

DOCKET NO. 173

NUMBER TERM YEAR

544 February 1961

Sarah E. Heitsenrether

VERSUS

William M. Heitsenrether

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 544 February Term 1961 IN DIVORCE	
SARAH E. HEITSENRETH,ER, Plaintiff	
VS.	
WILLIAM M. HEITSENRETH,ER, Defendant	
UNCONTESTED	
<u>MASTER'S REPORT</u>	
COSTS	
Master's fee	\$85.00
Service of notice of master's hearing	9.70
TOTAL	\$94.70
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> FILED OCT 25 1961 WM. T. HAGERTY PROTHONOTARY </div> <div style="margin-top: 10px;"> LAW OFFICES PERKINS AMMERMAN & BLAKLEY PERKINS AMMERMAN & BLAKLEY Clearfield, Pennsylvania </div>	

And now, Oct. 24, 1961, notice of the presentation
 of the within Report is hereby accepted & time waived
 Bell, Schellert & Hooks
 by M. L. Schellert
 atty. for Plaintiff

Clearfield County, ss:

The Commonwealth of Pennsylvania, to DAVID S. AMMERMAN, 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

SARAH E. HEITSENRETH Plaintiff ,
and

WILLIAM M. HEITSENRETH 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 22nd day of September, 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.

David S. Ammerman
COMMISSIONER.

No. 544 February Term. 1961

Sarah E. Heitsenrether

VERSUS

William M. Heitsenrether

COMMISSION

Swoope ,
Bell, Silberblatt & Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SARAH E. HEITSENRETH	:	No. 544 February Term, 1961
	:	
	:	IN DIVORCE:
vs	:	
	:	
WILLIAM M. HEITSENRETH	:	
	:	

DOCKET ENTRIES

APRIL 21, 1961, COMPLAINT IN DIVORCE filed: One copy certified to the Sheriff.

APRIL 28, 1961, SHERIFF'S RETURN filed: NOW, April 26, 1961, at 6:55 o'clock P.M. served the within Complaint In Divorce on William M. Heitsenrether, R.D. Curwensville, Pa., by handing to William M. Heitsenrether at place of residence R.D., Curwensville, Pa., personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof. So answers, Charles G. Ammerman, Sheriff.

AND NOW, September 21, 1961, by motion on the watch-book, David S. Ammerman, Attorney, is appointed Master to take the testimony and report the same with form of Decree.

Certified from the record this 22nd day of September, 1961

Wm T. Hagerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SARAH E. HEITSENRETH	(
)	No. 544 February Term 1961
VS.	(
)	IN DIVORCE
WILLIAM M. HEITSENRETH	(

REPORT OF MASTER IN DIVORCE

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

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

I

SCHEDULE

- | | | |
|-----|--------------------|---|
| (1) | April 21, 1961 | Complaint in Divorce filed. |
| (2) | April 26, 1961 | Complaint personally served on the defendant, William M. Heitsenrether, by the Sheriff of Clearfield County. |
| (3) | April 28, 1961 | Sheriff's return filed. |
| (4) | September 21, 1961 | By motion on the Watch Book, David S. Ammerman, Attorney, appointed Master. |
| (5) | September 22, 1961 | Commission issued to David S. Ammerman, Attorney, as Master. |
| (6) | September 26, 1961 | The Master's Hearing was fixed for Monday, October 16, 1961 at 10:30 A.M. in the office of Ammerman & Blakley, Clearfield Trust Company Building, Clearfield, Pennsylvania. |
| (7) | September 27, 1961 | Service of Notice of Master's Hearing accepted by Morris Silberblatt, Esquire, counsel of record for the Plaintiff. |
| (8) | September 30, 1961 | Sheriff of Clearfield County personally served the defendant, William M. Heitsenrether, with the Notice of Master's Hearing. |

SARAH E. HEITSENRETH
Plaintiff
vs.
WILLIAM M. HEITSENRETH
Defendant

In the Court of Common Pleas,
of Clearfield County, Pennsylvania,
No. 544 Feb Term 1961.

