

DOCKET NO. 174

NUMBER	TERM	YEAR
508	May	1961

Beverley A Bensky

VERSUS

Barney Bensky, Jr

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

BEVERLEY A. BENSKY

VS.

BARNEY BENSKY, JR.

COMPLAINT IN DIVORCE

233
TO THE WITHIN NAMED DEFENDANT:

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

JOHN B. GATES
Attorney for Plaintiff

By *John B. Gates*

FILED

JOHN B. GATES
ATTORNEY AT LAW
CLEARFIELD, PA.

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

BEVERLY A. BENSKY

vs.

BARNEY BENSKY, JR.

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:
:
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No. 508 May Term, 1961

In Divorce

MASTER'S REPORT

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

The undersigned Master, appointed by your Honorable Court to take testimony of the witnesses in the above entitled case and return the same, together with form of decree, respectfully reports as follows:

I. DOCKET ENTRIES AND SCHEDULE

1961

- | | |
|---------|--|
| July 17 | Complaint in Divorce filed. One copy certified to Sheriff. |
| July 21 | Complaint in Divorce personally served upon Defendant, at his place of residence, Carnwath, Pennsylvania, by Charles G. Ammerman, Sheriff of Clearfield County. |
| Oct. 23 | Paul Silberblatt, Esq., appointed Master to take testimony and report same with form of decree. |
| Oct. 27 | Master's Hearing in Divorce fixed for Monday, November 20, 1961 at 1:30 P. M., E. S. T., at the law offices of Bell, Silberblatt & Swoope, Clearfield Trust Company Building, Clearfield, Pennsylvania. |
| Nov. 1 | Notice of Master's Hearing personally served upon Defendant by Charles G. Ammerman, Sheriff, of Clearfield County. |
| Nov. 1 | Service of Notice of Master's Hearing accepted by Beverly A. Bensky, Plaintiff, and John B. Gates, Attorney for the Plaintiff. |
| Nov. 20 | Master's Hearing in Divorce held at the law offices of Bell, Silberblatt & Swoope, Clearfield Trust Company Building, Clearfield, Pennsylvania, at 1:30 P. M., E. S. T. The Plaintiff appeared at the hearing, together with her Attorney, John B. Gates, Esq., and Mrs. Helen Gelnett, witness for the Plaintiff. The Defendant did not appear at the hearing, either in person, or by counsel. |

II. SERVICE OF PROCESS

Complaint in Divorce was personally served on the Defendant by Charles G. Ammerman, Sheriff of Clearfield County on July 21, 1961 at Defendant's place of residence in Carnwath, Pennsylvania.

The Master's Notice of Hearing was served personally on the Defendant on November 1, 1961, at Defendant's place of residence, in Carnwath, Pennsylvania, by Charles G. Ammerman, Sheriff of Clearfield County.

III. CAUSE OF DIVORCE

Indignities.

IV. FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married on June 25, 1955, in the Bloomington Methodist Church, Pike Township, Clearfield County, Pennsylvania, by Reverend H. Merle Saxman.
2. Residence: After Plaintiff and Defendant were married in June of 1955, they lived in Buffalo, New York, as husband and wife for a period of 2½ months. In the latter part of August, 1955, Plaintiff and Defendant returned to Knox Township, Clearfield County, Pennsylvania, and went to stay with Plaintiff's mother in New Millport, for a couple of days. Shortly thereafter, Plaintiff and Defendant moved into the house of Plaintiff's mother in Bloomington, Knox Township. In July of 1957, they, with their infant son, moved from Bloomington to a hunting cabin near New Millport. Approximately, two years later, they moved into a house which they purchased in Carnwath, Pennsylvania. In October, 1960, Plaintiff separated from Defendant, and went to live in Harrisburg, Pennsylvania, where she is presently residing, at 271 Herr Street, Harrisburg, Pennsylvania. Defendant has continued to live in Carnwath, Pennsylvania, that being his present residence.

3. Citizenship: The Plaintiff and Defendant are both residents of the Commonwealth of Pennsylvania and citizens of the United States of America.

4. Age and Occupation: The Plaintiff's age is 23 years and the Defendant's age is 32 years. The Plaintiff is employed by the G. C. Murphy Company in Harrisburg, Pennsylvania, and the exact employment of the Defendant is not known, but it is believed that he is employed as a bulldozer operator on a coal stripping operation.

