

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>420</u>	<u>May</u>	<u>1961</u>

Harvey L. McKenzie

VERSUS

Sarah E. McKenzie and

Stanley Bazella, Co-Respondant

Clearfield County, ss:

The Commonwealth of Pennsylvania, to F. CORTEZ BELL, JR.

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

..... HARVEY L. McKENZIE Plaintiff ,
and

Co-Respondent

SARAH E. McKENZIE, and Stanley Bazella, 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
2nd day of Noverber , in the year of our Lord one thousand nine hundred and
sixty-one

Wm T. Hagerty
Prothonotary

To the Honorable, the Judge, &c.:

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

F. Cortez Bell, Jr.
SEAL
COMMISSIONER.

No. 420 May Term. 1961

Harvey L. McKenzie

VERSUS

Sarah E. McKenzie and

Stanley Bazella, Co-Respondent

COMMISSION

William C. Chase Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE :
-vs- : No. 420 May Term, 1961
SARAH E. MCKENZIE and : IN DIVORCE
STANLEY BAZELLA,
Co-Respondent :

MASTER'S REPORT

The Master appointed by your Honorable Court in the above proceeding in Divorce to take the testimony of the witnesses and make a report thereon, together with form of Decree, respectfully represents:

II. DOCKET ENTRIES AND SCHEDULE

July 1, 1961 Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 420 May Term, 1961. Two copies certified to the Sheriff.

July 3, 1961 Sheriff of Westmoreland County deputized to serve Complaint in Divorce on Stanley Bazella.

July 6, 1961 Service of Complaint in Divorce upon Defendant, Sarah E. McKenzie, made by Charles G. Ammerman, Sheriff, at 1:15 p.m. at her place of employment, Hotel Clearfield, Clearfield, Pennsylvania, by handing to her personally a true and attested copy of the original Complaint and making known to her the contents thereof.

July 11, 1961 Alex W. Copeland, Sheriff of Westmoreland County, having been deputized by Charles G. Ammerman, Sheriff of Clearfield County, makes return that on July 11, 1961, at 3:00 p.m., he served the Complaint in Divorce upon Stanley Bazella at R. D. #2, Allegheny Township, Apollo, Westmoreland County, Pennsylvania, by handing to him personally a true and attested copy of the original Complaint and making known to him the contents thereof.

July 20, 1961 Joseph J. Lee, attorney, enters his appearance for the Defendant by praecipe.

August 31, 1961 Petition of Sarah E. McKenzie for counsel fees filed by Joseph J. Lee, attorney, and rule issued to show cause why Plaintiff should not pay counsel fees and costs, returnable sec. leg.

August 31, 1961 Service of Petition accepted by copy by William C. Chase, attorney for Plaintiff, and rule waived.

October 31, 1961 Counsel fees awarded Defendant in the sum of \$250 and alimony pendente lite at \$30 per month beginning November 1, 1961.

November 2, 1961 By motion on the Watch-Book, F. Cortez Bell, Jr., Esquire, is appointed Master to take testimony and report same with form of Decree.

November 14, 1961 Joseph J. Lee, attorney for Defendant, enters rule on Plaintiff to file a Bill of Particulars.

December 4, 1961 Bill of Particulars of Harvey L. McKenzie filed by John K. Reilly, Jr., attorney for Plaintiff.

December 4, 1961 Petition to Extend Commission filed by F. Cortez Bell, Jr., Esquire, Master, and Order by the Court extending commission for thirty days.

December 16, 1961 Service of Notice of Master's Hearing upon Co-Respondent, Stanley Bazella, made by J. B. Walker, Constable, at 9:40 a.m. at McClansen's Trailer Court, Oklahoma, Westmoreland County, Pennsylvania, by handing to him personally a true and correct copy of the Notice and making known to him the contents thereof.

December 18, 1961 Service of Notice of Master's Hearing accepted by Harvey L. McKenzie, Plaintiff, and John K. Reilly, Jr., Esquire, attorney for Plaintiff.

December 18, 1961 Service of Notice of Master's Hearing accepted by Sarah E. McKenzie, Defendant, and Joseph J. Lee, Esquire, attorney for Defendant.

December 20, 1961 Service of Notice of Deposition upon Co-Respondent, Stanley Bazella, made by J. B. Walker, Constable, at 8:45 a.m. at McClansen's Trailer Court, Oklahoma, Westmoreland County, Pennsylvania, and acceptance of service signed by Stanley Bazella.

December 20, 1961

Service of Notice of Deposition accepted by Joseph J. Lee, Esquire, attorney for Defendant.

December 26, 1961

Deposition of Leonard James Liddle taken before Sylvia Read, a Notary Public, at the office of Boulton & Boulton in the Clearfield Trust Company Building, Clearfield, Pennsylvania, at 2:00 p.m.

January 3, 1962

Master's hearing held at 2:00 p.m. e.s.t. before F. Cortez Bell, Jr., Esquire, at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time there appeared the Plaintiff, Harvey L. McKenzie, and his counsel, John K. Reilly, Jr., Esquire, and Harry Stevenson, witness for the Plaintiff. The Defendant and Co-Respondent did not appear in person nor were they represented by counsel.

III.

Attached hereto are the Complaint and all file papers, arranged in the order of filing.

IV. CAUSE FOR DIVORCE

The Complaint alleged indignities and adultery as the grounds for divorce, but the testimony offered supported only the grounds of indignities.

V. FINDINGS OF FACT

1. Marriage.

From the testimony in the case, the Master finds that the Plaintiff and Defendant were married on July 14, 1935, at Clearfield, Pennsylvania, by Justice of the Peace Robert Shaw.

2. Residence.

The Master finds from the testimony that both parties reside at 106 South Second Street, their residence having been divided at the time of their separation into separate living

accommodations on the first and second floors and one of the parties occupying each floor.

3. Citizenship.

The Master finds that the Plaintiff and Defendant are citizens of the United States, and that the Plaintiff is a resident of the Commonwealth of Pennsylvania by birth. The testimony does not reveal the place of birth of the Defendant.

4. Age and Occupation.

The Plaintiff is fifty-four (54) years of age and is a merchant; and the Defendant is fifty-five (55) years of age and is a waitress.

5. Children.

Two children were born to this marriage; Frederick I. McKenzie, age 24, and Harvey E. McKenzie, age 21.

6. Military Service.

The Master finds from the testimony that neither the Plaintiff nor the Defendant is in the Armed Services of the United States at the time of this proceeding.

7. Findings on the Merits.

The Master finds on the merits of the case that the parties were married July 14, 1935, by Justice of the Peace Robert Shaw at Clearfield, Pennsylvania, and that two children were born to this marriage; Frederick I. McKenzie, age 24, and Harvey E. McKenzie, age 21. The parties reside at 106 South Second Street, Clearfield, Pennsylvania. The Plaintiff first discovered that his wife was seeing other men in 1953 and the parties separated at that time, their residence being divided into separate living accommodations on the first and second floors and one of the parties occupying each floor. Since the separation, the Plaintiff testified to seeing his wife in various bars in the company of other men, at which times she had been drinking and was engaged in

vulgar and obscene dances. Your Master further finds that the Defendant has called the Plaintiff a son-of-a-bitch on various occasions and that her conduct has caused embarrassment to the Plaintiff and caused him to lose weight and be very nervous.

Your Master further finds that the Defendant has been living with another man a good part of the year 1961 in the Spingola Apartments above the Victory Tavern. Your Master finds that the Plaintiff and witnesses observed the Defendant leaving Scott's Motel on Route 119, near Indiana, on one occasion and on another occasion observed the Defendant raise the shade of a window in the Water Front Motel in Vandergrift in a room occupied by the Defendant and a man.

Your Master finds that prior to the separation, the Defendant had made use of intoxicating beverages, called the Plaintiff names, failed to prepare meals or to keep the home in a reasonable condition or care for the Plaintiff's clothing.