Complaint in Divorce

- 1 (a) The name of the plaintiff is Sarah E. Heitsenrether.
(b) The name of the defendant is William M. Heitsenrether.
- 2 The plaintiff resides at 214 Rear Susquehanna Avenue, Curwensville, Penna.
- 3 (a) The defendant is a citizen of United States of America, and resides in Pike Township, Curwensville R. D. #1, Pennsylvania.
~~and was last known to reside at~~
~~(b) The plaintiff has no knowledge as to the whereabons and last known address of said defendant.~~
- 4 The plaintiff has resided in the Commonwealth of Pennsylvania for 54 years, and has been a bona fide resident of Clearfield County, Pennsylvania for ~~and for 30 days past~~ 54 years.
- 5 The plaintiff and defendant were married on Aug. 12, 1926, at Clearfield, Penna. by Reverend Armstrong, a Methodist minister.
- 6 The defendant has:
~~(a) By cruel and barbarous treatment, and danger to the life of the plaintiff who is the injured and innocent spouse.~~
(b) 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.
~~(c) Committed adultery and malicions desertion, and absence from the habitation of the plaintiff who is the injured and innocent spouse, without reasonable cause, for and during the term and space of two years.~~
~~(d) Committed adultery~~
- 7 That the plaintiff and defendant have entered into no collusive arrangement regarding this action.
- 8 That neither of the parties, plaintiff or defendant, has ever applied in this or any other court for a divorce from the other party to the action, or for annulment of marriage. (If so, state when and in what court and place, and to what number and term the action was brought, and the result of such action.)
- 9 There were four children born to this marriage:
Ruth Heitsenrether, 30 Mildred O'Laughlin, 25
Olanta, Pennsylvania Lockport, New York
Dorothy Fresch, 28 Mae Heitsenrether, 23, lives with father
Lockport, New York Curwensville R. D. #1, Pennsylvania
WHEREFORE, plaintiff respectfully prays that a decree of this Honorable Court may be made for the

divorcing and separating of the said William M. Heitsenrether, defendant, from plaintiff's society, fellowship and company for all time to come, and the said plaintiff from the marriage bond aforesaid, as if they had never been married, or as if the said defendant were naturally dead, and Plaintiff prays for a divorce a vinculo matrimonii from the Defendant.

Commonwealth of Pennsylvania,

County of Clearfield } ss.

Bell, Gilbert & Surke
E. M. Gilbert
(Atty. for Plaintiff)



Personally appeared before me, a Notary Public, in and for said county, Sarah E. Heitsenrether, the above named plaintiff, who being duly sworn, according to law, deposes and says that the facts contained in the above complaint are true and correct, to the best of his/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.

Sworn and subscribed before me this

19 day of April, A.D. 1961

Notary Public
PROTHONOTARY
Commission Expires
1st Monday Jan. 1962



[illegible]

and never been married or as if she had been married were admitted to the same rights and privileges as if they had been married for all time to come; and the said children from the marriage of said deceased shall be entitled to the same rights and privileges as if they had been born in wedlock.

MANEVELOKE bismah mabesamija biala mrah a-gasite of mrah Honeleapio Coma mrah. pe mrah for mrah

In the Court of Common Pleas of
"Clearfield" County, Pennsylvania
No. 544 Feb Term, 1961
SARAH E. HEITSENRETH
versus
WILLIAM M. HEITSENRETH
Complaint in Divorce
To: William M. Heitsenrather
Defendant
FILED
APR 21 1961
WM. T. HAGERTY
You are hereby notified to plead within
20 days from service of this Complaint.
Bell, Alchabatt Smith
G.M.-J. Alchabatt
Address _____ Plaintiff's Attorney
150 N. 1st St.

(p) Offered such indignities to the person of the plaintiff who is the injured and innocent spouse, as to spouse:

(S) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

6. The defendant has:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

8 The plaintiff and defendant were married on 11th July 1955 at St. Mary's Church, London.

is now the resident of [redacted] County, Pennsylvania for a [redacted] period of [redacted] years and has resided in the Commonwealth of Pennsylvania for [redacted] years and has been

(c) ~~THESE DOCUMENTS CONTAIN INFORMATION THAT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE FOLLOWING~~

[illegible]

3 (5) The defendant is a citizen of [redacted] and [redacted] and is [redacted] in [redacted]

5 The business license of the 1906 Gladys Hill Hotel, located at 1111 1/2

(p) The name of the defendant is [REDACTED] b7C, b7D, 10/2/71

(g) The name of the business is AMERICAN HOTEL and is located at 1000 14th St. N.W.