5. Children: One child was born to this marriage, namely, Barney Alan Bensky, III, born May 3, 1956.

6. Military Service: The Defendant is not now in the Armed Services of the United States of America.

7. Findings on the Merits: The ground for divorce averred in the Complaint is indignities to the person. The testimony reveals that the difficulties started soon after the parties were married. The Defendant would not give his wife sufficient money to purchase food, nor would he purchase sufficient food, nor would he provide necessary medical care for his wife during her various pregnancies nor after their son was born, would Defendant provide sufficient food and clothing for their child.

The Defendant was under the impression that \$10.00 would provide sufficient food for his family for a two-week period, although he was able to secure additional food from his mother, and on one occasion, brought food that his mother had provided for him to his house and ate it in front of his wife without offering to share it with her.

The Defendant continually slapped his wife and called her uncomplimentary names. Defendant failed to provide suitable living quarters for his family and on one occasion, even lived in a one-room hunting cabin, in which snakes would enter the room. This

hunting cabin contained one electric light, no toilet facilities, and one spigot for water.

As a result of Defendant's failure to provide adequate food, clothing and shelter for his wife, and as a result of a severe beating administered to the Plaintiff by the Defendant in October of 1960, she was forced to leave their home and went to Harrisburg where she secured employment at Murphy's 5 & 10, and has worked for Murphy's in Harrisburg and has resided in Harrisburg since.

Plaintiff's mother, Helen Gelnett, testified on behalf of her daughter and corroborated some of Plaintiff's testimony.

8. Discussion of the Facts: The Divorce Code of the Commonwealth of Pennsylvania has stated that one of the grounds for divorce in this jurisdiction is indignities to the person.

Indignities have never been defined with complete precision or accuracy, but as stated in the case of PATERSON v. PATERSON, 178 Superior Ct. Reports, Vol. 615 at page 620:

"While indignities to the person as a ground for divorce cannot be defined with mathematical precision, each case depending on its own facts, it has been said to be ' . . . an affront to the personality of another, a lack of reverence for the personality of one's spouse . . . the offense is complete when a continued and persistent course of conduct demonstrates that the love and affection upon which the matrimonial status rests have been permanently replaced by hatred and estrangement. For then, when the foundation has collapsed the superstructure falls, and inevitably the married condition becomes intolerable and life is indeed a burden'."

The standard definition of indignities includes, vulgarity, unmerited reproach, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule, and every other plain manifestation of settled hate and estrangement.

While the Complaint alleges only indignities to the person, the Master is of the opinion that, without much difficulty on the Plaintiff's part, she could have also alleged cruel and barbarous treatment as a result of Defendant's conduct towards his wife in failing to provide her with adequate food, and medical attention and in forcing the Plaintiff to take castor oil to abort a pregnancy.

V. CONCLUSIONS OF LAW

1. The proceedings are in accordance with the requirements of the Divorce Code and Rules of Court relative to such proceedings.
2. The Court has jurisdiction of the Parties and subject matter of this action.
3. The facts establish cause for action for divorce on the ground of indignities to the person.
4. That the legal domicile of the Plaintiff is Harrisburg, Dauphin County, Pennsylvania, and the legal domicile of the Defendant is Carnwath, Clearfield County, Pennsylvania.

VI. RECOMMENDATION

The Master, therefore, recommends that a Decree of absolute divorce be granted to Beverly A. Bensky, on the ground of indignities to the person, and form of Decree is herewith attached.


(Master)

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

BEVERLY A. BENSKY

Of May Term Term, 19 61

No. 508

VERSUS

BARNEY BENSKY, JR.

DIVORCE

And Now, the 8th day of Dec 19 61, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Beverly A. Bensky be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ herself and Barney Bensky, Jr.

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 Beverly A.
Bensky,

~~xxx~~
her costs expended in this action.

ATTEST

Wm. F. Hagerty
Prothonotary

BY THE COURT

John F. Hargis
President Judge

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

No. 508 May Term 19 61

BEVERLY A. BENSKY
Libellant

VERSUS

BARNEY BENSKY, JR.
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BEVERLEY A. BENSKY

VS.

BARNEY BENSKY, JR.

:
:
: No. 508 May Term, 1961
:
:

COMPLAINT IN DIVORCE

NOW COMES the Plaintiff, by her attorney, John B. Gates, and brings this Complaint in Divorce against the above named Barney Bensky, Jr., upon a cause of action whereof the following is a statement:

1. The name of the Plaintiff is Beverley A. Bensky.
2. The name of the defendant is Barney Bensky, Jr.
3. The Plaintiff resides at 271 Herr Street, Harrisburg, Pennsylvania, and the Defendant resides at Carnwath, Knox Township, Clearfield County, Pennsylvania.
4. The Plaintiff has resided in the Commonwealth of Pennsylvania for the past five years and has also been a resident of Clearfield County, Pennsylvania until October, 1960.
5. The Defendant is a resident of the Commonwealth of Pennsylvania and has resided in Clearfield County for the past five years.
6. The Plaintiff and Defendant were married on June 25, 1955 by Reverend H. Merle Saxman, a Methodist minister at Bloomington, Pike Township, Clearfield County, Pennsylvania.