Your Master further finds that the Plaintiff's larynx was removed at the Jefferson Hospital in Philadelphia in April of 1959 and the Plaintiff is now speaking with some difficulty but is clearly understandable.

8. Discussion.

The cause for divorce set forth in the Complaint was adultery and indignities. At the hearing, the Plaintiff did not press the cause of adultery and submitted testimony only in support of the charge of indignities. It appears from the testimony that, prior to the separation of the parties, the Defendant showed a total disregard for the welfare of the Plaintiff and made no particular effort to care for their home, prepare meals or care for the Plaintiff's clothes and generally showed a total disregard for Plaintiff.

In 1953, the Plaintiff discovered that his wife had been meeting other men when she was supposedly on shopping trips to other towns or cities and the separation of the parties followed. Since that time, the Defendant has been seen drinking and dancing with other men in various bars in and about Clearfield in a manner which was extremely embarrassing to the Plaintiff as his friends have often seen his wife on these occasions.

The testimony as to the Defendant having lived with another man during 1961 and having been seen with another man at various motels would constitute an indignity and serve to show the Defendant's lack of feeling for the Plaintiff and was a guide for the interpretation to be placed on the Defendant's actions prior to the separation of the parties. Kramer vs. Kramer, 194 Pa. Superior Ct. 538, page 542 (1961).

Indignities have also been said to consist of vulgarity, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule, and every other plain manifestation of settled hate and estrangement. Edelman vs. Edelman, 165 Pa. Superior Ct. 185 (1949).

The Master is of the opinion that the Defendant's conduct has been such as to show a studied disregard and hatred for the Plaintiff, and that the testimony is sufficient to sustain a divorce of the Plaintiff from the Defendant on the grounds of indignities.

VI. CONCLUSIONS OF LAW

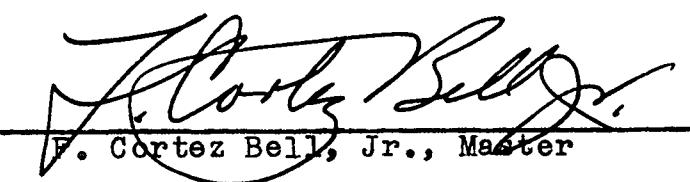
The legal conclusion reached by the Master in this case is that, under the evidence introduced, the prayer for divorce on the grounds of indignities may be granted, and the Plaintiff is thus entitled to a divorce absolutely and a form of Decree is

attached hereto divorcing the Plaintiff from the Defendant as recommended by the Master.

VII. RECOMMENDATION

The Master recommends that a divorce a vinculo matrimonii be granted to the Plaintiff in this action in accordance with the conclusions found by the Master.

Respectfully submitted,


F. Cortez Bell, Jr., Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE : No. 420 May Term, 1961
VS : IN DIVORCE
SARAH E. MCKENZIE, and :
Stanley Bezella, Co-Respondent :
:

DOCKET ENTRIES

JULY 1, 1961, COMPLAINT IN DIVORCE filed. Two copies certified to the Sheriff.

JULY 20, 1961, On praecipe filed, Joseph J. Lee, Attorney, enters his appearance for the Defendant.

JULY 3, 1961, Deputized the Sheriff of Westmoreland County to execute this writ. Charles G. Ammerman, Sheriff.

NOW, July 11, 1961, at 3:00 o'clock P.M. served the within Complaint In Divorce upon Stanley Bazella at R.D.2, Allegheny County, Apollo, Westmoreland County, Penna., by handing to him personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. Received from Attorney \$20.00, being Sheriff Copeland \$19.00 and Prothonotary \$1.00. So answers, Alex W. Copeland, Sheriff of Westmoreland County, Penna.

NOW, July 6, 1961, at 1:15 o'clock P.M. served the within Complaint In Divorce on Sarah E. McKenzie at place of Employment, Hotel Clearfield, Clearfield, Pa., by handing to her personally, a true and attested copy of the original Complaint In Divorce and made known to her the contents thereof.

NOW, July 3, 1961, deputized the Sheriff of Westmoreland County to serve the within Complaint In Divorce on Stanley Bazella.

NOW, July 11, 1961, served the within Complaint In Divorce on Stanley Bazella by deputizing the Sheriff of Westmoreland County. The return of service of Alex W. Copeland, Sheriff of Westmoreland County is hereto attached and made part of this return of service. So answers, Charles G. Ammerman, Sheriff.

August 31, 1961, Petition of Sarah E. McKenzie for Counsel fees, filed by Joseph J. Lee, Attorney.

RULE: AND NOW, to-wit, this 31st day of August, 1961, upon consideration of the foregoing Petition and on motion of Joseph J. Lee, Esq., attorney for the defendant, a Rule is granted on the Plaintiff to show cause why he should

not pay counsel fees and costs, returnable sec leg. John J. Pentz, P. J.

NOW, August 31, 1961, Service accepted by copy. Rule waived, William C. Chase, Attorney for the Plaintiff.

ORDER: NOW, October 31, 1961, counsel fees awarded defendant in the sum of \$250.00 and alimony pendente lite at the rate of \$30.00 per month to begin as of November 1, 1961. By the Court, John J. Pentz, President Judge.

NOVEMBER 2, 1961, By motion on the watch-book, F. Cortez Bell, Jr., Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 3rd day of November, A.D., 1961

Wm T. Hagerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE : No. 420 May Term, 1961
VS : IN DIVORCE
SARAH E. MCKENZIE, and :
Stanley Bezella, Co-Respondent :
:

DOCKET ENTRIES

JULY 1, 1961, COMPLAINT IN DIVORCE filed. Two copies certified to the Sheriff.

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Charles G. Ammerman, Sheriff.

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RULE: AND NOW, to-wit, this 31st day of August, 1961, upon consideration of the foregoing Petition and on motion of Joseph J. Lee, Esq., attorney for the defendant, a Rule is granted on the Plaintiff to show cause why he should

not pay counsel fees and costs, returnable sec leg. John J. Pentz, P. J.

NOW, August 31, 1961, Service accepted by copy. Rule waived, William C. Chase, Attorney for the Plaintiff.

ORDER: NOW, October 31, 1961, counsel fees awarded defendant in the sum of \$250.00 and alimony pendente lite at the rate of \$30.00 per month to begin as of November 1, 1961. By the Court, John J. Pentz, President Judge.

NOVEMBER 2, 1961, By motion on the watch-book, F. Cortez Bell, Jr., Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 3rd day of November, A.D., 1961

Wm T. Hagan
Prothonotary

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

HARVEY L. MCKENZIE

* No. 420

May Term, 1961

-VS-

*

*

SARAH E. MCKENZIE and * IN DIVORCE
STANLEY BAZELLA, Co-Respond-
dant

C O M P L A I N T

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

Harvey L. McKenzie files this Complaint in action
of Divorce against Sarah E. McKenzie and for his cause
of action states:

1. That Harvey L. McKenzie is the Plaintiff and
Sarah E. McKenzie is the Defendant. Neither is a minor
nor an incompetent.

2. The Plaintiff and Defendant were married in Clear-
field, Clearfield County, Pennsylvania, on July 14, 1935
by Justice of the Peace, Robert Shaw. There were two (2)
children born to this marriage: Frederick I. McKenzie
(24), and Harvey E. McKenzie (21), Both living with the
Plaintiff at 106 South Second Street, Clearfield, Pa.

3. At the time of their marriage, both the Plaintiff
and Defendant were residents and citizens of Clearfield,
Clearfield County, Pennsylvania.

4. The present address of the Plaintiff is 106 South
Second Street, Clearfield, Clearfield County, Pennsylvania,
and the present address of the Defendant is Second Floor,
106 South Second Street, Clearfield, Clearfield County,
Pennsylvania.