CONGRUUM IN PROPO

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~~SECRET~~

OF THE UNITED STATES OF AMERICA

IN THE COURT OF COMMON PLEAS

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

Sarah M Heitsenrether

No 544 Feb Term 1961

vs

William M Heitsenrether

Complaint In Divorce

(Sheriff,s Return)

Now. April 26, 1961 at 6:55 O'Clock P.M. served the within Complaint In Divorce On William M Heisenrether. Rd, Curwensville, Pa. by handing to William M Heitsenrether at place of Residence Rd, Curwensville, Pa, personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof.

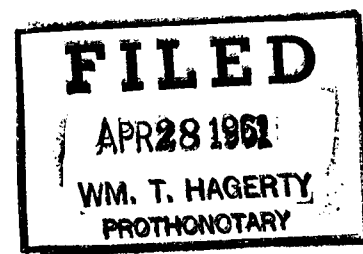
Costs Sheriff Ammerman \$10.00
(Paid By Attys B S. S.)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 27th
day of April 1961. A.D.

Wm T. Hagerty
Prothonotary.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SARAH E. HEITSENRETH)
 (No. 544 February Term 1961
VS.)
 (
WILLIAM M. HEITSENRETH) IN DIVORCE

NOTICE OF MASTER'S HEARING

TO: Sarah E. Heitsenrether
214 Rear Susquehanna Avenue
Curwensville, Pennsylvania

You are hereby notified that I have been appointed Master to take the testimony in the above entitled divorce action and to report the same to the Court; and that I will hold a hearing for the purpose of my appointment on Monday, October 16, 1961 at 10:30 A.M. in the office of Ammerman & Blakley on the fourth floor of the Clearfield Trust Company Building in Clearfield, Pennsylvania at which time and place you may appear and be heard.

Bar Kinnema
Master

NOW, September 27, 1961 service of Notice of Master's Hearing in the above entitled divorce case is hereby accepted.

Bell, Sulhblatt & Swoke
J. M. L. Sulhblatt
Attorneys for Plaintiff

Affidavit of Service

Sarah E. Heitsenrether

vs.

William M. Heitsenrether

No. 544 Feb Term, 19 61

Notice of Masters Hearing in Divorce

Returnable within _____ days
from date of service hereof.

NOW Sept 30, 19 61 at 5:20 o'clock P.M.

served the within Notice of Masters Hearing in Divorce

on William M. Heitsenrether

at place of Residence. RD. Curwensville, Pa.

by handing to him personally

a true and attested copy of the original Notice of Masters Hearing Divorce and made

known to Him the contents thereof. Costs. Sheriff Ammerman \$ 9.70
(Paid by Ammerman & Blakley)

Sworn to before me this 3rd

day of Oct A. D. 19 61

So answers,

Charles G. Ammerman

Charles G. Ammerman
Sheriff

John A. Lagerty
Prothonotary

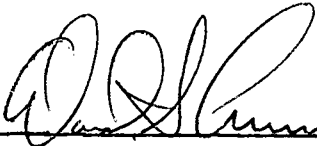
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SARAH E. HEITSENRETH)	
	(No. 544 February Term 1961
VS.)	
	(IN DIVORCE
WILLIAM M. HEITSENRETH)	

NOTICE OF MASTER'S HEARING

TO: William M. Heitsenrether
Curwensville R. D.
Pennsylvania

You are hereby notified that I have been appointed Master to take the testimony in the above entitled divorce action and to report the same to the Court; and that I will hold a hearing for the purpose of my appointment on Monday, October 16, 1961 at 10:30 A.M. in the office of Ammerman & Blakley on the fourth floor of the Clearfield Trust Company Building in Clearfield, Pennsylvania at which time and place you may appear and be heard.