7. The Defendant has offered such indignities to the person of the Plaintiff, who is the injured and innocent spouse, as to render her condition intolerable and her life burdensome. The following named child was born to this union and resides as follows:

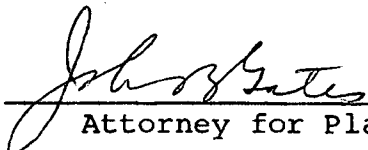
a. Barney Alan Bensky, III, age five years, Carnwath.

8. That the Plaintiff and Defendant have entered into no collusive arrangement regarding this action.

9. That neither of the parties has ever applied in this or any other Court for a divorce from the other party to this action or for an annulment of marriage.

10. That the Plaintiff and Defendant own jointly real estate in Knox Township including furnishings.

WHEREFORE, the Plaintiff respectfully prays your Honorable Court that she be granted an absolute divorce, separating herself from the said Barney Bensky, Jr., the Defendant, as if she had never been married, or as if the said Defendant were naturally dead.


Attorney for Plaintiff

STATE OF PENNSYLVANIA :
 :
COUNTY OF CLEARFIELD : SS:

BEVERLEY A. BENSKY, being sworn according to
law, deposes and states that the facts set forth in the
foregoing Complaint in Divorce are true and correct to
the best of her information, knowledge and belief.

Beverly A. Bensky

Sworn to and subscribed before
me this 10th day of July, 1961.

Wm. F. Nagsty
PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, In Divorce No. 508 May Term, 1961	BEVERLY A. BENSKY vs. BARNEY BENSKY, JR.	MASTER'S REPORT IN DIVORCE	Master's fee \$85.00	FILED DEC-7 1961 WAL T. HIGGINS PROthonotary	BELL, SILBERBLATT & SWOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.
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COMMERCIAL PRINTING CO., CLEARFIELD, PA

*From Dec 8, 1961, return of printing accepted and fees received
Bensky
Beverly A. Bensky*

Lap over margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BEVERLY A. BENSKY	:	
	:	No. 508 May Term, 1961
VS.	:	
	:	IN DIVORCE
BARNEY BENSKY, JR.	:	

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

COMPLAINT IN DIVORCE filed: One Copy Certified to Sheriff.

NOW, July 21, 1961, at 10:35 o'clock A.M., served the within Complaint In Divorce on Barney Bensky, Jr., at place of residence Carnwath, Pa., by handing to him personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. So answers, Charles G. Ammeman, Sheriff.

October 23, 1961, By motion of the Watch-book, Paul Silberblatt, Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pentz, President Judge.

Certified from the record this 24th day of October, A. D., 1961.


Prothonotary

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

Beverley A. Bensky
vs
Barney Bensky, Jr.

No 508 May Term 1961
Complaint In Divorce

(Sheriffs Return)

Now, July 21, 1961 at 10:35 O'Clock A.M. served the within Complaint in Divorce on Barney Bensky, Jr. at place of residence, Carnwath, Pa. by handing to him personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof.

Costs Sheriff Ammerman \$9.20
(Paid by Atty Gates)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 24th
day of July 1961 A.D.

John T. Prothontary
Prothontary.

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

PAUL SILBERBLATT, 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

BEVERLY A. BENSKY Plaintiff,

and

BARNEY BENSKY, JR. 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 24th day of October, in the year of our Lord one thousand nine hundred and sixty-one.

Wm. L. Hagerly
Prothonotary

To the Honorable, the Judge, &c.:

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

Paul Silberblatt
COMMISSIONER.

No. 508 May Term. 1961.

BEVERLY A. BENSKY

VERSUS

BARNEY BENSKY, JR.

COMMISSION

John B. Gates, Attorney.

Affidavit of Service

Beverly A. Bensky

vs.

Barney Bensky, Jr.

No. 508 May _____ Term, 19 61

Notice of Master's Hearing

Returnable within _____ days
from date of service hereof.

NOW November 1, 19 61 at 2:45 o'clock P.M.

served the within Notice of Master's Hearing

on Barney Bensky, Jr.

at place of residence, Carnwath, Clearfield County, Pennsylvania

by handing to him personally

a true and attested copy of the original Notice of Master's Hearing and made

known to him the contents thereof.

