

DOCKET NO. 175

NUMBER	TERM	YEAR
538	November	1961

Betty Carey

VERSUS

Charles M. Carey

Clearfield County, ss:

The Commonwealth of Pennsylvania, to JOSEPH P. WORK, ESQUIRE

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

Betty Carey

Plaintiff ,

and Charles M. Carey

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 return a 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 7th day of March, in the year of our Lord one thousand nine hundred and Sixty-Two

Carl E. Walker
Prothonotary

To the Honorable, the Judge, &c.:

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

Joseph P. Work
COMMISSIONER.

No. 538 November Term. 19 61

Betty Carey

VERSUS

Charles M. Carey

COMMISSION

Bell, Silberblatt
& Swope Attorney.

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

Betty Carey :
vs. : No. 538 NOVEMBER TERM, 1961
Charles M. Carey :

DOCKET ENTRIES

JANUARY 23, 1962, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

January 25, 1962, deputized the Sheriff of Delaware County to serve Complaint in Divorce upon Charles M. Carey.

February 15, 1962, SHERIFF'S RETURN filed:

Served, CHARLES M. CAREY, the within named defendant by giving him personally at his place of employment, Wayne Railroad Station, Wayne, Delaware County, Pennsylvania, on February 8, 1962 at 11:30 A.M. E.S.T., a true and attested copy of the within complaint and making known to him the contents of the same. So answers Frank Mitarotonda, Deputy Sheriff.

Now, February 8, 1962, served the within Complaint in Divorce upon Charles M. Carey by deputizing the Sheriff of Delaware County, Pa. The return of the Sheriff of Delaware County, Pa., is hereto attached and made part of this return of service. So answers, James B. Reese, Sheriff.

NOW, March 3, 1962, By motion on the Watch Book, Joseph T. Work, Esquire is appointed Master to take testimony and report same with form of Decree. BY THE COURT, John J. Pentz, P.J.

Certified from the records this 7th day of March, 1962.

Carl E. Walker
Carl E. Walker

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY

v.

CHARLES M. CAREY

:
:
:
:
:

No. 538 November

Term, 1961

In Divorce

COMPLAINT

1. The name of the Plaintiff is Betty Carey and the name of the Defendant is, Charles M. Carey, both being adults.

2. The Plaintiff resides at 801 Good Street, Houtzdale, Clearfield County, Pennsylvania.

3. The Defendant is a citizen of the United States of America, and was last known to reside at King of Prussia Road, Radnor, Delaware County, Pennsylvania.

4. The Plaintiff has resided in the Commonwealth of Pennsylvania for 30 years and has been a bona fide resident of Clearfield County, Pennsylvania, for at least 30 days past.

5. The Plaintiff and Defendant were married on November 23, 1950 at Osceola Mills, Clearfield County, Pennsylvania.

6. 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.

7. The Plaintiff and Defendant have entered into no collusive arrangement regarding this action.

8. That neither of the parties has ever applied in this, or any other court for a divorce from the other party to the action, or for annulment of marriage.

9. There have been two children born to this marriage, as follows:

Charles E. Carey born
December 16, 1950

Brenda Mae Carey born
August 21, 1953

Both children are presently residing with the Plaintiff at 801 Good Street, Houtzdale, Pennsylvania.

10. The Plaintiff presently has custody of the above named children, and requests that the Court award her custody in this proceeding.

WHEREFORE, Plaintiff prays that she be granted a divorce a vinculo matrimonii from the bonds of matrimony between she and the Defendant.

Betty Carey
Betty Carey

BELL, SILBERBLATT & SWOOPE

by: Paul Silberblatt
Attorneys for Plaintiff

STATE OF PENNSYLVANIA :
 : SS:
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for said county, BETTY CAREY, the above named plaintiff, who being duly sworn, according to law, deposes and says that the facts contained in the foregoing Complaint are true and correct, to the best of her knowledge and belief, and that said complaint is not made out of levity, nor for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said complaint.

Betty Carey

Sworn and subscribed before me this

20th day of January, A.D. 1962.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

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

No. 538 Nov Term, 1961

BETTY CAREY

v.

CHARLES M. CAREY

COMPLAINT IN DIVORCE

to: Charles M. Carey
King of Prussia Road
Radnor, Pennsylvania

You are hereby notified
to plead within 20 days
from service of this
Complaint.

BELL, SIBERBLATT & SWOOPE

by: Caul Silberblatt
Attorneys for Plaintiff.

Clearfield, Pennsylvania

FILED	NOV 11 1961	CLERK
BELL, SIBERBLATT & SWOOPE		
ATTORNEYS AT LAW		
CLEARFIELD, PENNSYLVANIA		
316		

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

Betty Carey
vs
Charles M. Carey

No. 538 November Term, 1961

Complaint in Divorce

Sheriff Return

Now, January 25, 1962, I hereby deputize the Sheriff of Delaware County to serve this Complaint In Divorce upon Charles M. Carey.

Now, February 8, 1962, served the within Complaint in Divorce upon Charles M. Carey by deputizing the Sheriff of Delaware County, Pa. The return of the Sheriff of Delaware County, Pa. is hereto attached and made part Of this return. of service.