Master

FILED
JCT 4 1962
WM. J. HAGERTY
PROTHONOTARY

II

SERVICE OF PROCESS

The Defendant was personally served with the Complaint in Divorce by the Sheriff of Clearfield County on April 26, 1961.

The Defendant was personally served with the Notice of Master's Hearing by the Sheriff of Clearfield County on September 30, 1961.

III

CAUSE OF DIVORCE

The Plaintiff alleges indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.

IV

FINDINGS OF FACT

1. Marriage: The Plaintiff and Defendant were married on August 12, 1926 by Reverend Armstrong in Clearfield, Pennsylvania.
2. Citizenship and Residence: Both the Plaintiff and Defendant are citizens of the United States of America and have been residents of Clearfield County, Pennsylvania since birth.
3. Age and Occupation: The Defendant is 61 years old and is retired, having formerly been employed as a laborer in clay mines. The Plaintiff is 55 years old and is employed as a nurse's aide.
4. Children: There were four children born of this marriage all of whom are over the age of 21. Their names, ages and places of residence are as follows:
 - (a) Ruth H. Heitsenrether, age 30 years, Olanta, Pennsylvania;

- (b) Dorothy Fresch, age 28 years, Lockport, New York, married to David Fresch;
- (c) Mildred O'Laughlin, age 25 years, Lockport, New York, married to John O'Laughlin;
- (d) Mae Heitsenrether, age 23 years, lives with father at Curwensville R. D. #1, Pennsylvania;

5. Armed Forces: Neither the Plaintiff nor the Defendant are members of the armed forces of the United States.

6. Findings on the merits:

- (a) That both parties are sui juris.
- (b) The Plaintiff and Defendant were married on August 12, 1926 in Clearfield, Pennsylvania.
- (c) Four children were born to this union and are all over the age of 21.
- (d) The Plaintiff was a resident of Curwensville Borough, Clearfield County, Pennsylvania at the time the divorce was instituted and the Defendant was a resident of Pike Township, Clearfield County, Pennsylvania at the time the divorce was instituted and both have been residents of Clearfield County since birth.
- (e) That the Defendant is guilty of indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome.
- (f) That the conduct of the Defendant has been continuous and amounts to indignities as defined by the divorce law of the Commonwealth of Pennsylvania.

7. Discussion: The Divorce Law as enacted in the Commonwealth of Pennsylvania authorizes a divorce in favor of the innocent and injured spouse, "where the other shall have offered such indignities to the person of the innocent and injured spouse, as to render his or her condition intolerable and life burdensome." In the instant proceedings the Plaintiff alleges and testified that the Defendant has offered such indignities commencing sometime after their marriage in 1926 and continuing to the time of the Plaintiff's separation from the Defendant in 1957. The Defendant's conduct became increasingly worse immediately prior to the separation in 1957 and in 1957 the Defendant ordered the

Plaintiff to leave their home and has refused to permit the Plaintiff to return, this refusal being continuous to the time of the Master's Hearing.

The Courts have recognized the difficulties of formulating an all-embracing definition of indignities. They have, however, frequently indulged in descriptive definitions. Many Courts have said that indignities may consist of vulgarity, unmerited reproach, habitual contumely, studied neglect, intentional uncivility, manifest disdain, abusive language, malignant ridicule and every other plain manifestation of settled hate and estrangement. The Courts have also stated that the fundamental characteristics of indignities must consist of a course of treatment and can never result from a single act.

It is apparent from the testimony heard that the conduct of the Defendant was an affront to and lack of reverence for the personality of the Plaintiff and which conduct has been continued and persisted in for more than a year demonstrates to the Master that the love and affection on which matrimonial status rests has been permanently replaced by hatred and estrangement. The testimony discloses that the Defendant continually humiliated and embarrassed the Plaintiff by his excessive drinking, by failure to adequately provide for the Plaintiff and their children despite his means to do so thereby forcing the Plaintiff to obtain outside employment and by his contumacious treatment of the Plaintiff in their home and in the presence of their children. The Defendant habitually drank to excess and made a practice of returning home from work in a drunken condition. He often stayed out until after

midnight and frequently dissipated most of his weekly earnings on alcohol. This course of conduct has continued over a period of more than 30 years and increased in intensity during the last few years prior to the separation of the parties. These facts are certainly evidence of a manifestation of settled hate or estrangement and this course of conduct persisted in by the Defendant would certainly render the condition of the Plaintiff intolerable and her life burdensome.