5. The Plaintiff has resided in the Commonwealth of

Pennsylvania for a period of fifty-one (51) years or all his life.

6. The Plaintiff avers that beginning on or about April 15, 1953 and continuing up to the present time, the Defendant did offer such indignities to the person of the Plaintiff, the injured and innocent spouse, as to render his condition intolerable and life burdensome.

7. The Plaintiff avers that the Defendant, on March 12, 1961 and at various other dates and times since that date, repeatedly and continually, at various places in the County of Clearfield, and on April 23, 1961, in the Waterfront Motel on Route #36, Vandergrift, West Moreland County, Pennsylvania, did commit adultery with one Stanley Bazella, and at other various times and places, did commit adultery with said Stanley Bazella, whose last known address was McClanson's Trailer Court, Oklahoma, near Vandergrift, Pennsylvania.

8. That there is no agreement or collusion between the Plaintiff and Defendant as to the bringing of this Divorce Action.

9. That a prior divorce action was brought by the Plaintiff in Clearfield County on the grounds of indignities to the person, to No. 646, May Term, 1959 and was discontinued by Order of Court on May 5, 1961.

WHEREFORE, the Plaintiff prays that he be freed and separated from the bonds of matrimony heretofore contracted between the said Plaintiff and Defendant and be granted

a decree of divorce a "vinculo matrimonii" dissolving the bonds of the said marriage.

Harvey L. McKenzie
Plaintiff
John C. Chase
Attorney for Plaintiff

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

Personally appeared before me, the undersigned officer, HARVEY L. MCKENZIE, who, being duly sworn according to law, deposes and says that the facts contained in the foregoing Complaint are true and correct, and the action of Divorce herein prayed for is not brought out of levity nor by collusion between him and the Defendant or for the mere purpose of being freed from and separated from each other, but in sincerity and truth for the cause therein mentioned.

Harvey L. McKenzie

Sworn and subscribed to

before me this 27th day of

June, 1961.

John C. Chase

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 420 May Term, 1961
IN DIVORCE

HARVEY L. MCKENZIE

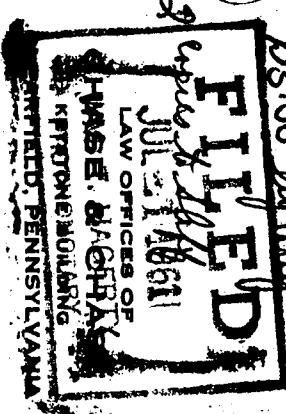
-VS-

SARAH E. MCKENZIE and
STANLEY BAZELLA, Co-Respon-
dant

C O M P L A I N T

To The Within Named Defendant and
Co-Respondant:

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



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

Harvey L. McKenzie
vs

No 420 May Term 1961

Sarah E. McKenzie and
Stanley Bazella, Co
Respondant

Complaint In Divorce

Now, July 6, 1961 at 1:15 O'Clock P.M. served the within Complaint In Divorce on Sarah E. McKenzie at place of Employment, Hotel Clearfielder, Clearfield, Pa. by handing to her personally a true and attested copy of the original Complaint In Divorce and made known to her the contents thereof.

Now, July 3, 1961 deputized the Sheriff of Westmoreland County to serve the within Complaint In Divorce on Stanley Bazella.

Now, July 11, 1961 served the within Complaint In Divorce on
Stanley Bazella by deputizing the Sheriff of Westmoreland County
The return of service of Alex W. Copeland, Sheriff of Westmoreland
County is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$11.00
Sheriff of Westmoreland Co \$20.00
(Paid by Atty Chase)

So Answers.

Charles G. Ammerman
Sheriff

Sworn to before me this 19th
day of July 1961 A.D.

11/22/07 Prothonotary
Prothonotary.

Know all men by the ~~Presnts~~, That I, Charles G. Amerman

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of Westmoreland.

Alex W. Copeland to execute this writ; this deputation being made at the request and risk of the Plaintiff.

Given under my hand and seal this 3rd day of July
A. D. 1961.

Charles G. Amerman Sheriff.

AFFIDAVIT OF SERVICE

Now, July 11, 1961 at 3:00 o'clock P. M. served

the within COMPLAINT IN DIVORCE

upon STANLEY BAZELLA

at R. D. #2, Allegheny Township, Apollo, Westmoreland County, Pennsylvania

by handing to him personally

a true and attested copy of the original COMPLAINT,

and made known to him the contents thereof.

Received from Attorney \$ 20.00, being Sheriff Copeland \$19.00 and
Prothonotary \$1.00.

So answers,

Alex W. Copeland
Sheriff of Westmoreland County, Pa.

Sworn and subscribed before me
this 12th. day of July, 1961.

Les Sukala
Prothonotary
Westmoreland County, Pa.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. McKENZIE

:

VS

: No. 420 May Term, 1961

SARAH E. McKENZIE and
STANLEY BAZELLA, Co-Respondant

:

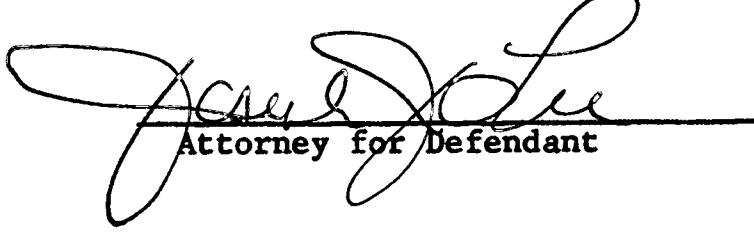
: In Divorce

PRAECIPE FOR APPEARANCE

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please enter my appearance on behalf of the Defendant in the
above entitled case.



Attorney for Defendant

Dated: July 26, 1961

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 420 May Term, 1961
In Divorce

HARVEY L. MCKENZIE

VS

SARAH E. MCKENZIE

PRACTICE FOR APPEARANCE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE

:

VS

: No. 420 May Term, 1961

SARAH E. MCKENZIE and : In Divorce
STANLEY BAZELLA, Co-Respondent :

PETITION FOR COUNSEL FEES

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

The Petition of Sarah E. McKenzie respectfully represents:

(1). That she is the defendant in this case, and that a Complaint in divorce was filed and served on the defendant.

(2). That by reason of the conduct of the plaintiff and the matters alleged in the Complaint the defendant will be put to considerable expense in the preparation of the defense of this case in the employment of counsel and the payment of costs.

(3). That the defendant is virtually without funds to support herself and to meet the costs and expenses of this litigation.

(4). The plaintiff is not supporting the defendant.

(5). The plaintiff is self-employed and is earning over \$200.00 per week.

WHEREFORE, your petitioner prays that your Honorable Court grant a rule on the above plaintiff to show cause why an Order should not be made upon him to pay her counsel fees and costs.

Sarah E. McKenzie
(Sarah E. McKenzie)

Orty

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

SARAH E. MCKENZIE, being duly sworn according to law, de-
poses and says that the facts set forth in the within Petition
are true and correct to the best of her knowledge, information
and belief.

Sarah E. McKenzie
(Sarah E. McKenzie)

Subscribed and sworn to before
me this 30 day of August, 1961.

Mrs. Dorothy H. Hile

MRS. DOROTHY H. HILE, Notary Public
CLEARFIELD, CLEARFIELD CO., PA.
My Commission Expires Dec. 3, 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE

VS

SARAH E. MCKENZIE and : Divorce
STANLEY BAZELLA, Co-Respondent :

R U L E

AND NOW, to wit, this 31 day of September, 1961, upon
consideration of the foregoing Petition and on motion of Joseph
J. Lee, Esq., attorney for the defendant, a Rule is granted on
the plaintiff to show cause why he should not pay counsel fees
and costs, returnable the day of September, 1961. see bkg

John P. B. P.
P.J.