Costs. Sheriff Reese \$7.50
Sheriff Price \$10.30
(paid by Atty B, S, & S)

So Answers,

Sworn to before me this 15th
day of February A.D. 1962

Carl E Walker
Prothonotary

James B. Reese
James B. Reese
Sheriff

Served, CHARLES M. CAREY the within named defendant by giving
 to HIM personally at HIS place of ~~residence~~ employment Wayne Railroad
Station, Wayne Delaware Co., Pa., on February 8, 1962
 at 11:30 A. M. (E. ST.) a true and attested copy of the within complaint, and making known
 to him the contents of the same.

FRANK MITAROTONDA, DEPUTY SHERIFF

being duly sworn according to law says, that he

served CHARLES M. CAREY

the within named defendant, with a copy of the
 within complaint, in manner and form set forth
 in the above return and further says, that the
 person upon whom service was made as aforesaid,
 is the defendant named in the complaint, deponent

deriving his information from HIM

PERSONALLY

Sworn and subscribed to before me this

9th day of February

A. D. 1962

Frank Mitarotonda Notary Public

Media, Delaware County, Pa.
 My Commission Expires Jan. 7, 1963

So answer

Frank Mitarotonda
Deputy Sheriff.

John L. Fisher
Sheriff.

John L. Fisher
Chief Deputy Sheriff.

2/8/62

11:30
AM

Signed copy of writ personally
to Charles M. Carey at his
place of employment Wayne
Railroad Station Wayne, Pa.

Frank T. Titus

Jur. # 64825

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

NO. 538 Nov. Term 1961

BETTY CAREY

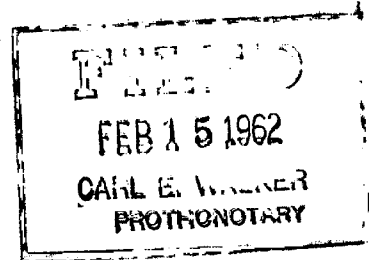
VS

CHARLES M. CAREY
King of Prussia Road
Radnor, Pa.

COMPLAINT IN DIVORCE

10.30 PM

1-26-62



Bell, Silberblatt & Swoope
Clearfield Trust Co. Bldg.
Clearfield, Penna.

8-P486

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY : No. 538 Nov. Term, 1961
VS. :
CHARLES M. CAREY : IN DIVORCE

MASTER'S NOTICE

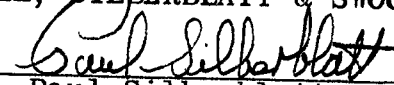
TO: Betty Carey
801 Good Street
Houtzdale, Penna.

You are hereby notified that I have been appointed Master in the divorce action of Betty Carey vs. Charles M. Carey, in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 538 November Term, 1961, and that I will hold a meeting for the purpose of taking testimony at the office of Smith, Smith & Work, Esqs., 101 North Second Street, Clearfield, Penna., on Saturday, April 7, at 10:00 o'clock A.M., when and where you may attend with witnesses, if you so desire.


Joseph P. Work, Master

Now, March 14, 1962, service of the above notice is accepted and personal service is waived.

BELL, SILBERBLATT & SWOOPE

BY 
Paul Silberblatt
Attorney for Plaintiff

Served, CHARLES M. CAREY the within named defendant by giving to HIM personally at place of residence employment Harley Cab Company King of Prussia Road, Radnor, Delaware Co., Pa., on April 4th, 1962 Master's Notice at 12:30 P.M. (E. S.T.) a true and attested copy of the within ~~complaint~~, and making known to him the contents of the same.

FRANK MITAROTONDA, DEPUTY SHERIFF being duly sworn according to law says, that he served CHARLES M. CAREY

the within named defendant, with a copy of the within Master's Notice, in manner and form set forth in the above return and further says, that the person upon whom service was made as aforesaid, is the defendant named in the complaint, deponent deriving his information from him

personally

Sworn and subscribed to before me this

4th day of April,

A. D. 19 62

Enbridge T. T. Trohey

Notary Public
Media, Delaware County, Pa.
My Commission Expires Jan 7, 1963

So answer

Frank Mitarotonda

Deputy Sheriff.

W. M. Miller

Sheriff.

John F. G. Smith

Chief Deputy Sheriff.

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

Betty Carey

No. 538 November Term, 1961

vs

Masters Notice

Charles M. Carey

Sheriff's Return

Now, March 13, 1962 Deputized the Sheriff of Delaware County to serve the within Master's Notice on Charles M. Carey.

Now, April 4, 1962 at 12:30PM served the within Master's Notice on Charles M. Carey by deputizing Delaware County. The return of service of W. Alrich Price, Sheriff of Delaware County is hereto attached and made part of this return of service.

