthwait is returned "NOT FOUND", The affidavit of service of Jessie Taylor, Sheriff Of McKean County is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$6.00
Sheriff Of McKean County \$7.50
(Paid by Atty's G.C.C.)

So Answers,
Charles G. Ammerman
Sheriff

Sworn to before me this 11th
day of August 1961 A.D.

John J. Flanagan
Prothonotary

SHERIFF'S OFFICE
McKEAN COUNTY
SMETHPORT, PA.

**NOTICE OF SERVICE OF WRIT
& BILL OF COSTS**

IN THE MATTER OF	
Robert Garthwaite	
vs.	
Betty Garthwaite	
No.	Term 19
Clearfield County	
SERVED	COSTS
Ret. Not Found	\$ 7.50

**Costs must be paid before writ
is returned.**

Jesse Taylor
W.M. REESE Sheriff
McKEAN COUNTY

STATE OF PENNSYLVANIA, }
COUNTY OF McKEAN } SS:

Before me, M. F. Raver, Prothonotary in and for said County, personally appeared Jesse Taylor, who being duly sworn according to law, doth depose and say that he is High Sheriff of said County, that he has made diligent search and inquiry for Betty Garthwaite, the Defendant named in the within Complaint and that she was not found.

Sworn and subscribed to be-
fore me this 9th day of

So answers



Sherif:

August A. D. 19 61

Deputy

Melvin F. Raver
Prothonotary

My Commission expires 1st Mon. Jany 1962

In the Court of Common Pleas
of McKean County, Pennsylvania

No. _____ Term, 19____

Robert Garthwaite

vs.

Betty Garthwaite

AFFIDAVIT OF "NOT FOUND"
IN PLAINTIFF'S COMPLAINT
IN DIVORCE

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

No 378 May Term 1961

Robert Garthwait
vs
Betty Lou Garthwait

Complaint In Divorce
Notice by Publication

Now, Sept 7, 1961 served the within Complaint In Divorce on Betty Lou Garthwaite by advertizing the printed notice hereto attached in the Du Bois Courier Express, a newspaper of general circulation published in the City of Du Bois, Pa., on the dates mentioned in the affidavit of the publisher., hereto attached and made part of this return of service.

Now, August 18, 1961 sent a true and attested copy of the original Complaint In Divorce by registered Mail, Addressee only, return receipt requested, to Betty Lou Garthwaite, 145 Mill Street, Bradford, Pa., that being her last known address. Registered Letter marked "MOVED LEFT NO ADDRESS" is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$7.24
Du Bois Courier Express \$6.86
(Paid by Attys G.C.C.)

So Answers,
Charles S. Ammerman
Charles S. Ammerman
Sheriff

Sworn to before me this 11th
day of September 1961 A.D.

1) Wm T. Hayerty
Prothonotary.

INVOICE

DuBois Courier-Express

DAILY EXCEPT SUNDAY
56-58 WEST LONG AVENUE
DuBois, PENNSYLVANIA

In Account With

September 9, 1961

Charles G. Ammerman, Sheriff
Clearfield, Pa.

C 2953

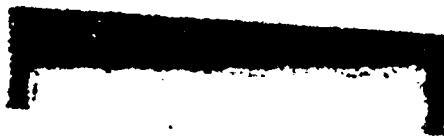
TERMS:—Cash

Advertising in DuBois Courier-Express
(Divorce--Betty Lou Garthwaite--Robert Garthwaite)

August 24--53 words
" 31--53 "

Sept. 7--53 "

159 words----@.04¢-----\$ 6.36
Notary fee----.50
\$ 6.86



**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE DUBOIS-COURIER-EXPRESS
PUBLISHED BY COURIER-EXPRESS PUBLISHING COMPANY**
Under Act No. 587, Approved May 16, 1929, P. L. 1784

STATE OF PENNSYLVANIA }
COUNTY OF CLEARFIELD } ss:

M. L. Bloom, Genl. Mgr. of The DuBois Courier-Express,
of the County, and State aforesaid, being duly sworn, deposes and says that **The DuBois Courier-Express** is a daily newspaper published by Courier-Express Publishing Company at 56-58 West Long Avenue, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said daily newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the daily newspaper on the following dates, viz: the 24th 31st of Aug. &

7th day of September, A.D., 1961.