Costs. Sheriff Ammerman \$10.70
(Paid by Pro)

Sworn to before me this 2nd

day of November A. D. 19 61

Wm T. Hagerty
Prothonotary

So answers,

Charles G. Ammerman
CHARLES G. AMMERMAN

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BEVERLY A. BENSKY

vs.

BARNEY BENSKY, JR.

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No. 508 May Term, 1961

In Divorce

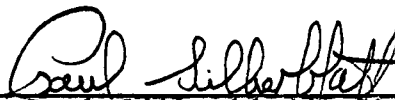
NOTICE OF MASTER'S HEARING

To:

. Barney Bensky, Jr.
Carnwath
Pennsylvania

You are hereby notified that I have been appointed Master to take testimony in the above action brought against you by Beverly A. Bensky for divorce on the grounds of indignities.

I shall hold a hearing on Monday , November 20 , 1961, at 1:30 P. M. E.S. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, for the purpose of taking testimony, at which time and place you may appear with your witnesses to present testimony.



Paul Silberblatt, Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BEVERLY A. BENSKY

vs.

BARNEY BENSKY, JR.

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No. 508 May Term, 1961

In Divorce

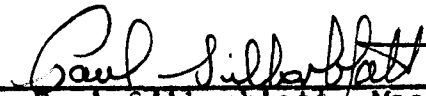
NOTICE OF MASTER'S HEARING

To:

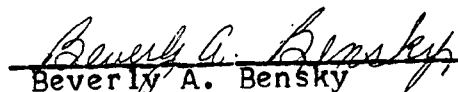
Barney Bensky, Jr.
Carnwath
Pennsylvania

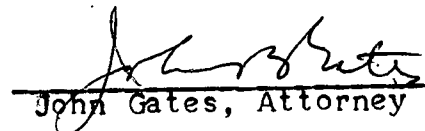
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I shall hold a hearing on Monday , November 20 , 1961, at 1:30 P. M. E.S. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, for the purpose of taking testimony, at which time and place you may appear with your witnesses to present testimony.


Paul Silberblatt, Master

Service of the above Notice accepted this 1 day of November, 1961.


Beverly A. Bensky


John Gates, Attorney for Plaintiff

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

BEVERLY A. BENSKY

vs.

BARNEY BENSKY, JR.

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No. 508 May Term, 1961

In Divorce

MASTER'S HEARING

Master's Hearing in Divorce held Monday, November 20, 1961 at 1:30 P. M., E. S. T., in the offices of Bell, Silberblatt & Swoope, Clearfield Trust Company Building, Clearfield, Pennsylvania. There appeared at the hearing, Beverly A. Bensky, with her Attorney, John B. Gates, Esquire, and Helen Gelnett, witness for the Plaintiff. The Defendant did not appear, either in person or by counsel.

Beverly A. Bensky, being duly sworn according to law, deposes and states as follows:

By John B. Gates, Esquire:

Q. Your name is Beverly A. Bensky?

A. Yes.

Q. Mrs. Bensky, what is the name of your husband?

A. Barney Bensky, Jr.

Q. And you have brought this divorce action against your husband. Is that right?

A. That is right.

Q. Mrs. Bensky, when were you and your husband married?

A. June 25, 1955.

Q. By whom were you married?

A. Reverend H. Merle Saxman.

Q. What Church did your husband belong to?

A. He didn't belong to any. I belonged to the Methodist.

Q. What Church was Reverend Saxman from?

A. Methodist.

Q. Where were you and your husband married?

A. Bloomington Methodist Church, Pike Township, Clearfield County, Pennsylvania.

Q. How old are you now?
A. 23.
Q. How old is your husband?
A. 32.
Q. Were any children born to your marriage?
A. One.
Q. What is the child's name?
A. Barney Alan Bensky, III.
Q. When was he born?
A. May 3, 1956.
Q. Where is he living at the present time?
A. With Barney Bensky, Jr., at Carnwath, Knox Township, Clearfield County, Pennsylvania.
Q. Where do you live at the present time?
A. 271 Herr Street, Harrisburg, Pennsylvania.
Q. How long have you lived in Harrisburg?
A. About a year and two or three months.
Q. Are you employed at Harrisburg?
A. Yes.
Q. By whom?
A. G. C. Murphy Company.
Q. Is your husband employed at the present time?
A. Yes.
Q. By whom?
A. I don't know.
Q. Do you know what he does?
A. Runs a dozer on a strippings.
Q. You don't know who he is employed by?
A. Heard it was Whiskey Hallow, up near Glen Hope.
Q. Now, after you were married in June of 1955, where did you go to live?
A. In Buffalo, New York.