Sheriff Reese \$7.50
Sheriff Price \$10.30
(Pd by Atty. Work)

So Answers,

James B. Reese

James B. Reese
Sheriff

Sworn before me this 5th
day of April A.D. 1961

Carl E. Walker

PROTHONOTARY

My Commission Expires
1st Monday Jan. 1966

Know all men by these presents, That I, James B. Reese

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of
Delaware County

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

Given under my hand and seal this 12th day of March

- A-D. 1962 -

James B. Reese Sheriff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY

VS.

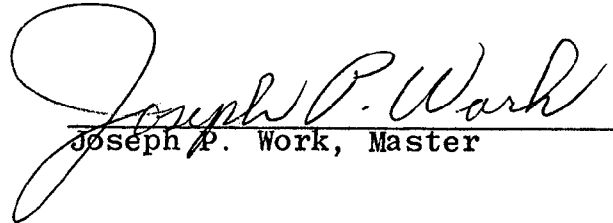
CHARLES M. CAREY

:
: No. 538 November Term, 1961
:
:
:

MASTER'S NOTICE

TO: Charles M. Carey
King of Prussia Road
Radnor, Pennsylvania

You are hereby notified that I have been appointed Master in the divorce action of Betty Carey vs. Charles M. Carey in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 538 November Term, 1961, and that I will hold a meeting for the purpose of taking testimony at the office of Smith, Smith & Work, Esqs., 101 North Second Street, Clearfield, Penna., on Saturday, April 7, at 10:00 o'clock A.M., when and where you may attend with witnesses, if you so desire.


Joseph P. Work, Master

RETURN

4/4/62

12:30
PM

Summed copy of what
to Charles Carey
personally at his place
of Employment Harley
Cab Co., King of Prussia Rd,
Radnor, Pa
Motor Honda

Invoice #65903
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 538 NOVEMBER TERM, 1961

BETTY CAREY

VS

CHARLES M. CAREY
KING OF PRUSSIA ROAD,
RADNOR, PENNA.

MASTER'S NOTICE

FILED 3/12/62

RET. - 4/7/62

10.30 PM

JOSEPH P. WORK, MASTER
JAMES B. REESE, SHERIFF
CLEARFIELD COUNTY,
PENNA.

9 - P120

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY

:

No. 538 Nov. Term, 1961

VS.

:

CHARLES M. CAREY

:

IN DIVORCE

MASTER'S PETITION FOR EXTENSION OF COMMISSION

(1). Your Petitioner is Joseph P. Work, a member of the Law Firm, Smith, Smith & Work, and also a member of the Bar of Clearfield County.

(2). By Commission dated the 7th., day of March, 1962, your Peitioner was appointed Master in the above captioned divorce to hold a hearing thereon and report his findings together with a form of decree.

(3). On March 14, 1962, your Petitioner served Notice on the Plaintiff in the action of a Master's Hearing to be held April 7, 1962, at 10:00 A.M.

(4). Also, on March 14, 1962, your Petitioner deposited with the Sheriff of Clearfield County Notice to the Defendant of the Master's Hearing together with instructions to transmit said notice to the Sheriff of Deleware County for service upon the Defendant.

(5). The Sheriff of Clearfield County on March 16, 1962 deputized the Sheriff of Deleware County to make service of the Defendant and to make a return thereto.

(6). Your Petitioner is now advised by the Sheriff of Clearfield County that service was not made upon the Defendant until the 4th., day of April, 1962.

(7). Under the rules of practice of the Local Court the Defendant is entitled to 15 days notice of the time set for Master's Hearing and due to the failure of the Sheriff of Delaware County to make service upon the Defendant, he does not have 15 days notice of the hearing which was scheduled for April 7th.

(8). It is now necessary for the Master to postpone the hearing scheduled for April 7, until a date which will fall 15 days from the date of actual service upon the Defendant and it shall also be necessary for the Master to serve additional notice on the Defendant of the time for postponed hearing or until such time as the Master may obtain from the Defendant a Waiver of the required time.

WHEREFOR, your Petitioner prays an Order of your Honorable Court extending the commission of your Petitioner for an additional 30 days or until the 7th., day of May, 1962.

And I will ever pray


Joseph P. Work

STATE OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD :

JOSEPH P. WORK, 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.

Joseph P. Work

Sworn to and subscribed

before me this 5th day

of April, 1962.

Mrs. Mildred B. Gougher

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY

VS.

CHARLES M. CAREY

NO. 538 Nov. Term, 1961

IN DIVORCE

ORDER

AND, Now this 5th day of April, 1962, the foregoing Petition having been presented and it appearing to the Court that the Petitioner cannot fulfill his Commission within the time allotted thereto, it is, therefore, hereby ordered, adjudged and decreed that the commission of Joseph P. Work is extended for an additional 30 days and that he shall have until the 7th., day of May, 1962, to exercise his commission with reference to the above captioned matter.

BY THE COURT

P. J.

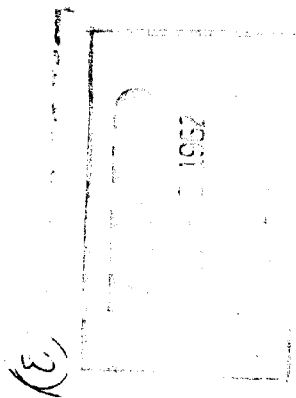
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA

BETTY CAREY

VS.

