

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>441</u>	<u>May</u>	<u>1961</u>

Harry Lee Rugh

VERSUS

Mary Ellen Rugh

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

----- HARRY LEE RUGH ----- Plaintiff ,
and -----

----- MARY ELLEN RUGH ----- 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.

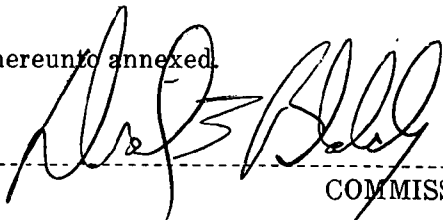
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon.. .. John J. Pentz -----, President of our said Court, at Clearfield, the
----- 10th ----- day of ----- August -----, 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.

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----- SEAL -----
----- COMMISSIONER. -----

No. 441 May Term. 19 61

Harry Lee Rugh

VERSUS

Mary Ellen Rugh

COMMISSION

Gleason, Cherry & Cherry Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY LEE RUGH,
Plaintiff

vs

MARY ELLEN RUGH,
Defendant

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:

No. 441, May Term, 1961

IN DIVORCE

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MASTER'S REPORT

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

I.

SUPPLEMENTAL DOCKET ENTRIES

August 13, 1961 Notice of Master's Hearing issued to Constable Alex Campbell
August 14, 1961 Service of Notice of Master's Hearing on the Defendant by personal service by Alex Campbell, Constable.
August 30, 1961 Wednesday, 10:00 o'clock Hearing at which time there were present John A. Cherry, Attorney for Plaintiff; Harry Lee Rugh, the Plaintiff, and Mary Ellen Rugh, the Defendant. The testimony was presented by the Plaintiff. The Master asked the Defendant if it was her purpose to contest the divorce. She stated that she did not wish to contest the divorce, nor did she wish to offer any testimony. She stated that her sole purpose in appearing at the hearing was to determine that the custody of the children and property settlement. The Defendant was advised by the Master that he had no authority or jurisdiction in the determination of custody or property settlement. Mr. Cherry informed the defendant that if she would contact the plaintiff, they could work out a custody arrangement and property settlement, and that she was free to contact her own counsel, if she so desired.

II.

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

III.

Cause of divorce: Indignities.

IV.

Findings of fact:

1. The Plaintiff and Defendant were married on November 2, 1946 in DuBois, Pennsylvania.

2. The Plaintiff has been a resident of Clearfield County, Pennsylvania during his entire life, and the Defendant has been a resident of Clearfield County since the marriage, and is still a resident of Clearfield County.

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

4. The Plaintiff is thirty-six (36) years of age, and is a carpenter.

5. The Defendant is thirty-two (32) years of age, and is unemployed.

6. There were two children born as a result of this marriage, to wit: Harry, age eleven (11), and James, age thirteen (13), both of whom reside with their grandparents in Sandy Township.

7. Military Service. Neither the Plaintiff nor the Defendant is a member of the military service of the United States, both having appeared at the hearing, and the Master did observe said fact.

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

9. Discussion: From the evidence produced, it appeared that the Defendant did constantly go out with other men for a period of two years prior to their separation in December of 1960, and that she was constantly seen with other men by friends and neighbors of the Plaintiff, and was seen making love to another man by the Plaintiff, himself. It appears from the testimony that after the requests of the Plaintiff that she stop, she

would not do so, and continued to run with other men, and finally left and moved into a hotel and has lived there ever since, running with other men. It appears that the Defendant informed the Plaintiff that she had no love whatsoever for him, and would just as soon kill him if she could. The Defendant did not perform her household duties, swore, cursed and used filthy language in front of the children. It appears without question that the love and affection upon which a marriage is based no longer exists in this case, and that the Plaintiff has suffered great indignities at the hands of the Defendant and that under the law of the State of Pennsylvania, the Plaintiff is not bound to undergo such indignities and is entitled to a divorce. The testimony shows a continued and persistent course of conduct on behalf of the Defendant, which establishes the grounds for the divorce. It is to be noted here that the Defendant appeared at the hearing, but did not contradict the testimony. Mention here is to be made of the fact that the Return of Service by the Constable of service of the complaint, and notice of Master's hearing avers that it was served on the Defendant at the Trent Hotel in DuBois, whereas the testimony shows that the Defendant has resided at the Petrillo Hotel in DuBois, since the separation. It appears that the hotel in which the Defendant resides was formerly called the Trent and is still commonly known in DuBois as the Trent Hotel, although the name is now the Petrillo Hotel but they are one and the same place.