Lap-over Margin

*Joseph J. Lee
Attn: Wm. T. Hagerty
Clearfield, Pa.
Aug 31, 1961*

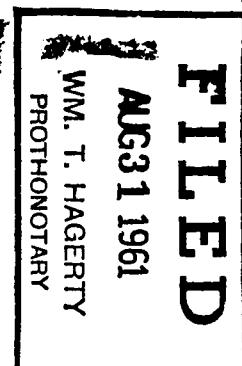
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 420 May Term, 1961
In Divorce

HARVEY L. MCKENZIE

VS

SARAH E. MCKENZIE ET AL

PETITION FOR COUNSEL FEES



JOSEPH J. LEE
ATTORNEY-AT-LAW
CLEARFIELD, PA.

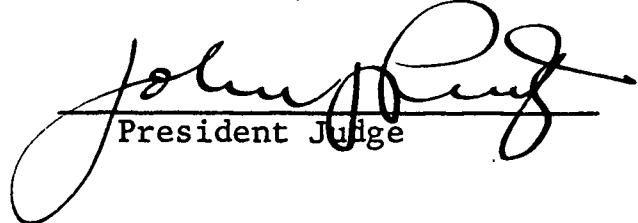
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

HARVEY L. MCKENZIE :
-vs- : No. 420 May Term, 1961
SARAH E. MCKENZIE and : IN DIVORCE
STANLEY BAZELLA, Co-respondent :
:

O R D E R

NOW, October 31, 1961, counsel fee awarded defendant
in the sum of \$250.00 and alimony pendente lite at the rate of
\$30.00 per month to begin as of November 1, 1961.

BY THE COURT,


John P. Lang
President Judge

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 420 May Term, 1961

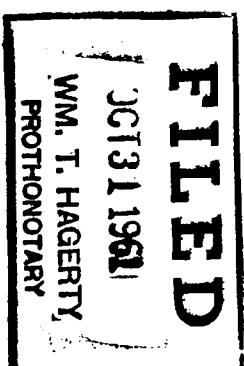
In Divorce

HARVEY L. MCKENZIE

-VS-

SARAH E. MCKENZIE and
STANLEY BEZELLA, Co-Resp.

O R D E R



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE

VS : No. 420 May Term, 1961

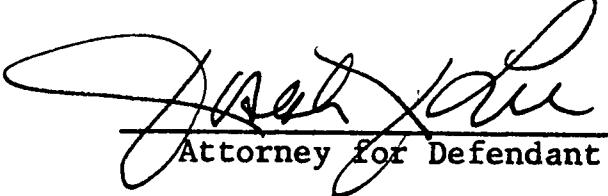
SARAH E. MCKENZIE and : Divorce
STANLEY BAZELLA, Co-Respondent :

PRAECIPE FOR BILL OF
PARTICULARS

TO: WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Enter a rule on plaintiff to file a Bill of Particulars
within twenty days after service of the rule or non pros. sec.
leg.


Attorney for Defendant

Dated: November 14, 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 420 May Term, 1961
Divorce

HARVEY L. MCKENZIE

VS

SARAH E. MCKENZIE and
STANLEY BAZELLA, Co-Respondent

PRAECLPICE FOR BILL OF
PARTICULARS

1. ADVICE
2. CIVIL PRACTICE
3. PRACTICALLY

1. Right of action
2. Right of appeal

July 15, 1961, New York
Court of Appeals
of the Commonwealth of Pennsylvania

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

HARVEY L. McKENZIE * No. 420, May Term, 1961

*

-VS-

*

*

SARAH E. McKENZIE and *
STANLEY BAZELLA, Co- *
Respondent * IN DIVORCE

BILL OF PARTICULARS

1. The conduct of the Defendant complained of commenced on or about April 15, 1953 and has continued down to and including the present.

2. The Defendant has repeatedly been seen in various bars, cafes, and clubs in and near Clearfield in an intoxicated condition and in the company of various men, during which times Defendant made derogatory remarks about her husband, the Plaintiff herein.

3. On May 23, 1959, Defendant was seen in an intoxicated condition at the S.O.I. Club of Clearfield, Pa., dancing with her shoes off with a man not her husband, and in the words of a witness, "putting on a floor show."

4. On February 12, 1961, Defendant was again at the S.O.I. Club in Clearfield, Pa., with a different man, not her husband, and again entertained the patrons with vulgar and obscene dancing. Said dancing was witnessed by Defendant's own son.

5. On October 16, 1960, Defendant was again at the S.O.I. Club in Clearfield, Pa., with a different man, not her husband, and again entertained the patrons with vulgar and obscene dancing.

6. Defendant has repeatedly attempted to provoke quarrels with the Plaintiff.

7. The above incidents are but a few of the many that have occurred since April 15, 1953. The conduct of the Defendant has made the Plaintiff extremely nervous, unable to sleep and has caused the Plaintiff to lose weight, dropping from 200 lbs. on April 15, 1953 , to 180 lbs. on December 4, 1961 .

8. In regards to the charge of adultery, on March 12, 1961, Defendant began living with one Stanley Bazella, whose home address is Milligantown Road, R.D.#1, New Kenzington, Pa., and whose last known address was McClannon's Trailer Court, Oklahoma, near Vandergrift, Pa. Defendant lived with this man in a rented apartment at 23 North Third Street, Clearfield, Penna. , and is still living with him.

9. On April 23, 1961, Plaintiff and two of his employees drove to the Waterfront Motel on Route #36, Vandegrift, Pa., and found Defendant's car parked outside Unit #5. Plaintiff and his two employees waited approximately 9 hours until Defendant and Stanley Bazella finally emerged from Unit #5.

10. On November 19, 1961, Plaintiff and a friend drove to Scott's Motel on Route #119 outside of Indiana, Pa., arriving at approximately 8 A.M. Defendant's car was the only car parked at the motel. At 11:15 A.M. Defendant and Stanley Bazella emerged from Unit #11.

Upon seeing Plaintiff, Defendant and Stanley Bazella unsuccessfully attempted to hide their faces. Plaintiff then went to the motel office. Upon questioning the owner, it was discovered that Defendant arrived at the motel in the early evening of November 18, 1961 and registered under an assumed name. Defendant stated to the owner that there was another party expected, and he would register later. The owner waited until 12:15 A.M., but the second party did not appear to register.

11. On the above grounds, Plaintiff believes an inclination and opportunity for adultery on Defendant's part has been proved.

John K. Reilly, Jr.
Attorney for Plaintiff

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

HARVEY L. MCKENZIE ., being duly sworn according to law, deposes and says that the facts set forth in the foregoing Bill of Particulars is true and correct to the best of his knowledge, information and belief.

Sworn and subscribed to before

me this 4th day of December, 1961.

Wm T. Hayes
PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

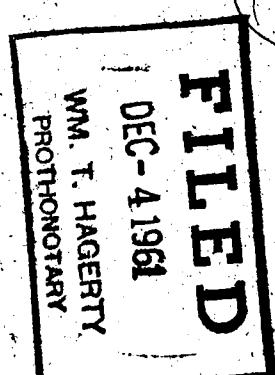
Pre-See
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 420, May Term, 1961
IN DIVORCE

HARVEY L. MCKENZIE

-VS-

SARAH E. MCKENZIE and
STANLEY BAZELLA, Co-Res-
pondent

BILL OF PARTICULARS



WILLIAM C. CHASE
ATTORNEY AT LAW
KEYSTONE BUILDING
CLEARFIELD, PA.