- Q. How long did you live in Buffalo?
- A. Two and one-half months.
- Q. Would that be until August of 1955?
- A. In the latter part of August.
- Q. After you left Buffalo, in the latter part of August, where did you move?
- A. We came back to New Millport in Knox Township and stayed with his mother for a couple of days and he got another job, and decided he wasn't going back up there.
- Q. Was your husband employed in Buffalo?
- A. He worked for General Motors.
- Q. Was it his desire that you move back to Clearfield County?
- A. Yes.
- Q. Now, after spending a few days with your mother-in-law, where did you move to then?
- A. In to my mother's house in Bloomington, Knox Township.
- Q. How long did you live in your mother's house in Bloomington?
- A. Little over a year.
- Q. I believe you told me you lived there until July of 1957. Is that right?
- A. That is right.
- Q. Was your husband employed, when you lived in Bloomington?
- A. Yes, he worked for the Benjamin Coal Company.
- Q. Now, Mrs. Bensky, did you pay any rent, when you lived in your mother's property?
- A. No. The only thing we had to pay was the water and light bill.
- Q. Was your mother's house furnished?
- A. Yes.
- Q. Were your mother and father living there also?
- A. No. They moved up to Lockport, New York.
- Q. So, I am correct in saying that you lived there by yourselves?
- A. Yes, until my brother called and asked to stay there until he finished his last year of school. Barney gave his permission that he got stay there.
- Q. You stated a while ago, that Barney Alan, your son, was born in May of 1956. Was he living with you in Bloomington?
- A. Yes.

- Q. Now, after Bloomington, did you move any other place?
- A. Yes, we went up to a small hunting cabin, and snakes came in under the door. The place was smaller than this room.
- Q. This hunting cabin you moved in to, where was that?
- A. In New Millport, Knox Township.
- Q. And I believe you stated it was smaller than this room we are now sitting in?
- A. Yes.
- Q. Were there any modern conveniences?
- A. The only thing was a little spigot, and one electric light.
- Q. Now, you and your son and your husband lived in that?
- A. Yes.
- Q. Why did you move from your mother's property to this hunting cabin?
- A. Because he thought it was cheaper, and the only thing he had to pay there was \$10.00 a month.
- Q. What do you mean, it was cheaper?
- A. He didn't want to pay nothing.
- Q. You mean it was cheaper, because you didn't have to pay for the utilities?
- A. Yes.
- Q. When did you move to this hunting cabin?
- A. Was in the spring of the year.
- Q. What year?
- A. 1958, because the road back into the cabin was real sinky.
- Q. Now, how long did you live in the hunting cabin?
- A. About a year and seven months. I can't say, but it is close to that.
- Q. Then, where did you move?
- A. Carnwath in Knox Township, Clearfield County.
- Q. When did you move up there?
- A. About 1959.
- Q. Spring of 1959 or summer?
- A. It was in the Fall.
- Q. How long did you live there?
- A. Until 1960, October.

- Q. What happened in October of 1960?
- A. He beat me up, and I left him and went to Harrisburg and got a job, where I have been until now.
- Q. This property you moved into in Carnwath, did you and your husband own the property?
- A. Yes.
- Q. How much did you pay for it?
- A. \$1200 or \$1500 I imagine.
- Q. Is that where your son is at the present time?
- A. Yes.
- Q. Now, Mrs. Bensky, I want you to tell me about various incidents that occurred, during your married life, and I want you to start with what happened after you were married, and how the matter progresses up until the time you separated. Will you tell the Master what happened after you moved to Buffalo?
- A. We lived there, and everything went along very well. He worked night shift. One afternoon, while he was at work, I thought I was pregnant, and the girl next door was expecting a baby, and she had to go down town for some things, and asked me to go along. He never gave me any money, and he saved all his silver, and I took some of it, and didn't think he would say anything. I bought a baby kimono, a rattle and mother's carebook. When he came home, he saw what I bought. He hollered and said I didn't need them and
- Q. This was for your own personal care?
- A. Yes. He never bought me nothing. The only clothes I had, was the ones I had before I left home.
- Q. Did he say anything do you?
- A. He said I didn't need to buy stuff like that yet.
- Q. Did you have any money from him to support yourself?
- A. No, just what I took out of the can.
- Q. Did you tell him you were pregnant?
- A. Yes, I told him I thought I was. He said he didn't want any kids yet.
- Q. Did he say anything else to you that you can think of?
- A. All I can remember that he said, ^{is} that he didn't want any kids right now. He couldn't afford them.