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 at present a resident of Clearfield County, Pennsylvania

as is the Defendant, proper service was made of the complaint, and notice of Master's Hearing on the Defendant.

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

VI.

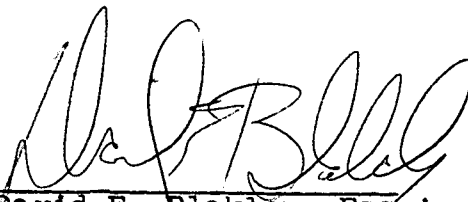
Recommendation:

The Master finds that the evidence of the Complaint relating to the indignities to the person are sustained, and recommends that the prayer of the Plaintiff be granted, and that a decree be entered by the Honorable Court divorcing Harry Lee Rugh, Plaintiff, and Mary Ellen Rugh, Defendant, from the bonds of matrimony now subsisting between them.

VII.

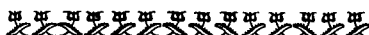
Suggested form of decree:

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



<u>HARRY LEE RUGH</u>	}	Of <u>May</u> Term, 19 <u>61</u>
<u>Plaintiff</u>		No. <u>441</u>
<u>VERSUS</u>		
<u>MARY ELLEN RUGH</u>		
<u>Defendant</u>		DIVORCE

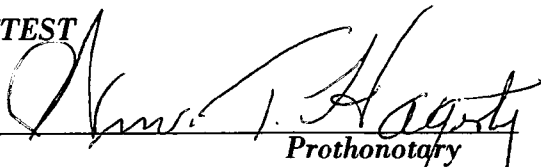
And Now, the 6th day of September 19 61 the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

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

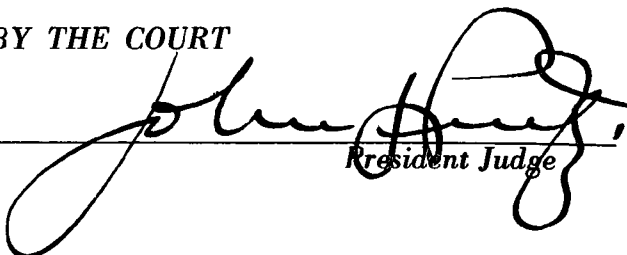
The Prothonotary is directed to pay the Court costs, including Master's fees, as not-
ed herein, out of the deposits received and then remit the balance to the libellant. No Decree
to issue until the costs be fully paid. We do further award to the said _____

Harry Lee Rugh ^{his} ~~that~~ costs expended in this action.

ATTEST


Prothonotary

BY THE COURT


Resident Judge

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

No. 441 May Term 19 61

Harry Lee Rugh
Libellant

VERSUS

Mary Ellen Rugh
Respondent

DECREE

John A. Cherry
Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY LEE RUGH,
Plaintiff

-vs-

MARY ELLEN RUGH,
Defendant

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:
:
:
:
:

No. 441 May Term, 1961

IN DIVORCE

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CONSTABLE'S RETURN

NOW, August 14, 1961, at 9:00 o'clock, A.M.

E.D.S.T., served Mary Ellen Rugh, Defendant above, at her residence, to wit, Trent Hotel, West Long Avenue, DuBois, Pennsylvania, with a copy of the foregoing notice of Master's hearing by handing the same to and leaving with her personally, and making known to her the contents thereof.

And further, that at the time of said service, the said Mary Ellen Rugh was not a member of the military service of the United States.

So answers,

Chas C Campbell
Constable

Sworn to and subscribed before me this 15thday of August, 1961.

Mrs Della W. Egan

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

COSTS: \$3.50

Paid by Master.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY LEE RUGH	:	No. 441 May Term, 1961
	:	
VS	:	
	:	IN DIVORCE
MARY ELLEN RUGH	:	

DOCKET ENTRIES

JULY 6, 1961, COMPLAINT IN DIVORCE filed. One copy certified to Attorney.