*19-9-21 filed by C.R.C. on 12-10-61
Dated accepted by C.R.C. on 12-10-61*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE :
-vs- : No. 420 May Term, 1961
SARAH E. MCKENZIE and :
STANLEY BAZELLA, Co-Respondent : IN DIVORCE

PETITION TO EXTEND COMMISSION

NOW, comes F. Cortez Bell, Jr., Master, and respectfully petitions your Honorable Court as follows:

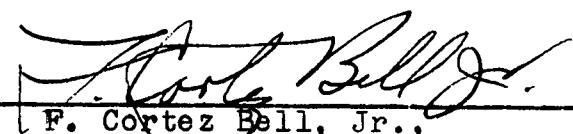
(1). That your Petitioner was duly commissioned as Master in the above divorce by commission of your Honorable Court dated November 2, 1961.

(2). That Master's hearing was duly set for November 30, 1961, at 2:00 p.m. e.s.t.

(3). That the Sheriff has been unable to obtain service upon Stanley Bazella, the Co-Respondent.

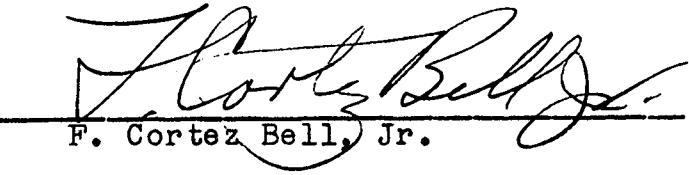
WHEREFORE, your Master respectfully requests that his commission may be continued to enable your Master to obtain service on the Co-Respondent.

And he will ever pray.

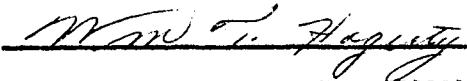

F. Cortez Bell, Jr.,
Master

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared F. CORTEZ BELL, JR., who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


F. Cortez Bell, Jr.

Sworn to and subscribed
before me this 4th day
of ~~December~~ November, 1961.


PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. McKENZIE :
-vs- : No. 420 May Term, 1961
SARAH E. McKENZIE and : IN DIVORCE
STANLEY BAZELLA, Co-Respondent :

ORDER OF COURT

NOW, this 4 day of June, 1961, the within Petition having been read and considered, and it appearing that service upon the Co-Respondent of Master's notice by the Sheriff has not been possible, it is hereby ordered and decreed that the Master's commission of F. Cortez Bell, Jr. is hereby extended for 30 days in order that service on the Co-Respondent may be had.

BY THE COURT

John J. Heng
President Judge

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. 420 May Term,
1961 - In Divorce

HARVEY L. MCKENZIE

-vs-

SARAH E. MCKENZIE and
STANLEY BAZELLA,
Co-Respondent

PETITION TO
EXTEND COMMISSION

BELL, SILBERBLATT & SWOOPPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

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

Harvey McKenzie
vs

No 420 May Term 1961

Sara E. McKenzie
Stanley Bazella

Notice in Masters

*
Sheriffs Return)

Now, Nov 10, 1961 deputized the Sheriff Of Allegheny
County to serve the within Notice In Masters Hearing
on Stanley Bazella.

Now, Nov 18, 1961 " UNSERVED" notice returned from
William H. Davis Sheriff Of Allegheny County is hereto
attached and made part of this return of service.

Costs Sheriff Ammerman \$7.50
Sheriff Of Allegheny County \$13.90
(Paid By Atty Bell. Jr)

So Answers,
Charles G. Ammerman
Sheriff

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

Tom J. Hagerty
Prothonotary.

Know all men by these Presents, That I, Charles G. Ammerman
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of
William H. Davis Allegheny County to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 10th day of November
A. D. 1961.

 Sheriff.

State of Pennsylvania }
County of Allegheny } ss:

Personally appeared before me, Rudy Sader

..... a Deputy for William H. Davis, Sheriff of Allegheny County and in the Commonwealth of Pennsylvania, who being duly sworn according to law, deposes and says that he made diligent search and inquiry for Stanley Bazella,

..... at R.D. #2 Apollo, Allegheny County
....., Pennsylvania, and elsewhere on the 16th. day
of November, A.D. 19 61, up to and including the 18th. day
of November A.D. 19 61, and was unable to find the said
Stanley Bazella

anywhere within the said County
of Allegheny, Pennsylvania.

The Deputy upon attempting to make service
on the above named defendant at the address
given above was informed that he could not
find this address in the County of Westmore-
land Pa.

The sum of \$13.90 Sheriff Davis
costs paid.

Rudy Sader
Deputy Sheriff of Allegheny County.

So Answers,

William H. Davis
Sheriff.

Sworn and subscribed to

before me this 20 day of

November 19 61.

Leonard H. McMiller
Notary Public.

LEONARD H. McMILLER, Notary Public
Carnegie, Allegheny County, Pa.
My Commission Expires April 29, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE : No. 420 May Term, 1961
-vs- :
SARAH E. MCKENZIE and : IN DIVORCE
STANLEY BAZELLA, :
Co-Respondent :
:

NOTICE OF MASTER'S HEARING

To: Harvey L. McKenzie
106 South Second Street
Clearfield, Pennsylvania

Stanley Bazella
R. D. #2
Apollo, Pennsylvania

Sarah E. McKenzie
106 South Second Street
Clearfield, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Thursday, November 30, 1961, at 2:00 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.

F. Cortez Bell, Jr., Master

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE	:	
-vs-	:	No. 420 May Term, 1961
SARAH E. MCKENZIE and	:	IN DIVORCE
STANLEY BAZELLA,	:	
Co-Respondent	:	

NOTICE OF MASTER'S HEARING

To: Harvey L. McKenzie
106 South Second Street
Clearfield, Pennsylvania

Stanley Bazella
R. D. #2
Apollo, Pennsylvania

Sarah E. McKenzie
106 South Second Street
Clearfield, Pennsylvania

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~~F. Cortez Bell, Jr., Master~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE

VS.

SARAH E. MCKENZIE and
STANLEY BAZELLA,
Co-Respondent

: No. 420 May Term, 1961
: IN DIVORCE

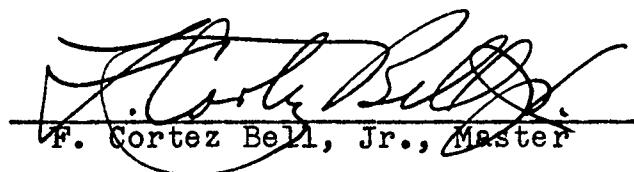
NOTICE OF MASTER'S HEARING

To: Harvey L. McKenzie
106 South Second Street
Clearfield, Pennsylvania

Stanley Bazella
McClansen's Trailer Court
Oklahoma, Pennsylvania

Sarah E. McKenzie
106 South Second Street
Clearfield, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Wednesday, January 3, 1962, at 2:00 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.


F. Cortez Bell, Jr., Master

Served the within Notice of Master's Hearing on Stanley Bazella at _____, Pennsylvania, on the 16th day of December, 1961, at _____ a.m. by handing to him personally a true and correct copy of said Notice and making known to him the contents thereof.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE :
VS. :
SARAH E. MCKENZIE and : No. 420 May Term, 1961
STANLEY BAZELLA, :
Co-Respondent : IN DIVORCE

NOTICE OF MASTER'S HEARING

Sarah E. McKenzie
106 South Second Street
Clearfield, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Wednesday, January 3, 1962, at 2:00 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.

F. Cortez Bell, Jr.

Service of the above Notice accepted this 18 day
of December, 1961.

Warren L. McElroy
Plaintiff
John K. Reilly Jr.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE

:

VS.