The Master has considered the case from the position in life, character and the disposition of the parties concerned and is of the opinion that the conduct of the Defendant is within an all-embracing definition of indignities as promulgated by the various courts' decisions.

V

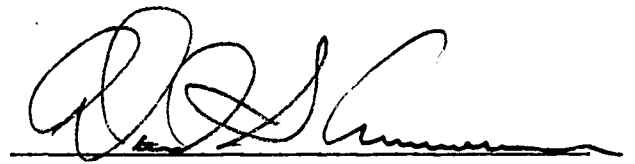
CONCLUSIONS OF LAW

1. That the proceedings are regular and conform to the rules and to the Act of Assembly.
2. That the evidence presented shows that the Defendant is guilty of indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome and further that the Plaintiff is the innocent and injured spouse.
3. That the parties have been citizens and residents of Clearfield County since birth.
4. That all process has been served upon the Defendant personally.
5. That under all the evidence presented, the Plaintiff is entitled to a decree of divorce a vinculo matrimonii.

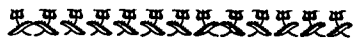
VI

RECOMMENDATION OF THE MASTER

In accordance with the above Findings of Fact and Conclusions of Law, the Master respectfully recommends a Decree of divorce from the bonds of matrimony be entered as prayed for in the Complaint on the grounds of indignities to the person of the Plaintiff.


Master

In the Court of Common Pleas of Clearfield County, Pennsylvania



<u>SARAH E. HEITSENRETHET</u>	}	Of <u>February</u> Term, 19 <u>61</u>
		No. <u>544</u>
<u>VERSUS</u>		
<u>WILLIAM M. HEITSENRETHET</u>		DIVORCE

And Now, the 28th day of Oct, 1961, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that Sarah E. Heitsenrether be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~himself~~ herself and William M. Heitsenrether. Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of said marriage, shall cease and determine, and each of them shall be at liberty to marry again as though they had never been heretofore married, ~~except that~~ _____

The Prothonotary is directed to pay the Court costs, including Master's fees, as noted herein, out of the deposits received and then remit the balance to the libellant. No Decree to issue until the costs be fully paid. We do further award to the said Sarah E. Heitsenrether ~~his~~ her costs expended in this action.

ATTEST	BY THE COURT
<u>[Signature]</u> Prothonotary	<u>[Signature]</u> President Judge

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

No. 544 February Term 19 61

SARAH E. HEITSENREITHER
Libellant

VERSUS

WILLIAM M. HEITSENREITHER
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SARAH E. HEITSENRETH (

) No. 544 February Term 1961

VS. (

) IN DIVORCE

WILLIAM M. HEITSENRETH (

T E S T I M O N Y

The Master's Hearing was held in the office of AMMERMAN & BLAKLEY in the Clearfield Trust Company Building, Fourth Floor, Room 44, Clearfield, Pennsylvania, on Monday, October 16, 1961 at 10:30 A.M. There appeared Morris L. Silberblatt, Attorney for the Plaintiff and Sarah E. Heitsenrether, the Plaintiff. No appearance was made either in person or by counsel for the Defendant.

Sarah E. Heitsenrether, being duly sworn, testifies as follows:

BY MR. SILBERBLATT:

1. Q. Is your name Sarah E. Heitsenrether?
A. It is.
2. Q. Were you married to William M. Heitsenrether?
A. I was.
3. Q. Where was your home before you were married to William M. Heitsenrether?
A. I was an orphan and I stayed with Browns.
4. Q. You lived in Curwensville?
A. Yes, I was raised in Curwensville.
5. Q. Before you were married, your home was in Curwensville?
A. Yes.
6. Q. After you were married, where did you and your husband live?
A. We lived at Barrett, house number 16, those little ones.
7. Q. Do you know whether Barrett is in Bradford Township?
A. I don't know, I think outside of Woodland.