- Q. You moved back to Bloomington, is that right?
- A. Yes.
- Q. How did you get along?
- A. I was pregnant, and he wouldn't buy me any maternity dresses, and everybody was making fun and talking. I said I had to have something. He bought me one maternity dress the whole time, and Mrs. Bauer gave me some.
- Q. Now, Beverly, what else happened when you were living together?
- A. I was sick the whole time I carried Barney Alan, and I had to have special medicine, and he wouldn't buy it for me, and the doctor told me to eat certain stuff. He said I didn't need it. He figured \$10.00 would do for two weeks' groceries. Outside of that, it was surplus food. He made me bake bread.
- Q. He gave you \$10.00 to live on for a period of two weeks?
- A. He wouldn't give the money to me. He bought the groceries. He went by his mother's place to go to work, and she would pack his bucket, and give him something to eat. One time, she gave him two porkchops and some potatoes, and he came down and sat right in front of me and ate them.
- Q. You lived off surplus food?
- A. Yes and what he bought. If they were having a sale on so many cans of beans or corn, he would buy that.
- Q. What did you have to eat all the time you were pregnant?
- A. Beans, corn and home made bread. I never got any fruit like I was supposed to.
- Q. Is it my understanding, that he refused to get you the medicines and food you were supposed to have?
- A. Yes.
- Q. Did you and your husband have any discussions when you were pregnant?
- A. I told him, I had to have it out. I said I couldn't live like that, and I told him I needed things. Everytime he felt like it, he would hit me. He mostly slapped me across the face.
- Q. Where did he slap you?
- A. Mostly across the face.
- Q. Did he slap you with his fist?
- A. Open hand.
- Q. This happened while you were living in Bloomington. Is that correct?
- A. When the baby was about to be born, I had real severe pains, from lifting water from the washer, and I tried to get someone to help me, so my brother helped me after school.

- Q. During the course of your married life, how many times were you pregnant?
- A. Four or five times.
- Q. Did any people live around this hunting cabin?
- A. No.
- Q. Was your husband working during this time?
- A. Yes. He was getting \$1.35 an hour. He worked Saturday and sometimes Sunday.
- Q. How much did he make each week?
- A. \$70 to \$75.00. There was one time I remember distinctly, I said I had to have a pair of shoes. He said he didn't have any money, and told me I would have to wait, and we went up to his mother's, and she said she didn't have money to pay her phone bill, and he gave her the money to pay it.
- Q. Did he buy any clothes for the baby?
- A. A few, but not enough.
- Q. Where did you get the clothes for the baby?
- A. Murphy's.
- Q. Who bought those?
- A. He went with me and bought them.
- Q. After moving up to the hunting cabin, did conditions get better?
- A. Got worse. When the baby got older, he wouldn't buy him any clothes. He said I could buy the clothes at the rummage sale.
- Q. You are talking about Barney Alan?
- A. That is right.
- Q. Did you have lots of food to eat?
- A. He still wouldn't buy any groceries, and one night, his mother sent up some bags of clothes she got at the rummage sale, and I burned the clothes, and at that time, he only had two little outfits. I burned the rummage sale clothes, and I went to the refrigerator, and all that was in there, was some beans and some pie dough, and I threw the beans out, because they didn't smell good, and he went to get them, and asked me where they were. I told him I threw them out and burned the clothes. He was sitting at the end of the table, and he called me an ungrateful slut, and said I didn't appreciate nothing, and said, "I ought to kill you, you ungrateful no good thing."

- Q. What did he do?
- A. I started to run out the door, and he got hold of me and pushed me, and threw me on the bed, and hit me. Then he left.
- Q. Where did he push you?
- A. He pushed me in the stomach and threw me on the bed.
- Q. Were you pregnant at the time?
- A. I didn't know for sure, but found out later, I was. The next day, my sister decided she was coming down to visit, and this was on a Friday night, and I said I didn't feel very good, and he started that old story, that he didn't have any money, and I said I thought I better go to the doctor. When I went to bed, I started to menstruate. The next morning, I had awful pains, and I called the doctor, and the doctor said I was about 2 months pregnant, and I lost the baby. When I told my sister what happened, she told me he said he was glad it happened, because he didn't want any more kids.
- Q. Did you have to go to the hospital?
- A. Yes. I lost the baby in the hospital.
- Q. How long were you in the hospital at that time?
- A. About 5 days.
- Q. Did you go back to live at the hunting cabin?
- A. Yes. It was near Christmas time, and I decided I would go to work, and I started at the Murphy Company, and couldn't take it, my nerves got too bad. I had to leave the baby with a baby-sitter.
- Q. What happened after that?
- A. I quit working, and I decided I would go up home for awhile. Mom said I better come back home and try to make a go of it.
- Q. You came back?
- A. We went over to Carnwath to look at the house over there.
- Q. Did you buy this house?
- A. Yes. The only way he would buy it was if his mother's name would be put on the Deed.
- Q. Was her name put on it?
- A. Yes.
- Q. And your husband's and yours?
- A. Yes.
- Q. Anything happen over there?