JULY 17, 1961, CONSTABLE'S RETURN filed: NOW, July 8, 1961 at 11:30 A.M. E.D.S.T., served Mary Ellen Rugh at her residence, to wit, Trent Hotel, West Long Avenue, DuBois, Pennsylvania, with a true and attested copy of the within Complaint In Divorce, No. 441 May Term, 1961, by handing the same to and leaving with her, personally, and making known to her the contents thereof. So answers, Alex Campbell, Constable.

NOW, August 10, 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 10th day of August, 1961

Wm T. Hagerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY LEE RUGH, :
Plaintiff :
-vs- : No. 441 MAY TERM, 1961
MARY ELLEN RUGH, :
Defendant. : IN DIVORCE

(CONSTABLE'S RETURN)

Now, July 8th, 1961, at 11:30 A.M., E.D.S.T., served
MARY ELLEN RUGH, at her residence, to wit, Trent Hotel, West
Long Avenue, DuBois, Pennsylvania, with a true and attested copy
of the within Complaint in Divorce No. 441 May Term, 1961, by
handing the same to and leaving with her, personally, and making
known to her the contents thereof.

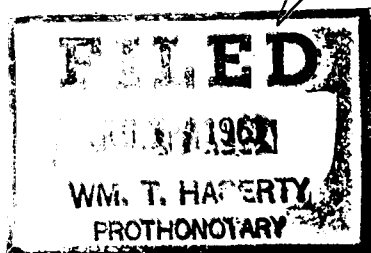
So answers,

Clay Campbell
Constable

Sworn to and subscribed before me this 13th day of July,
1961.

Joseph M. Cherry

JOSEPH M. CHERRY
Notary Public, My Com-
mission expires Jan. 7, 1963



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY LEE RUGH, :
Plaintiff; :
-vs- : No. 441 MAY TERM, 1961
MARY ELLEN RUGH, :
Defendant. : IN DIVORCE

COMPLAINT

Now comes, HARRY LEE RUGH, Plaintiff and brings this Complaint in Divorce against his wife, MARY ELLEN RUGH, on a cause of action whereof the following is a statement:

1. That the name of the Plaintiff is HARRY LEE RUGH and the name of the Defendant is MARY ELLEN RUGH.
2. That neither the said Plaintiff nor the Defendant are minors or incompetent.
3. That the said Plaintiff and Defendant were married in St. Paul's Lutheran Parsonage, in DuBois, Pennsylvania, on November 2, 1946.
4. That at the time of the said marriage, the Plaintiff and Defendant were both natural born citizens of the United States and that both the Plaintiff and Defendant have resided continuously in the Commonwealth of Pennsylvania since birth. The present residence of the said Plaintiff being Sandy Township, Clearfield County, Pennsylvania; and the present residence of the Defendant is c/o Trent Hotel, 238 West Long Avenue, DuBois, Pennsylvania.
5. That there were two children born to this marriage, namely, JAMES LEE, age 12 $\frac{1}{2}$; and Harry Eugene, age 10, both of whom reside with said Plaintiff in Sandy Township, Pennsylvania.
6. That neither the Plaintiff nor the Defendant have instituted any prior action for divorce.

7. That in violation of her marriage vows and the laws of this Commonwealth, the said Defendant has been guilty of such indignities to the person of the Plaintiff, the injured and innocent spouse, as to render his condition intolerable and life-burdensome.

WHEREFORE, the Plaintiff prays that he be freed and separated from the bonds of matrimony heretofore contracted between himself and the said Defendant and be granted a decree in divorce a vinculo matrimonii dissolving the bonds of the said marriage.

Harry Lee Rygh
Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, HARRY LEE RUGH, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct and that the same is not made out of levity or by collusion between 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 i n the Complaint.

Harry Lee Rugh

Sworn to and subscribed before me this 3rd. day of
July, 1961

Joseph A. Henry
Notary Public
My Commission expires January 7, 1963.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 441 MAY TERM, 1961

IN DIVORCE

HARRY LEE RUGH,
Plaintiff;

-VS-

MARY ELLEN RUGH,
Defendant.

COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By

FILED

WM. T. HAGERTY

PROthonary

GLEASON, CHERRY & CHERRY
7-10 DAKUS BUILDING
Du Bois, PENNSYLVANIA

109 N. BRADY STREET

400 Attg

HARRY LEE RUGH, being produced and sworn, testifies
as follows:

BY MR. CHERRY:

Q. Mr. Rugh, you are the Plaintiff in this action and
the Defendant is your wife, Mary Ellen Rugh?

A. Yes sir.

Q. When were you married?

A. On November 2, 1946.

Q. Where were you married?

A. In St. Paul's Lutheran Church, in DuBois.

Q. At the time of your marriage where did you and your
wife reside?

A. You mean before that?

Q. Yes?

A. I lived with my people on Maple Avenue and she lived
with her folks in R. D. 2, DuBois,

Q. That's Sandy Township?

A. Yes.

Q. After your marriage where have you lived?

A. We have lived in DuBois and Sandy Township. We
moved to Sandy Township 7 years ago and lived there ever since.

Q. Where are you residing ?

A. In Sandy Township.

Q. Where is your wife residing?

A. At Petrillo's Hotel in DuBois.

Q. How long has she been living apart from you?

A. Since Christmas of 1960.

Q. Has she lived in the Petrillo Hotel since that time?

A. Yes.

Q. Did she leave you?

A. She did.

Q. What caused you to separate?

A. She had been running around for a long time and just decided she would be free as the wind.

Q. How old are you and your wife?

A. I am 36 and she's 32.

Q. Is either one of you in the Service?

A. No.

Q. What is your occupation?

A. Carpenter.

Q. What is her occupation?

A. None that I know of.

Q. Do you have children?

A. Yes.

Q. Will you kindly give their names and ages?

A. Harry is 11 and James is 13.

Q. Where are they living?

A. They were with me when she left but I thought it was better for them to be with their grandmother and they are living with the grandmother in Sandy Township.

Q. Did your wife ever sue you for support?

A. No sir, she couldn't.

Q. Are both of you citizens of the United States?

A. Oh yes.

Q. You said your wife has been running around; how long has that been going on?

A. Well, I knew it for over two years. I kept trying to get her to quit for the family, but she wouldn't. I should

say didn't.

Q. Did she do this in public?

A. Yes sir.

Q. Was it commonly known that she was running around?

A. I'll say it was; neighbors and friends would tell me.

In fact, I saw her out with a 17 year old boy in a truck and saw her kissing him.

Q. Would she stay out at night?

A. Many, many times she stayed out until 4:00, 5:00 or 6:00 o'clock in the morning. She even went away for as much as two or three days.

Q. How did you get along in the home?

A. No good. She didn't cook. She was always swearing at me and using filthy language.

Q. Did she show you any love or affection?

A. Early, yes, and later she didn't. In fact, she said that she would get rid of me by killing me, if she thought she could get away with it. Many times she said she didn't love me and didn't want me.

Q. This cursing that she did, did she do it in front of the children?

A. Yes she did and that was terrible.

Q. What effect did all of this have on you?

A. I was always upset and I was embarrassed with her running around and what the people knew. I wasn't able to do things right.

Q. How have you felt since the separation?

A. A lot better. And I think the children are much

better off. It's more descent for them.

Q. Could you live with your wife under those circumstances?

A. No sir. If she hadn't left, I would have had to for myself and to get the children away from her.

Q. Was there ever a divorce action instituted by either one of you before?

A. No sir.

Harry Lee Rugh

NO. 441 May Term, 1961

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

IN DIVORCE

HARRY LEE RUGH,
Plaintiff

vs

MARY ELLEN RUGH,
Defendant

MASTER'S REPORT

Master's Fees \$ 85.00
Costs (paid
by Master) 3.50

\$ 88.50

FILED

SEP - 5 1961

WM. T. HAGERTY
PROTHONOTARY

LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.

*Service Accepted & Time Waived
Gleason, Cheryl Cheryl
by Edna V Cheryl*