8. Q. How long did you live at Barrett?
A. Till April.
9. Q. You were married on what date?
A. August 12, 1926.
10. Q. Did you live at Barrett after you were married?
A. Yes.
11. Q. Did you leave about 1927?
A. Yes.
12. Q. Where did you go?
A. To Mr. Fama's place, East End.
13. Q. How long did you live at East End?
A. We lived there and then we went in June.
14. Q. In June of 1927 you moved from East End in Clearfield?
A. Yes, in June we moved up to Curwensville.
15. Q. In June of 1927 you went back to Curwensville?
A. Yes.
16. Q. How long did you live at Curwensville?
A. I have lived there ever since.
17. Q. Are you a citizen of the United States?
A. Yes, I am.
18. Q. Were you born in the United States?
A. Yes, I was born in McCartney, Clearfield County.
19. Q. Have you lived in Clearfield County all your life?
A. Most of the time.
20. Q. Did you ever live in any other county?
A. Echo.
21. Q. Did you live over there?
A. Yes, for a little while.
22. Q. Was this after your marriage?
A. No.
23. Q. Since 1927 you have lived in Curwensville?
A. Right.
24. Q. You were born in McCartney, Clearfield County?
A. Yes.
25. Q. Was your husband born in Clearfield County?
A. Bridgeport.
26. Q. Is this near Curwensville?
A. Yes.

27. Q. Is he living there now?
A. That's his place.
28. Q. Now when did you and your husband separate?
A. Five years in May, this coming May.
29. Q. Is your husband a citizen of the United States?
A. Yes, as far as I know.
30. Q. Was he born in Clearfield County?
A. Yes.
31. Q. What is your age?
A. 55.
32. Q. What is your occupation?
A. Nurse's aide and housework at home.
33. Q. What is your husband's age?
A. 61.
34. Q. What is your husband's occupation?
A. He doesn't work now but he worked in the clay mines before.
35. Q. He is not working now?
A. No.
36. Q. Now how many children were born to this marriage?
A. Four.
There names are as follows:
- Ruth H. Heitsenrether, age 30, Olanta, Pennsylvania;
Dorothy Fresch, age 28, Lockport, New York, married
to David Fresch;
Mildred O'Laughlin, age 25, Lockport, New York, married
to John O'Laughlin;
Mae Heitsenrether, age 23, lives with father at
Curwensville R. D. #1, Pennsylvania.
37. Q. Where does Mae live now?
A. She was in Rupert's house but I don't know now.
38. Q. Is that in Curwensville?
A. Yes, Ridge Avenue.
39. Q. You had four daughters?
A. That is right.
40. Q. Did you ever start a divorce case against your husband at any other time?
A. No.
41. Q. Did he first bring a case against you?
A. No.

42. Q. Did you testify that you were married on August 12, 1926?
A. Yes.
43. Q. Where were you married?
A. At the Methodist Parsonage by Rev. Armstrong, Clearfield.
44. Q. After you and your husband were married, did you get along for any period of time?
A. Three months.
45. Q. What happened after that?
A. Each time he went out and came back home he wanted to fight. Nothing suited him.
46. Q. What caused him to want to fight?
A. It was just plain me, I wasn't good enough.
47. Q. That caused the trouble?
A. Yes.
48. Q. Did he say anything to you at that time?
A. No, he never ordered me out than, but later on he did.
49. Q. Did he order you out several times?
A. Yes.
50. Q. What did he say to you?
A. You can get the you know what out.
51. Q. Did he say this to you once or several times?
A. Over and over again from the time the kids were born up to this time. He would get a mad streak and he would say you can get the you know what out of my house.
52. Q. What else would he do?
A. Well, he started to drink and make life miserable and he would go over town and get drunk. When he came home, he was like a pig. If I had a meal ready for him he would vomit it up and everything else. Often he would vomit all over the kitchen table.
53. Q. How long after your marriage did he start drinking?
A. Well, he started to drink about 1928. Whenever she was little.
54. Q. Would you ever say anything to him about the drinking?
A. I would ask him to stop but it didn't do any good.
55. Q. When he was drunk, how would he treat you?
A. He was very over-bearing and mean.
56. Q. What would he do?
A. He wouldn't listen and if you started a conversation, you might get something you didn't want.