- A. He still wouldn't buy nothing or give me any money. I had to go to work. So, I started to work for Mrs. Rowles, in Clearfield County. Her house was about one-half mile away.
- Q. What kind of work did you do?
- A. I watched her two children, and I would take Barney Alan with me, and when her husband came home from work, he would bring us back down about 2:00.
- Q. How long did you work for Mrs. Rowles?
- A. About 2 or 3 months. She got laid off. She worked at the Sylvania plant in Houtzdale.
- Q. Did Mrs. Rowles pay you?
- A. Yes.
- Q. What did you do with the money?
- A. I had to buy stuff for Barney Alan and myself. If I wanted to go somewhere in the car, he made me pay for the gas.
- Q. Anything else happen while you were living in Carnwath?
- A. After she got laid off, I went to work for Mrs. Vaughn.
- Q. Did she live in the vicinity of New Millport?
- A. She lived in Knox Township, and I went over with him, and got her kids off when she went to work. He got laid off then, and when I wanted him to get up and take me to her house, he would grumble and growl. He wanted me to work at the factory. I couldn't do that.
- Q. What did your husband do with the money he earned?
- A. He never showed me his pay checks.
- Q. Did he stay out at night or come home?
- A. He came home. He worked night shifts. Sometimes, it would be 1:00 or 2:00, and he said something broke down, and he had to fix it. Sometimes he would be drinking. I never knew if anything broke down, unless other fellows' wife would tell me.
- Q. He would be drinking on a number of occasions?
- A. Yes. He never had no money to give me. Everytime I would bring it up, he would slap me. His mother would tell him to slap me.
- Q. This slapping, was it continually?
- A. Two or three times a day, he did it.
- Q. Did he hit you hard?
- A. Mostly, across the face. One time he slapped me and I hit him back, and he picked me up and shook me and threw me across the room.
- Q. Where were you living?
- A. In Carnwath.

- Q. Now, Mrs. Bensky, do you drive a car?
- A. No, I wanted him to teach me to drive. He wouldn't do it, so I was getting tired of him, so I asked him if he cared if I got a permit, and I said to you care if your brother teaches me to drive. He said he didn't care, it wouldn't be his car I would wreck. So, he came over and would teach me to drive.
- Q. When did he teach you to drive?
- A. Mostly, about 2 or 3 times a week. It was always in the daylight.
- Q. What did your husband say about your driving?
- A. He said I was having an affair with his brother. I told him he was crazy, and if anything, he was pushing everything on me, and everytime I wanted him to do something for me, he would always say, get goofy, and always said, he couldn't buy gasoline, and that night, he beat me up. He said I was a liar and everything else.
- Q. When was that?
- A. In October.
- Q. What did he do to you?
- A. He beat me up. I was sitting on the bed, and we were arguing, and he slapped me across the face and shook me. The baby was crying, and I tried to get up to get him. He called me an old whore, and a tramp, and I said you are crazy. Then I got up, and grabbed the baby. He came after me, and I had the baby, and he grabbed ahold of me, and said I wasn't any good, and that his mother said I wouldn't be any good. My brother was planning on going to Harrisburg, because he got laid off. He said if you want to go, you can go. He told me to get out. He told me he didn't want anything to do with me. So I went to Harrisburg, and the couple girls I went to school with had rooms in Harrisburg, and I got a room with them, and two days later, when I got calmed down, I went down to Murphy's and they hired me right away. I started to work there October 16, 1960, and have been there ever since.
- Q. You said your husband shook you this time in October. Did he slap you?
- A. Yes.
- Q. Where?
- A. Across the face, and I had black and blue marks across my shoulders.
- Q. Did you ever visit your parents after mistreatment by your husband?
- A. Yes.
- Q. Did your mother see where you had been slapped?
- A. Yes, her and dad both.