:

SARAH E. MCKENZIE and
STANLEY BAZELLA,
Co-Respondent

:

No. 420 May Term, 1961
IN DIVORCE

:

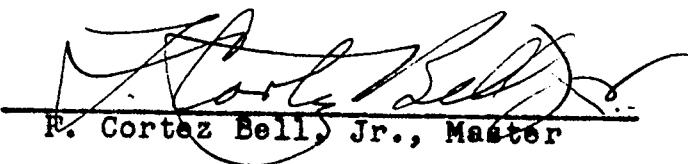
NOTICE OF MASTER'S HEARING

To: Harvey L. McKenzie
106 South Second Street
Clearfield, Pennsylvania

Stanley Bazella
McClansen's Trailer Court
Oklahoma, Pennsylvania

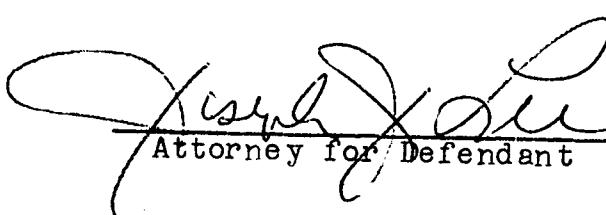
Sarah E. McKenzie
106 South Second Street
Clearfield, Pennsylvania

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P. Cortez Bell, Jr., Master

Service of the above Notice accepted this 18 day of December, 1961.

Sarah E. McKenzie
Defendant

Attorney for Defendant


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

HARVEY L. MCKENZIE

* No. 420, May Term, 1961

-VS-

*

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*

SARAH E. MCKENZIE and
STANLEY BAZELLA, Co-
Respondent

* IN DIVORCE

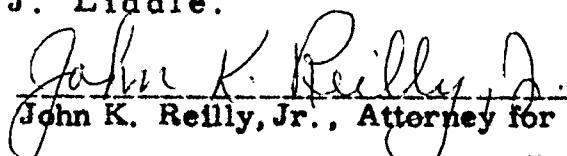
NOTICE OF DEPOSITION

TO: Sarah E. McKenzie
106 South Second Street
Clearfield, Pa.

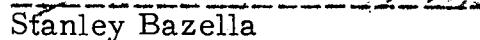
Stanley Bazella
McClansen's Trailer Court
Oklahoma, Pa.

You are hereby notified that on Tuesday, December 26, 1961 at 2:00 P. M. EST in the office of John K. Reilly, Jr., Esq., Keystone Building, Clearfield, Pa., a meeting will be held to take the testimony of one Leonard J. Liddle of Headquarters and Headquarters 436 Trans. Bn., Fort Riley, Kansas, in the above-captioned matter.

Said testimony will be taken before Sylvia J. Reed, a Notary Public, at which time you may attend to question said testimony of Leonard J. Liddle.


John K. Reilly, Jr., Attorney for Plaintiff

Service of the above Notice accepted this 20th day of December, 1961.


Stanley Bazella

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

HARVEY L. MCKENZIE

* No. 420, May Term, 1961

-VS-

*

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SARAH E. MCKENZIE and
STANLEY BAZELLA, Co-
Respondent

* IN DIVORCE

NOTICE OF DEPOSITION

TO: Sarah E. McKenzie
106 South Second Street
Clearfield, Pa.

Stanley Bazella
McClansen's Trailer Court
Oklahoma, Pa.

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Said testimony will be taken before Sylvia J. Reed,
a Notary Public, at which time you may attend to question
said testimony of Leonard J. Liddle. 100

J. Liddle.
John K. Reilly, Jr.
John K. Reilly, Jr., Attorney for Plaintiff

Service of the above Notice accepted this 20th day of December, 1961.

Defendant

~~Attorney for Defendant~~

In the Court of Common Pleas of Clearfield County, Pennsylvania

HARVEY L. MCKENZIE

VERSUS

SARAH E. MCKENZIE and

STANLEY BAZELLA, Co-
Respondent

Of May *Term, 1961*

No. 420

DIVORCE

And Now, the 29 day of June 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Harvey L. McKenzie be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and Sarah E. McKenzie.
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 _____

Harvey L. McKenzie *his* his costs expended in this action.

ATTEST

BY THE COURT

Prothonotary

John F. Reid
President Judge

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

No. 120 May Term 1961

HARVEY L. MCKENZIE, *Libellant*

VERSUS

SARAH E. MCKENZIE and
Respondent

STANLEY BAZELIA, *Co-Respondent*

DECREE

Attorney

SERVED STANLEY BAZELLA AT
TRAILER (Residence) OKLAHOMA, OK

8:45 AM December 20, 1961

service fee \$3.00

mileage 90 - 18.00

90
180 \$21.00

TOTAL \$21.00

J B Walker
CONSTABLE

12-16-61

fee for patrol \$ 3.00
mileage \$ 1.80

21.00

J. B. Waller
Constable

SHERIFF'S OFFICE
CLEARFIELD COUNTY

No. 420 May Term, 1961 Clearfield, Pa. Nov 15, 1961

McKenzie

vs.

McKenzie

Costs: Sheriff Of Allegheny County \$13.90
Sheriff Ammerman \$7.50
Make Two Checks

Upon receipt of costs, writ will be returned.

Charles E. Thompson Sheriff

Charles G. Ammerman
Sheriff Of Clfd County
Clearfield, Pa.



THIS SIDE OF CARD IS FOR ADDRESS



Cortez Bell. Jr.
Attorney At Law
Clearfield, Pa.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY L. MCKENZIE :
-vs- : No. 420 May Term, 1961
SARAH E. MCKENZIE and : IN DIVORCE
STANLEY BAZELLA, :
Co-Respondent :

MASTER'S HEARING

Master's Hearing in the above entitled divorce action held at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, on Wednesday, January 3, 1962, at 2:00 p.m. e.s.t., before F. Cortez Bell, Jr., Esquire, Master. There appeared at the hearing Harvey L. McKenzie, Plaintiff, together with his counsel, John K. Reilly, Jr., Esquire, and Harry Stevenson, witness for the Plaintiff. The Defendant and Co-Respondent did not appear in person nor were they represented by counsel.

HARVEY L. MCKENZIE, being duly sworn, testified as follows:

By John K. Reilly, Jr., Esq.

Q. Now, Mr. McKenzie, what is your full name?
A. Harvey LeGrande McKenzie.

Q. And you are the Plaintiff in this divorce action, is that correct?
A. That is right.

Q. Where are you living at present Mr. McKenzie?
A. 106 South Second Street.

Q. That is in the Borough of Clearfield?
A. Yes.

Q. And when were you born, Mr. McKenzie?
A. October 14, 1907.

Q. And where were you born?
A. Curwensville.

Q. Now, you are married to Sarah E. McKenzie?
A. That is right.

Q. And she is the Defendant in this divorce action?
A. That is right.

Q. Now, you were married in Clearfield on July 14, 1935?
A. That is right.

Q. By Justice of the Peace Robert Shaw?
A. That is right.

Q. Where does your wife live at present?
A. Same address, 106 South Second Street. We divided the house into separate living quarters; one lives upstairs, the other downstairs.

Q. And what is her birth date?
A. October 1, 1906.

Q. You are both citizens of the United States?
A. Yes.

Q. What is your present age, Mr. McKenzie?
A. Fifty-four (54).

Q. And your occupation?
A. Merchant.

Q. What is your wife's occupation?
A. Waitress.

Q. And her age?
A. Fifty-five (55).

Q. Now, there were two children born to this marriage?
A. That is right.

Q. Frederick I. McKenzie, age 24?
A. Yes.

Q. And Harvey E. McKenzie, age 21?
A. Yes.

Q. Your wife is not serving in the Armed Forces is she?
A. No.

Q. Now, Mr. McKenzie, when did the situation first arise leading to the bringing of this divorce action?
A. 1953.

Q. And what happened at that time?
A. She said that she was going to Pittsburgh to do some shopping. A letter came to the house and it was from Albert Bonesbski. It was addressed to her but I got the letter and it told that would she meet him in Pittsburgh and where he was to meet her at, and about the affair they had when he was working in Clearfield. He was working out at Shawville when they put that plant up.