57. Q. Was he a man who wanted to work?
A. He was a good worker when he was working just a while back when he didn't come home for supper and such.
58. Q. Do you know whether or not he drank up a lot of his money?
A. He did.
59. Q. Was there times when you didn't have much money at home?
A. True.
60. Q. So you were forced to go to work?
A. I had to go to work to get the kids school clothes.
61. Q. Did you go to work to help support the family?
A. Yes.
62. Q. Did you have to work all your married life?
A. Yes, and I tried to make a garden.
63. Q. Did you make the garden?
A. Yes, he didn't like to.
64. Q. Are you still working?
A. Yes...
65. Q. Was there anything else he would do that made your life unbearable?
A. Yes, he would make me do things against my will.
66. Q. Was he rough?
A. Yes, he was.
67. Q. Now would he use force on you?
A. He did, I had no choice in the matter.
68. Q. Was it against your wishes?
A. Yes, that is right.
69. Q. How would this affect you?
A. It made me nervous and I felt like crying. When he came home drunk, I would take a walk through the garden just to get away from him.
70. Q. Could you continue to live with him any further than you did?
A. No, I don't think I could.
71. Q. When you left him, did you say anything to him?
A. He ordered me out.
72. Q. Will that be five years this coming May?
A. Yes, that is right.
73. Q. Were you a good and dutiful wife?
A. I tried to do everything I could.

74. Q. Did you do everything you could to make your family a happy one?

A. I did.

75. Q. Is there any agreement between you and your husband to get this divorce?

A. No, I haven't even been up there since I left.

76. Q. Who is paying for the divorce?

A. I am.

77. Q. Do you think you could have lived with your husband any longer than you did?

A. No, I don't.

BY MR. AMMERMAN:

78. Q. Mrs. Heitsenrether, would you say that your husband would often come home without his paycheck because he spent most of his money for drinks?

A. Most of the time but when he would get the groceries, he would drink up a lot of his money.

79. Q. Would he adequately provide you with the proper home and food?

A. It was plenty short, so short that I had to start out to work.

BY MR. SILBERBLATT:

80. Q. I forgot to ask you whether your husband came home early or late at night?

A. He mostly came home real late.

81. Q. About what time would he come home?

A. He would come home about quarter of nine, too late for supper and many times he wouldn't get home till after midnight.

82. Q. Would you keep supper warm for him?

A. Mostly I would, but he would come home drunk and didn't want supper.

BY MR. AMMERMAN:

83. Q. Did he treat the children properly?

A. Yes, he would talk to them but I wouldn't say proper. I had to go to work to get them school clothes.

84. Q. Did he strike you or anything?

A. No, he never struck me but my daughter did when he ordered me out of the house five years ago.

85. Q. What did that have to do with this divorce?

A. It didn't have anything to do with this.

86. Q. Did you ask any of the children to come to testify for you today?
A. No, I didn't want to involve them.
87. Q. Did you ask some other people to come?
A. I did, but they were afraid to come and they said no.
88. Q. As he got older, did he drink more in the last few years prior to your separation?
A. Yes, he has drank ever since Mildred who is now 25 was little, just constantly.
89. Q. Did he swear at you?
A. He never came right out and swore but if you don't like it here, you can get the you know what out.
90. Q. Did he generally take you out on evenings?
A. No, I was a housewife and stayed home with the children.
91. Q. How many nights a week would he drink?
A. To tell you the truth, all the time after he started to get his pension. Before that he would go to work and come home drunk now I don't know anything about him.
92. Q. You were told to leave and you feared for your life, is that correct?
A. He ordered me out, what could I do.
93. Q. When you didn't have anywhere to go, you were afraid if you stayed around he would start beating up on you, is that right?
A. Yes, he kept drinking more and more the last few years we were together and it made me so nervous I couldn't stand it anymore and I was afraid if I didn't go when he told me to leave that he might beat me up.