CHARLES M. CAREY

O R D E R



SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY

VS.

CHARLES M. CAREY

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:

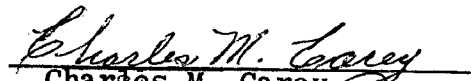
No. 583

November Term, 1961

IN DIVORCE

WAIVER OF 15 DAY NOTICE OF MASTER'S HEARING

I CHARLES M. CAREY, the Defendant named in the above action, do hereby waive the time requirement of 15 days notice of Master's Hearing and do hereby consent to the holding of said hearing on April 7, 1962, and do hereby waive any and all rights which I may have by reason of not receiving the said Master's notice on such time as to give me the 15 days notice as required by the Court rules.


Charles M. Carey

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA

BETTY CAREY

VS.

CHARLES M. CAREY

WAIVER OF 15 DAY NOTICE OF
MASTER'S HEARING

SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Lap-over Margin

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

BETTY CAREY	}	Of	November	Term, 19	61	
		No.	538			
VERSUS						
CHARLES M. CAREY						

DIVORCE

And Now, the 20 day of April 1962, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Betty Carey be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between ~~himself~~ ^{herself} and Charles M. Carey.
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 Betty Carey
_____ ^{his}
_{her} costs expended in this action.

ATTEST

BY THE COURT

Prothonotary

President Judge

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

No. 538 November Term 19 61

BETTY CAREY

Libellant

VERSUS

CHARLES M. CAREY

Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY :
VS. : No. 538 November Term, 1961
IN DIVORCE
CHARLES M. CAREY :

TESTIMONY TAKEN AT HEARING BEFORE THE
MASTER, JOSEPH P. WORK, ESQ. ON
SATURDAY, APRIL 7, 1962, AT 10:00 A.M.
AT THE OFFICE OF SMITH, SMITH & WORK
101 NORTH SECOND STREET, CLEARFIELD, PA.

APPEARANCES: Betty Carey, the Plaintiff, Mrs. Kathleen S. Rebar and Mr. Edward Carey, witnesses for the Plaintiff. Charles M. Carey, the Defendant, being served by personal service on the 4th., day of April, 1962, does not appear in person or by Counsel, and waives 15 days notice.

BETTY CAREY, being duly sworn, testified as follows:

BY MR. SILBERBLATT:

Q. Your name is Betty Carey?

A. That is right.

Q. You are the Plaintiff in this action in divorce?

A. Yes.

Q. Mrs. Carey, where do you live?

A. 801 Good Street, Houtzdale, Pennsylvania.

Q. How long have you lived in Clearfield County?

A. All of my life.

Q. How old are you?

A. 30.

Q. How old is your husband?

A. 29.

Q. Mrs. Carey, when were you married?

A. November 23, 1950.

Q. Where were you married?

A. Osceola Mills, in the Methodist Church.

Q. By whom?

A. By Reverend Duvall.

Q. What is your present occupation?

A. I work for Sylvania in Altoona.

Q. Do you know what your husband's occupation is?

A. He drives a taxi.

Q. Where does he -

A. Radnor, Pennsylvania, near Philadelphia.

Q. Is that in Delaware County?

A. Yes.

Q. Is he presently living there?

A. Yes.

Q. For how long of a period?

A. Two years, it will be two years in May.

Q. Mrs. Carey, have any children been born to this marriage?

A. Yes, two.

Q.. The oldest one is?

A. Eleven.

Q. What is his name?

A. Charles Edward Carey?

Q. When was he born?

A. December 16, 1950.

Q. The Youngest?

A. Brenda Mae is eight, she was born August 21, 1953.

Q. With whom do the children reside?

A. With me.

Q. Have they always resided with you?

A. Yes.

Q. Mrs. Carey, after you and your husband were first married, where did you take up housekeeping?

A. Where I live now.

Q. That is 801 Good Street in Houtzdale?

A. That is right.

Q. Have you resided there continuously since the date of your marriage?

A. Yes.

Q.. When you were first married, how did you and your husband get along?

A. Fine for about the first three years.

Q. That would bring you up to about the time your youngest child was born?

A. That is right.

Q. Did your marital conditions improve or get worse after that?

A. Get worse.

Q. What caused these conditions to deteriorate?

A. Well, he would go out and stay out half of the night, and sometimes all the night until 5:00 or 6:00 o'clock in the morning.

Q. When he would go out, would you accompany him?

A. No.

Q. Where did you stay?

A. Home with the kids.

Q. Did your husband say to you where he was going?

A. He always said with the boys.

Q. Did you have any reason to suspect that he was not always going out with the boys?

A. I certainly did.

Q. Will you tell the Master the reason for your suspicions?

A. Well, there was lipstick on his shirt collars and his handkerchiefs, and one particular time I found a tube of lipstick in the car and it was not mine.

Q. You said your husband started to go out and stay out till all hours of the night, how many times on the average did he stay out each week?