Q. That was when it first arose?
A. Yes.

Q. Now, since this time in 1953, Mr. McKenzie, has your wife been at home much?
A. Not much.

Q. During this time, has she been out with various men?
A. Oh, yes.

Q. Of your own knowledge, how many different men has she been out with?

A. Oh, about eight or ten. At the Clearfielder I saw her and out at ChaRu, the Last Chance, at two motels, many more.

Q. At these places you have just named, have you seen your wife with various men?

A. Yes, I have.

Q. On these occasions, had she been drinking?

A. Yes, very much so.

Q. Was she dancing on these occasions?

A. Yes.

Q. How would you describe the dance she was doing?

A. Pretty rough.

Q. Would you describe it as vulgar and obscene?

A. Yes.

Q. During this period, did your wife ever call you names?

A. Yes.

Q. What names?

A. Son-of-a-bitch.

Q. During this period, had your friends and acquaintances commented to you on the conduct of your wife?

A. Yes.

Q. This caused you embarrassment and anxiety?

A. That is right; plenty of it.

Q. During this period, Mr. McKenzie, have you lost any weight?

A. About twenty pounds. I did weigh 200; now 180.

Q. To your knowledge, Mr. McKenzie, was your wife living with a man this past year, 1961?

A. 1961.

Q. When did she start living with him?

A. I think it was March 12.

Q. And where was she living with this man?

A. Over top of the Victory Tavern; Spingola apartments.

Q. You saw them together in the apartment?

A. Yes.

Q. And living at the apartment together?

A. Yes.

Q. Now, Mr. McKenzie, would you tell us about the incident on April 23, 1961?

A. 2:00 a.m. Called Mr. Liddle and asked if he could come down to the store and he and I and Mr. Stevenson went to the Water Front Motel. My wife's car was there. We turned around and went to get something to eat and when we came back we parked at the motel. That was about 8:00 or 8:30. About 9:00 my wife raised the blind and saw me and then

she pulled it down. We stayed across from the motel until about 3:35. My wife and Stanley Bazella came out. They got in my wife's car and drove towards Vandergrift.

Q. Now, Mr. McKenzie, would you tell us about the incident which occurred on November 19?

A. We went to Indiana, Route #119, Scott's Motel. My wife's car was there; it was the only car there. I drove to Indiana and called Mr. Stevenson and asked would he come to Indiana. We drove out to the motel about 10:30. About 11:15 Stanley Bazella and my wife came out. They got in the car. We took off and drove right up alongside of them so Mr. Stevenson could see both of them very good. Mr. Stevenson looked in; I was down in the seat. When I raised up they both turned around and put their heads down. They pulled out and went towards Pittsburgh. Mr. Stevenson and I went in to the motel and got to talking to Mr. Scott who owns the motel. He stated that this lady had registered around 4:30 and she said there was a party of two of them but Mr. Scott claimed that they weren't in the motel and he said he would come down to Clearfield and testify if we wanted.

Q. Now, Mr. McKenzie, has there been any agreement between you and your wife as to bringing this divorce action?

A. No.

Q. Has there been a previous divorce action filed?

A. Yes.

Q. By you?

A. That is right.

Q. And has it been discontinued?

A. Yes.

By John K. Reilly, Jr., Esq.

At this point, I would like to offer a Certificate of Discontinuance to a previous divorce action filed by Mr. McKenzie to No. 646 May Term, 1959, which was discontinued by Order of Court on May 5, 1961.

By the Master

The Certificate will be admitted.

By the Master

Q. Mr. McKenzie, you separated from your wife in 1953, did you?

A. That is right.

Q. And was that when you received the letter you testified to?

A. That is right.

Q. After your separation, did you come to know about any affairs your wife had had before 1953?

A. That is right.

Q. It was after your separation that you saw your wife at the various places that you mentioned?

A. That is right.

Q. And you testified that she had called you names?
A. That is right.

Q. That was in front of other people?
A. Once.

Q. Mr. McKenzie, prior to 1953 did your wife drink?
A. Yes.

Q. Did she drink more than was good for her?
A. Yes.

Q. And did you at times come home and find she had been drinking?
A. Yes.

Q. During those times, did she call you names?
A. Yes.

Q. Did she get your meals?
A. Sometimes.

Q. And sometimes she wouldn't?
A. That is right.

Q. Were you able to know when you came home whether a meal would be ready or not?
A. No.

Q. Did she keep your home clean?
A. Not too clean.

Q. Did she take care of your clothing? Could you count on having clothes ready to go to work on account of her having them in shape?
A. Sometimes.

Q. And sometimes wouldn't?
A. That is right.

Q. Mr. McKenzie, the times you testified to seeing your wife out drinking and dancing with other men, there were other people present, were there?
A. Yes.

Q. And was that embarrassing to you?
A. Yes, very much so.

Q. Mr. McKenzie, you have difficulty in speaking, do you not?
A. Yes, I do.

Q. What caused this difficulty?
A. Cancer of the larynx.

Q. You speak without a larynx?
A. That is right; no larynx. It was removed at the Jefferson Hospital in Philadelphia in April of 1959.

By John K. Reilly, Jr., Esq.

I would like to introduce the depositions of Leonard James Liddle, who is at present on active duty at Ft. Riley,

Kansas. He came into the office and gave his testimony in this matter while on Christmas leave. Here is the Notice served on the Defendant and the Co-Respondent.

By the Master

We will admit the notice of the taking of the depositions accepted by Stanley Bazella on December 20, 1961, and the notice accepted by counsel for the Defendant on December 20, 1961, as well as the depositions taken before Sylvia Read, Notary Public, on December 26, 1961.

HARRY STEVENSON, being duly sworn, testified as follows:

By John K. Reilly, Jr., Esq.

Q. And what is your full name, Mr. Stevenson?
A. Harry Herbert Stevenson, Jr.

Q. And where do you live?
A. 120 College Street, Butler, Pennsylvania.

Q. Mr. Stevenson, were you present at the incident occurring on January 15? Would you give a brief statement as to what occurred on the 15th of January, 1961?
A. Mr. Liddle and I went to the Water Front Motel in Vandergrift and we saw Mr. McKenzie's wife's car there so we phoned him but he didn't come over. He said to forget it that day.

Q. You recognized the car as belonging to Mr. McKenzie's wife?
A. Yes, it was a 1956 Pontiac, license #H96710 and it had done up tires on it.

Q. You had seen it before?
A. Oh, yes.

Q. In the possession of Mrs. McKenzie?
A. That is right.

Q. Now, the second incident occurred in April, is that correct?
A. That is right.

Q. April 23, I believe?
A. Yes. Mr. McKenzie and Mr. Liddle came down and we went down to Vandergrift early in the morning and the same car was there so we went and got something to eat and came back and we were sitting there outside the motel waiting. She raised the curtain and looked out and put it back down. They stayed in there until about...I think it was around three in the afternoon. We waited across the road and she and this other person came out and got in the car and drove away towards Vandergrift.

Q. This other person was a male?
A. Oh, yes. I didn't know him; he was a large man, tall.

Q. Now, the next incident occurred November 19, 1961, I believe, and you were present at that time?
A. That is right.

Q. Would you give us your statement as to what occurred?
A. Mr. McKenzie called me in the morning, probably between seven and eight, and he said he was over in Indiana, so I drove over there and we went to this motel, Scott's Motel, and waited there at the edge of the motel until they came out, his wife and this man, and then we drove up alongside of them and waited. She looked over and he looked over and they didn't recognize me. Then Mr. McKenzie raised up and they both sat there shocked, so they finally backed out and drove away towards Pittsburgh. So we went in and talked to the motel owner, Mr. Scott, and he said...I forgot exactly what the situation was but he said they stayed there and he would testify.