Affiant further deposes that he is an officer duly authorized by **The DuBois Courier-Express**, a daily newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Commonwealth of Pennsylvania
County of Clearfield,
To Betty Lou Garthwaite:
You are notified that Robert
Garthwaite, the plaintiff, has
commenced an action of Divorce
against you which you are required
to defend.
Sw. CHARLES G. AMMERMAN,
Sheriff of Clearfield County.
Anthony S. Guido, Attorney,
Gleason, Cherry and Cherry,
7-10 Damus Building,
DuBois, Pa.

Sw. e this

against you which you are required
to defend.

CHARLES G. AMMERMAN,
Sheriff of Clearfield County.
Anthony S. Guido, Attorney,
Gleason, Cherry and Cherry,
7-10 Damus Building,
DuBois, Pa.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

By *M. L. Bloom, Genl. Mgr.*
9th day of SEPT., 1961.
Merle D. Edens
Notary Public
DuBois, Pa.

Statement of Advertising Costs

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of

THE DUBOIS COURIER-EXPRESS

DuBois, Pa.

To *Charles G. Ammerman, Sheriff
(w/s. Divorce - Garthwaite)*
For publishing the notice or advertisement
attached hereto on the above stated dates \$ 6.36

Probating same \$.50

Total \$ 6.86

Publisher's Receipt for Advertising Costs

The DuBois Courier-Express, a daily newspaper hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: 56-58 West Long Avenue, DuBois, Pa.
Established 1879, Phone 42.

COURIER-EXPRESS PUBLISHING COMPANY
Publisher of
THE DUBOIS COURIER-EXPRESS

By

I hereby certify that the foregoing is the original Proof of Publication and Receipt for the Advertising costs in the subject matter of said notice.

August 17, 1961

Du Bois, Courier Express * (Please publish once a week for three
successive weeks, beginning August 24,
1961)

Commonwealth of Pennsylvania
County of Clearfield,

To Betty Lou Garthwaite

You are notified that Robert Garthwaite, the plaintiff, has
commenced an action of Divorce against you which you are required
to defend.

Charles G. Ammerman
Sheriff of Clearfield County

Anthony S. Guido, Attorney
Gleason, Cherry and Cherry
7-10 Damus Building,
Du Bois, Pa.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT GARTHWAITE,

Plaintiff,

No. 378, MAY TERM, 1961

-vs-

IN DIVORCE

BETTY LOU GARTHWAITE,

Defendant.

COMPLAINT

Now comes ROBERT GARTHWAITE, Plaintiff above named, and brings this complaint in divorce against his wife, BETTY LOU GARTHWAITE, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is ROBERT GARTHWAITE and the name of the Defendant is BETTY LOU GARTHWAITE.
2. That both parties are adults and are competent.
3. That said Plaintiff and Defendant were married on December 26, 1950, in the Baptist Church, DuBois, Clearfield County, Pennsylvania.
4. That at the time of said marriage, the Plaintiff and Defendant were natural born citizens of the United States; and said Plaintiff and Defendant have resided in the Commonwealth of Pennsylvania all of their lives.
5. That the present residence of said Plaintiff is 109 West Weber Avenue, DuBois, Clearfield County, Pennsylvania; and the present residence of the said Defendant is unknown, her last known address being 145 Mill Street, Bradford, Pennsylvania.
6. That there were two (2) children born to this marriage, namely, ROBERT GARTHWAITE, age six (6); and APRIL GARTHWAITE, age nine (9); who have resided since birth and do at the present time reside with said Plaintiff at 109 West Weber Avenue, DuBois,

Pennsylvania.

7. That the said Defendant has wilfully absented herself from the habitation of the Plaintiff and has wilfully and without just cause deserted said Plaintiff for a period of two (2) years and upwards, to wit, from April 15, 1957, until date.

8. That no previous divorce action has been instituted by either party.

9. That this action is not brought out of collusion.

10. The Defendant is not a member of the Armed Forces of the United States.

GLEASON, CHERRY & CHERRY

By Anthony J. Gindo

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

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

Robert Garthwaite

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

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 371, MAY TERM, 1961
IN DIVORCE

ROBERT GARTHWAITE,
Plaintiff,

-vs-

BETTY LOU GARTHWAITE,
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

By *Butch Cherry*
Autograph *Butch Cherry*

FILED

Wm. C. HAGERTY
PRO TACOMA
GLEASON, CHERRY & CHERRY
7-10 DAMUS BUILDING
DU BOIS, PENNSYLVANIA
109 N. BRADY STREET

4.57 Acty

MR. ROBERT GARTHWAITE, being produced and sworn testifies as follows:

BY MR. CHERRY:

Q. When and where were you married, Mr. Garthwaite?

A. In DuBois at the First Baptist Church, December, 26, 1950.

Q. Where did you reside when you first got married?

A. In DuBois.

Q. Where at in DuBois?

A. On Rumbarger Avenue.

Q. How long did you reside at this residence?

A. About six months.

Q. And then where did you reside?

A. R.D. 1 Falls Creek.

Q. Is that in Jefferson or Clearfield County?

A. Jefferson.

Q. And how long did you reside at this residence?

A. About five years.

Q. And then where did you move to?

A. To DuBois.

Q. DuBois, Pennsylvania?

A. Yes.

Q. And about what year was this that you moved to DuBois, Pennsylvania?

A. '56.

Q. Is that in 1956 you moved to DuBois, Pennsylvania?

A. Yes.

Q. And where did you reside in DuBois, Pennsylvania at that time?

A. 109 West Weber Avenue.

Q. How long did you reside at this residence?

A. From that time to the present date.

Q. Are you a citizen of the United States of America?

A. Yes.

Q. Is your wife a citizen of the United States of America?

A. Yes.

Q. What is your present age and occupation?

A. 36 and I'm a laborer.

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

A. She is 30 and I don't know what her present occupation is.

Q. Were there any children born to this marriage?

A. Two.

Q. Will you kindly state their names, ages and with whom are they residing?

A. April, age 10, Robert, age 7, and they are living with me.

Q. Have they resided with you continuously from the date of birth?

A. Yes.

Q. And they are residing with you at the present time?

A. Yes.

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

A. No.

Q. Is your wife a member of the armed forces of the United States at the present time?

A. No, not to my knowledge.

Q. Mr. Garthwaite you have alleged in this Complaint that your wife deserted you. When was the last time that you saw your wife?

A. April 15, 1957.

Q. And haven't you seen or heard from your wife from that date to the present time?

A. No.

Q. Do you know where your wife is at the present time?

A. I heard she was in Bradford, Pennsylvania, and I tried to locate her with no success.

Q. Did you give your wife any reason for her to leave you?

A. No.

Q. Did you always support your wife and your children?

A. Yes.

Q. Did you always do everything that was expected of a husband and father?

A. Yes.

Q. Did you take your wife out to places of entertainment?

A. Yes.

Q. Now you said the last time you saw your wife was on April 15, 1957, is that the day that she left you?

A. Yes.

Q. Did she tell you at the time that she was leaving you?

A. No.

Q. Did you have any knowledge that she was going to leave that day?

A. No, I didn't.

Q. When did you discover that she was gone?

A. She was working at Brockway Glass and she must have left from work and never did come back.

Q. Did you try to contact Brockway Glass to find out where she was?

A. Yes, I did, but they had no knowledge of where she was.

Q. Your wife has never written to you or attempted to come back to you from the date of April 15, 1957 to the present date?

A. Right.

Q. Has she made any attempt to see these children from that date of the separation when she left you April 15, 1957?

A. No.

Q. Mr. Garthwaite, did you ever hit your wife or give her any beatings during the time that you lived together?

A. No, I've never touched her.

Q. Did you ever threaten to give her a beating?

A. No.

Q. Did you ever drink excessively and cause any trouble in that manner?

A. No.

Q. Was there any thing that you might have done that would have given her any cause or reason to leave you?

A. No.

Q. Mr. Garthwaite, where do the parents of Mrs. Garthwaite live?

A. Brockport, Pennsylvania.

Q. Did you ever contact the parents to see if they knew where your wife was residing?

A. Yes, but they didn't know.

Q. And when was the last time you contacted them to see if they knew where your wife was living?

A. June, 1961.

Q. And did they tell you at this time that they did not know where their daughter was residing?

A. Yes.

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

A. No.

Q. Did your wife ever have you arrested for desertion and non-support?

A. No.

Edward V. Cherry
Edward V. Cherry
Attorney for Plaintiff

is hereby accepted on behalf of the Plaintiff, and notice of presentment waived.
Now, this 26 day of November, 1961, service of the within Master's Report

No. 378 MAY TERM, 1961

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

IN DIVORCE

ROBERT GARTHWAITE

vs

BETTY LOU GARTHWAITE

MASTER'S REPORT

Master's fee	\$85.00
Certified mail	.84
Advertisement	
in paper & proof	<u>8.10</u>
(pd by Master)	
	\$93.94

FILED

NOV 2 1961

WM. T. HAGERTY

PROTHONOTARY

LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.