A. Four or five nights a week.

Q. Did this average of four or five nights a week starting approximately three years after your marriage?

A. Yes it did.

Q. Did he get to a point where he was going out more than four or five times a week?

A. Yes, some weeks, but I would say on the average four or five nights.

Q. Did you ask your husband about it?

A. Yes I did.

- Q. Did he offer you any explanation?
- A. He always said he was going out with the boys.
- Q. Did you ever accuse him of going out with any other women?
- A. Yes, I did.
- Q. Did he admit or deny this?
- A. He didn't say either way.
- Q. Did you ever see your husband with any other woman?
- A. Yes I did.
- Q. Where?
- A. Here in Clearfield.
- Q. Approximately when was that?
- A. That was in about 1955 or 1956, I'm not sure.
- Q. Do you recall whether it was in the summer time or winter?
- A. Fall.
- Q. Where did you see your husband?
- A. On the street here in a car.
- Q. He was in a car, was it his car?
- A. Yes, it was our car.
- Q. Was there a woman in the car with him?
- A. Yes.
- Q. Did your husband see you?
- A. Yes.
- Q. Did he stop or say anything to you?
- A. Yes, he didn't like that I caught him, I guess.
- Q. Did you ask him about it later on in Houtzdale? What did he say?
- A. Well, he would never take her out again.
- Q. That is what he told you?
- A. That is what he told me.
- Q. Do you know whether or not he ever took this woman out again?
- A. I never saw him with her.