Q. Did he say they had stayed there before?
A. I think he did. Yes, he did say that.

Q. What is your present age, Mr. Stevenson?
A. Twenty-eight (28) years old.

Q. And have you any interest in the outcome of this divorce action?
A. No.

Q. Do you know of any agreement between Mr. McKenzie and his wife as to the bringing of this divorce action?
A. No.

By the Master

Q. Mr. Stevenson, these various dates you testified to as having seen Mrs. McKenzie with other gentlemen all fell upon Sundays, did they not?
A. That is right.

HARVEY L. MCKENZIE, being duly sworn, testified as follows:

By John K. Reilly, Jr., Esq.

Q. Mr. McKenzie, for about the last ten years, has your wife kept house for you?
A. Not for eight years.

Q. Has she cooked your meals?
A. Not for eight years.

Q. Washed your clothes, done your laundry, provided a home for you?
A. No.

Q. During this time, has your wife's conduct continually caused you embarrassment?
A. Oh, yes.

Q. With your friends?
A. That is right.

Q. She has embarrassed you in front of your friends?
A. Oh, yes.

End of Testimony

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

Sandra A. Scott
Stenographer

January 9, 1962

Harvey L. McKenzie

vs

Sarah E. McKenzie

In the Court of Common Pleas
Clearfield County, Pennsylvania

No. 646 May Term, 19 59

CERTIFICATE OF DISCONTINUANCE

Commonwealth of Pennsylvania
County of Clearfield

} SS

I, Carl E. Walker, Prothonotary of the Court of Common Pleas, in and for the County and Commonwealth aforesaid, do hereby certify that the above stated case was this day, the 29th day of May A. D. 19 61 marked settled, and discontinued upon payment of costs.

Record costs in the sum of \$ 17.50 have been paid in full by

Wm. C. Chase, Atty.

In Witness Whereof, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania, this 4th day of January A. D. 1962.

Carl E. Walker

Prothonotary

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

HARVEY L. MCKENZIE : No. 420, May Term, 1961
Vs. :
SARAH E. MCKENZIE and : IN DIVORCE
STANLEY BAZELLA, Co- :
Respondent :

DEPOSITION OF LEONARD JAMES LIDDLE
TAKEN DECEMBER 26, 1961

Leonard James Liddle, being duly sworn according to law by Sylvia Read, a Notary Public of the Commonwealth of Pennsylvania, before whom the deposition was taken, testified as follows:

By John K. Reilly:

Q. What is your name?
A. Leonard James Liddle.

Q. What is your present address?
A. Hdq. and Hdq. 436, Transportation Battalion, Fort Riley, Kansas.

Q. You are a member of an activated Reserve Unit?
A. Yes, a member of the Unit stated, No. 436.

Q. What is your home address?
A. 119 Crest Haven Drive, Butler, Pennsylvania.

Q. You are acquainted with Mr. Harvey L. McKenzie?
A. Yes.

Q. Are you acquainted with Mr. McKenzie's wife, Ethel?
A. Yes.

Q. Are you aware, Mr. Liddle, that Mr. McKenzie has brought an action in divorce against his wife?
A. Yes.

Q. Now, at various times in the past year did you accompany Mr. McKenzie or another person to a motel to observe the activities of Mrs. McKenzie?

A. Yes.

Q. When was the first time you observed her?
A. That was on the 15th of January, 1961.

Q. Where did this take place?
A. At the Water Front Motel, Vandergrift, Pennsylvania.

Q. Will you give a short statement of how it occurred and what occurred?

A. Grandy had called and said that he was under the impression that his wife would be at this Motel. He called on Saturday evening and wanted to know if I would go out and check

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on it, so we did drive up there about 5:00 o'clock Sunday morning and saw the car, also as to the license number of the car. We left there and went back to some place along the road and called him and told him what we had observed, that the car was there.

Q. This car that you saw there had the same license number as Mrs. McKenzie's?

A. Yes.

Q. And it was the same color and make?

A. Yes.

Q. What time was it that you observed this car at the Motel?

A. Shortly after 5:00 on Sunday morning.

Q. You didn't at this time see Mrs. McKenzie?

A. No.

Q. Now, Mr. Liddle did you observe Mrs. McKenzie on the morning of March 16, 1961?

A. Yes.

Q. Would you give a short statement as to what occurred on that morning?

A. I was sitting in a car over on Third Street and saw her come out of the door right next to the Tavern and she came out and walked up Third Street and turned and went down toward Second and saw her come down and enter the Clearfielder Hotel.

Q. Did you return to the apartment?

A. We drove around and went back and sat there again until just a little bit after 7:00 when we saw this man come down, of which we noticed him as being Stanley, and walked from there and around to the rear of the Tavern and got in the car and pulled out from there.

Q. What time was it you saw Mrs. McKenzie come out of the apartment?

A. A little bit after 5:00 in the morning.

Q. This Stanley, would that be Stanley Eazella?

A. Yes.

Q. Now on the day of April 23, 1961, did you have an opportunity to observe Mrs. McKenzie?

A. Yes, I did.

Q. Where was this?

A. At the Water Front Motel in Vandergrift on this occasion.

Q. Who accompanied you at this time?

A. Mr. McKenzie and Mr. Stephens, Harry Stephens.

Q. Was this Harry Stephens with you on January 15 at the Water Front Motel?

A. Yes.

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Q. Would you give a brief statement as to what happened on the 23rd of April?

A. What happened on that day. Well Mr. McKenzie called my home in Butler at 4:00 o'clock in the morning and wanted to know if I would accompany him for the day or until he was able to go up there and also called Harry Stephens, who worked with me, and picked him up and drove to the Water Front Motel. We sat at the front of the so-called Dance Hall or Taproom and around 9:30 there commenced to be some activity around the place so we moved down the road just a little bit and sat there there until around close to noon and there still hadn't been anybody's car yet, so we left the Motel and moved across the road along side the tracks and stayed there until midafternoon when we saw them come out of the Motel and get in the car and leave.

Q. Did you personally identify Mrs. McKenzie?

A. Yes.

Q. Did you personally identify Stanley Bazella?

A. Yes.

Q. Mr. Liddle, do you have any concern as to the outcome of this divorce action?

A. Absolutely none whatsoever. Although I am employed by Mr. McKenzie I have no concern as to the outcome of this divorce.

NOW, December 26, 1961, I certify that I have read and inspected the foregoing deposition.

Leonard James Liddle

I, Sylvia Read, a Notary Public, do hereby certify that the deposition of Leonard James Liddle was duly taken at the Office of Boulton & Boulton in the Clearfield Trust Company Building, Clearfield, Pennsylvania, on December 26, 1961, at 2:00 o'clock p. m. before me. The said Leonard James Liddle was first duly sworn by me according to law to tell the truth and thereupon did testify as set forth in the above transcript of testimony. I do further certify that the above deposition is a full, complete and true record of all the testimony given by the said witness.

Sylvia Read
NOTARY PUBLIC, CLEARFIELD BORO, CLEARFIELD COUNTY
MY COMMISSION EXPIRES FEBRUARY 2, 1965

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Now Jan. 23, 1962, service accepted
John K. Reilly, Jr.
Attorney for Plaintiff
Desiree Lee
Attorney for Defendant

Lee - Reilly

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. 420 May Term,
1961 - IN DIVORCE

HARVEY L. MCKENZIE

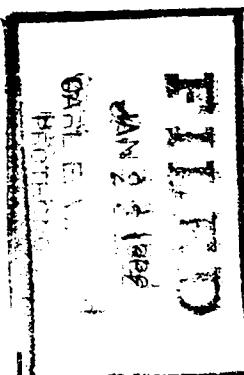
vs.

SARAH E. MCKENZIE and
STANLEY BAZELIA, Co-
Respondent

Uncontested

MASTER'S REPORT

Master's fee \$ 85.00
Paid to J.B. Walker
for serving Notice
of Hearing on Co-
Respondent 21.00
\$106.00



BELL, SILBERBLATT & SWOOPPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.