Q. Have you tried to be a good wife for him?

A. Yes I tried for 5 years.

Q. When was the last time you and your husband lived together?

A. October, 1960.

Q. Have you been with him since then?

A. No.

Q. Did your husband see that you got the proper medical attention when you were pregnant these 4 or 5 times?

A. No.

Q. What did he do?

A. He said I didn't need those things, and I was making things out worse than they were.

Q. Was it necessary for you to be hospitalized on a number of occasions?

A. Yes. One time, he made me take castor oil, and I had to go to the hospital and I almost died.

Q. Did you have a hysterectomy performed then?

A. Yes.

Q. Mrs. Bensky, during your married life, did your husband support you and Barney Alan?

A. No. Everytime I wanted him to hold me, he said, are you over-sexed or something. If you want something, go and get it.

Q. Ever take you out?

A. His limit was the movie once in awhile. I had to beg him to take me.

Q. Have you ever had your husband arrested for desertion and non-support?

A. No.

Q. Is there any collusion or agreement by you and your husband for the purpose of getting this divorce?

A. What do you mean.

Q. What you are saying here, is it the truth?

A. Yes, it is the whole truth.

Q. How big a man is your husband?

A. He weighs about 175. He is not real tall, but big in built.

Q. How much do you weigh?

A. 117.

Q. How did this affect your health?

A. I almost had a nervous breakdown once.

Q. Did you go to the doctor?

A. Doctor Murphy.

Q. Did he ever talk to your husband about your condition?

A. He tried to talk to him. It just made him mad at me. Everytime I lost a baby, he said he didn't want anymore kids anyhow. He told my sister that one was enough.

By the Master:

Q. You told us about the time your husband went up to your mother's house and brought down the porkchops and potatoes and ate them in front of you.

A. Yes, all we had was some peanut butter and home-made bread.

Q. He never offered to share it with you?

A. No.

Q. You testified that he slapped you at various times. What was the average number of times he slapped you?

A. I don't think a week went by, that he didn't slap me.

Q. He slapped you mostly on the face?

A. Yes.

Q. Did he ever use his fist when he hit you?

A. Just his hand.

Q. Besides slapping you, he also swore at you and called you names?

A. He told me I was no good, and he should have listened to his mother. She said I would never be any good.

Q. During your married life, was he employed?

A. Yes.

Q. Was he making a good salary?

A. He always made good money.

Q. He always told you, he didn't have enough money for clothes or medical care for you or the child, and he would expect the three of you to live on \$5.00 a week for groceries?

A. I got \$10.00 for two weeks to buy groceries. All my clothes were mostly what I had before I was married.

Q. When was the last time you saw your husband?

A. Last night, when we went up to see my baby.

Q. Do you know whether or not, he is in the military service?

A. No, he's not.

Helen Gelnett, being duly sworn according to law, deposes and says as follows:

By John B. Gates, Esquire:

Q. Mrs. Gelnett, you are the mother of Beverly Bensky?

A. Yes, I am.

Q. Your daughter said she visited with you a number of times, and when she visited with you, she had marks on her, which she said resulted from the mistreatment of her husband towards her?

A. That is true. I confronted her husband about them. He said he would swear on a stack of Bibles, he didn't put them there. I said they are your finger print marks, and he just denied it.

Q. Did you visit them when they were living in this hunting cabin?

A. Just once.

Q. Do you feel it was a fit place to live?

A. No. It was very small and just had walking room, and it was way back where a doctor would have a terrible time to get to if an emergency happened. You know how roads are to hunting camps. There was no running water. The water just dripped out of a spigot. They had rags wrapped around it, and had a very small sink. That is the only modern convenience. There was an outdoor toilet. One light.

Q. Did you provide your daughter with clothes?

A. Definitely. I have provided for both Barney Alan and her, and she has gotten a lot of her sister's clothes, and I paid her way back when she came up. I talked to her husband on the phone. He said he gave her \$20.00 to come up and come back, and she promised she would pay him back. I said was it necessary that she pay you back. He said she promised to pay it back.

Q. Do you know who was the cause of this separation?

A. Well, I don't think, to tell you the truth, that there was any love from the beginning. She was 17, and it started off 2 months after she was married. So, I don't think there was any love. I didn't want to interfere, and she would come home, and I would get her nerves settled back. I would pay her way back for the sake of Barney Alan. I thought it would last, when she became 21. I thought it was her decision to make, and that is why I sent her back, although it hurt.

Q. Mrs. Gelnett, you know of no agreement between your daughter and her husband, as to the bringing of this divorce action?

A. No.

Q. And to your knowledge, did she try to make a success of her marriage?

A. Yes. She was always a good girl. She taught Sunday School and Bible School, and was always a good girl.

There being no further testimony, the taking of testimony was closed.

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.

November 21, 1961