Q. Did he continue to go out?

A. Yes.

Q. Did you continue to see such evidence as lipstick on his shirt collar and lipstick on his handkerchief?

A. Yes I did.

Q. Did your husband ever hit you, Mrs. Carey?

A. Yes he did.

Q. When did he first hit you as you recall?

A. A few times when I accused him of going out with other women.

Q. Did he hit you with his open hand or his closed fist?

A. I couldn't say. I know I got a black eye from it.

Q. Mrs. Carey, how tall is your husband?

A. 6' 1''

Q. About how much does he weigh?

A. About 200 pounds.

Q. How tall are you?

A. 5' 2''

Q. Approximately how much do you weigh?

A. 110

Q. Your husband weighs about 90 pounds more than you?

A. Yes.

Q. When he would hit you on what part of your body would he hit you?

A. On the arms or in the ribs, or wherever he would get a swing.

Q. Did it ever cause you to fall down or fall over anything?

A. Yes.

Q. Will you tell the Master how that happened?

A. I fell down stair steps once.

Q. Was that a result of your husbands swinging at you and hitting you?

A. Yes.

Q. Did you ever fall over pieces of furniture or against the wall?

A. I fell over a chair when I was pregnant with my little girl.

Q. This fall was a result of his hitting you?

A. Yes.

Q. You don't know if he hit you with his closed fist or open hand?

A. No, I don't.

Q. The force of the blow was sufficient to cause you to lose your balance?

A. Yes.

Q. Did it ever leave any marks on your body?

A. Yes.

Q. Were they black and blue marks?

A. Yes.

Q. Did anyone besides yourself ever see these marks?

A. Yes.

Q. Who?

A. My brother-in-law.

Q. Is he here as a witness?

A. Yes he is.

Q. You stated that your husband had once given you a black eye?

A. Yes.

Q. Why did he do that?

A. He accused me of seeing a lawyer.

Q. Had you in fact consulted an attorney?

A. No, I had no intentions of consulting a lawyer at the time.

Q. Mrs. Carey, during the time that you and your husband lived together, were you employed?

A. Yes I was.

Q. Did you always manage to bring home a salary check?

A. Yes.

Q. During this same period of time was your husband employed?

A. No.

Q. Did you give him any of your money?

A. Yes.

Q. Did he ask you for it?

A. Yes.

Q. Did he take it?

A. Yes.

Q. Did he sometimes take it without your knowledge?

A. Many times.

Q. Did you continue to pay for some of the household expenses?

A. All of them.

Q. Including the expenses of the children?

A. That is right.

Q. The food?

A. That is right?

Q. Do you own or rent?

A. Rent.

Q. Do you pay for the rent?

A. That is right.

Q. Did your husband ever offer to pay of these expenses during the period he was working?

A. Yes, he gave me money when he was working.

Q. Is your husband presently living with you?

A. No, he is not.

Q. When did he leave?

A. May of 1960.

Q. For what purpose did he leave?

A. For a job.

Q. Did he tell you where he was going to go?

A. Yes, he told me Philadelphia.

Q. Did he get a job there?

A. Yes.

Q. Since May of 1960, when your husband left, has he been back at all to visit your

A. Yes he has been here three times.

Q. When was the last time?

A. In September of this year?

Q. This year?

A. I mean 1961.

Q. Has he written to you?

A. No.

Q. Has he written to the children?

A. No.

Q. Has he bothered to send the children any presents?

A. No.

Q. Were there presents for their birthday?

A. No.

Q. For Christmas?

A. No.

Q. For any other holiday?

A. No.

Q. Did you receive any support from your husband since he left you approximately three years ago?

A. \$350,000.

Q. That is the total amount of support he has given you in the last, approximately 23 months?

A. That is right.

Q. Has he told you why he hasn't given you more?

A. No.

Q. Did your husband ever swear at you?

A. Yes, many times.

Q. Was there any reason for him to swear at you?

A. I don't think there was.

Q. What did he call you?

A. A son-of-a-bitch lots of times, most of the time.

Q. Were there any other expressions he used?

A. That mostly.

Q. Did he swear at you with any degree of regularity?

A. Well, pretty often I would say, too often.

Q. Mrs. Carey, has he ever swore at you or hit you in front of other people?

A. He has embarrassed me in front of other people, but he never hit me in front of anyone.

Q. Did it come to your knowledge that your husband was going out with other women?

A. Lots of people told me.

Q. They would tell you they saw your husband with other women?

A. Yes.

Q. How did this affect you?

A. It embarrassed me and made me nervous.

Q. Did it humiliate you?

A. Very much.

Q. Did you try to be a good wife?

A. I tried.

Q. Do you think there is any reason why your husband started this course of conduct toward you?

A. No, I can't.

Q. Is there any agreement between your husband and yourself toward this divorce action?

A. No.

Q. You have not seen your husband since last September?

A. No.

Q. It is to your knowledge that your husband is in the Military Service?

A. No he isn't

Q. Has he ever?

A. No.

Q. Do you know what his draft status is?

A. No I don't.

BY THE MASTER:

Q. Mrs. Carey, on these three occasions when your husband returned to your home in Clearfield County, on any of those occasions did he ever offer to have you come live with him and make a home for you.

A. No, he didn't.

BY MR. SILBERBLATT:

Q. Mrs. Carey, when your husband left in May of 1962, was it your understanding that he was going to try to get a job?

A. Yes.

Q. Was it your impression that once he got a job he would make you arrangements to join him?

A. I thought he would.

Q. At that time were you ready to join him when he got his job?

A. Yes I was.

Q. But, as the Master has asked you, he has never requested you to join him.

A. No.

Q. You have continued to work for the Sylvania plant in Altoona?

A. That is right.

MRS. KATHLEEN S. REBAR, being duly sworn, testified as follows:

Q. Mrs. Rebar, you live in Houtzdale?

A. Yes.

Q. Are you related to the Defendant, Charles M. Carey?

A. Yes I am.

Q. Have you known his wife, Betty Carey, since their marriage?

A. Yes.

Q. How close do you live to Betty Carey?

A. About two blocks.

Q. During the period of their marriage from November 23, 1950 have you had occasion to visit this house and be with your brother and sister-in-law?

A. Yes.

Q. Were you with your sister-in-law the time she saw your brother with another woman in Clearfield?

A. Yes.

Q. Were you ever at their house when your brother has abused your sister-in-law?

A. No.

Q. Have you ever heard him swear at her?

A. No, I can't say I have.

Q. Did it come to your attention that your brother was going out with other women?

A. Yes.

Q. Was this the common knowledge within the general area of Houtzdale?

A. Yes.

Q. Did you know how this affected your sister-in-law?

A. Yes.

Q. How did it?

A. She worried about it all of the time.

Q. In your opinion has Betty Carey been a good wife?

A. Wonderful.

Q. Has she been a good mother?

A. A very good mother.

Q. Has she provided for the children?

A. Yes.

Q. Kept the house clean?

A. Yes.

Q. And done all the duties that a wife is expected to do? Do you know of any reason why your brother has acted the way he has toward his wife?

A. No. He is a very determined person, set in his ways.

Q. Did you ever see any marks on your sister-in-law's body?

A. No.

MR. EDWARD CAREY, being duly sworn testified as follows:

Q. Mr. Carey, you live in Houtzdale?

A. I do.

Q. The Defendant is Charles Carey, your brother?

A. That is right.

Q. Did it come to your attention through talk of the Community that during the time your brother was living at Houtzdale with his wife that he was going out with other women?

A. Yes.

Q. Did you ever see your brother out with another woman?

A. Once.

Q. Where was this?

A. At a horse show in Morrisdale.

Q. Did you ever see any lipstick on your brother's shirts or on his handkerchiefs or any of that type of evidence?

A. I have.

Q. Do you know whether that lipstick came from his wife or from other women?

A. I would say other women.

Q. Did you ever see any marks on your sister-in-laws body which had been inflicted by her husband, what were those marks?

A. I have seen her carry a black eye, and I have seen black and blue marks on her arms.

Q. Did you ever hear your brother curse at his wife?

A. I have.

Q. It has been testified to by Betty Carey what her husband had called her, was that correct?

A. Yes.

Q. Do you know of any reason why he acted this way towards his wife?

A. No reason at all.

Q. To your knowledge did she try to be a good wife?

A. The best.

Q. Did she provide for herself, her husband and her children during the period of time he was living there?

A. She did.

Q. Is she still taking care of the children?

A. She is doing a good job of it, wonderful.

Q. Do you know of any agreement between your brother and his wife as to the bringing of this divorce action?

A. No.

Q. Was there anything that you feel your sister-in-law did which gave her husband any reason to act in the manner in which he did toward her?

A. No.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BETTY CAREY :
VS. : No. 538 Nov. Term, 1961
CHARLES M. CAREY : IN DIVORCE

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

The undersigned Master, appointed by the Court to take the testimony and report the same with form of Decree, respectfully reports as follows:

S C H E D U L E

1. The Complaint in Divorce: Presented and filed on January 23, 1962.
2. Service of the Complaint: Service of the Complaint was made upon the Defendant by the Sheriff of Delaware County handing to him a true and attested copy of the Complaint on February 8, 1962 at 11:30 A.M.E.S.T., at his place of employment, Wayne Railroad Station, Wayne, Pennsylvania.
3. Appointment of Master: Joseph P. Work was appointed Master on March 3, 1962.
4. Date and Place Fixed for Hearing: Hearing on this case was scheduled and took place at 10:00 A.M. on April 7, 1962, at the office of the Master, 101 North Second Street, Clearfield, Pennsylvania. The Defendant did not appear in person or by counsel at the time and place scheduled for hearing, and waives 15 days notice.
5. Notice of Master's Hearing: Notice of Master's Hearing was served on the Defendant by the Sheriff of Delaware County on April 4, 1962, having waived the required 15 days notice.

6. Master's Hearing: Held at the time and place afore-said. Paul Silberblatt, Esq., appeared for the Plaintiff. The Plaintiff appeared in person and with the following witnesses:- Mrs. Kathleen Rebar and Mr. Edward Carey. The Defendant did not appear and was not represented by counsel and waives 15 days notice.

CAUSE OF DIVORCE

Indignities to the Person.

FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married by a Methodist Minister on November 23, 1950 in Osceola Mills, Pennsylvania.

2. Residence and Citizenship: The Plaintiff and Defendant are citizens of the United States. At the time of the hearing, the Plaintiff was residing at 801 Good Street, Houtzdale, Pennsylvania, and the Defendant was residing at King of Prussia Road, Radnor, Pennsylvania.

3. Ages and Occupation: The Plaintiff is 30 years old and is employed at the Sylvania Plant in Altoona. The Defendant is 29 years of age and is employed as a taxi driver.

4. Children: Two. Charles E. Carey born December 16, 1950 and Brenda Mae Carey Born August 21, 1953.

5. Armed Forces: The Defendant is not a member of any branch of the Armed Forces of the United States of America.

6. Findings on the Merits: The grounds for divorce alleged in the Complaint were Indignities to the Person:

(a). Commencing on or about the 21st., day of August, 1953, up to and including the day of the Defendants departure, in May of 1960 the Plaintiff had been

subject to a course of treatment by the Defendant which was humiliating and which manifested a settled hate and estrangement on the part of the Defendant toward the Plaintiff.

(b). Although the Defendant and the Plaintiff have not lived together since May of 1960, the conduct of the Defendant was and continues to be a course of conduct which causes humiliation and embarrassment to the Plaintiff and manifests a continuing hate and estrangement toward her.

(c). The Defendant did for a period beginning on August of 1953 and did so continue up until the time of the parties separation in May of 1960, keep the company of members of the opposite sex, which conduct was a source of constant humiliation and embarrassment to the Plaintiff.

(d). The general course of Defendant's conduct toward the Plaintiff has been degrading and humiliating, and has affected the Plaintiff's mental and physical wellbeing.

(e). The conduct of the Defendant was more than sufficient to lead to suspicions of promiscuous behavior and his other general conduct was such as to be indicative of a settled hate and estrangement on his part toward the Plaintiff.

(f). The Plaintiff has at all times been a good and faithful wife.

(g). The conduct of the Defendant has not been condoned by the wife Plaintiff and she has ceased to live with the Defendant because of such conduct.

(h). This divorce proceeding was not the result of collusion between the Plaintiff and the Defendant.

DISCUSSION

The Plaintiff and her witnesses, which it should hereby be noted are the brother and sister of the Defendant in action, have testified to a course of conduct beginning at about the time of the birth of the parties second child and did continue through the course of the marriage of the parties up until their separation in May of 1960, on the premise that the Defendant was to obtain employment in the Philadelphia area, at which place the Plaintiff was suppose to join him, which conduct over this period was a source of constant indignities to the Plaintiff. In addition, the Plaintiff and her witnesses have testified to a course of cruel treatment of the Plaintiff by the Defendant husband and have also established in effect a desertion of the Plaintiff by the Defendant husband. While there is not sufficient evidence upon which a divorce could be granted on the grounds of desertion and likewise the statutory time has not elapsed for the granting of divorce upon such cause, and on the other hand while there is undoubtedly sufficient testimony to establish cruelty on the part of the said Defendant husband. The only grounds of divorce as alledged in the Complaint are those in indignities and, therefore, the Master bases the balance of his findings upon that cause of divorce.

The Plaintiff and her witnesses have all testified to a course of conduct which was evidence of a settled hate and estrangement on the part of the defendant husband toward the Plaintiff wife. It became equally clear from the testimony of the Plaintiff and her witnesses that the Defendant was not in the least concerned with the shame and humiliation which his conduct brought upon the Plaintiff.

While of necessity the Master must consider the fact that the Defendant husband has returned to the marital domicile on three different occasions, since the parties separation in May of 1960, the testimony is to the effect that these visits were only for weekends and that the Plaintiff at such times permitted the visits for the purpose of the Defendant seeing his children. While naturally the effect of such visits have been considered, it is the Master's opinion that the testimony adduced on examination of the Plaintiff and her witnesses as to the over all course of conduct of the Defendant and the purposes which the Defendant was permitted to visit the Plaintiff's home that such visits do not in any way condone the conduct of the Defendant and that, therefore, the Plaintiff has averred and proves by competent, clear and convincing evidence a course of conduct based upon indignities to the person from the date of August 31, 1953 until the present date, the Defendant husband has brought such shame and humiliation upon the Plaintiff such as to render her condition intolerable and her life burdensome.

The Master has also considered the time period involved over which the course of conduct has taken place and also the fact that this Complaint was not brought for a period of nearly two years after the occurrence of the last recited event. It is the opinion of the Master that the Plaintiff wife is not to be penalized because of the fact that she happened to be a long suffering wife, and perhaps bore the shame of the conduct on the part of her husband for a longer period than some for the purposes of maintaining her home for the sake of her children.

Therefore, while the time period has been taken into consideration over the facts as testified to by the Plaintiff and her witnesses. The Master feels that the time involved has no bearing upon the cause of divorce as set forth in the Plaintiff's Complaint.

There is ample evidence in the testimony to support the finding that from the 21st., day of August, 1953, the Defendant has:

- (1). So consorted with members of the opposite sex such as to raise grave suspicions of promiscuous behavior.
- (2). Brought shame and disrepute upon the Plaintiff by his behavior with members of the opposite sex and by his course of conduct toward the Plaintiff.
- (3). Caused the Plaintiff shame and humiliation and physical suffering because of such conduct.

While as has been previously mentioned herein, the facts of the visits of the Defendant to the Plaintiff may be considered as evidencing at least a partial reconciliation. It is herein pointed out that reconciliation is merely a factor to consider in determining whether the conduct both before and after was such as to make the marital status intolerable. Nixon vs. Nixon, 329, Pa. 256.

It is the opinion of the Master that in considering all of the evidence here produced and assigning the proper weight to each of the matters alluded to in the testimony, that the conduct of the husband was a course of conduct amounting to indignities. It is now the settled law of Pennsylvania that conduct by a Defendant spouse with respect to members of the opposite sex even though insufficient to support a charge of adultery may be considered a form of personal indignities to the innocent and injured spouse rendering his or her condition intolerable and life burdensome. Lowe vs. Lowe 1486 Superior 449 (1942); Wick vs. Wick 352 Penna. 25 (1945); Wilson vs. Wilson 163 Pa. Superior 546 (1949).

The Defendants course of conduct has been such as to demonstrate a settled hate and estrangement for the Plaintiff wife and that conduct has made her life intolerable and burdensome. This course of conduct amounts to indignities. Davis vs. Davis 180 Pa. Superior 404 (1956).

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter and the parties.

2. Defendant is guilty of indignities to the person of the Plaintiff, rendering her condition intolerable and life burdensome, contrary to Subsection 1 (f) of the Act of May 2, 1929, P.L. 1237, Section 10, 21 P.S. 10.

3. The proceedings conform to the rules of court and requirements of law.

4. Plaintiff is an innocent and injured spouse.

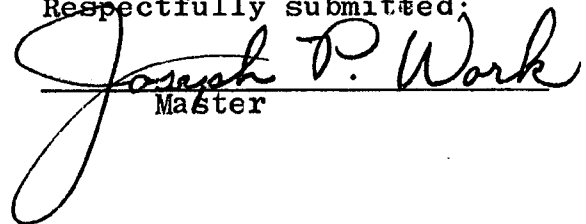
5. This divorce proceeding was not the result of collusion between the Plaintiff and Defendant.

6. Plaintiff has proved cause for divorce based on the grounds of indignities to the person.

RECOMMENDATION

The Master recommends a Decree granting Betty Carey a divorce a vinculo matrimonii from Charles M. Carey; form of Decree is attached hereto.

Respectfully submitted:


Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN- SYLVANIA NO. 538 NOV. Term, 1961	
BETTY CAREY VS. CHARLES M. CAREY	
MASTER'S REPORT	
UNCONTESTED Master's Fee \$85.00	<div data-bbox="954 1483 1169 1833" data-label="Text"> <p>FILED APR 10 1962 CLEARFIELD PA.</p> </div> <div data-bbox="1318 1483 1417 1860" data-label="Text"> <p>SMITH, SMITH & WORK ATTORNEYS-AT-LAW CLEARFIELD, PA.</p> </div>

Now April 13, 1962 - Notice of Filing & Masters Report accepted & time waived.

*Boyle, Schaeffer & Swartz
139 Court Street
Clearfield, Pa.*