

DOCKET NO. 174

NUMBER	TERM	YEAR
830	May	1961

Frances Treasa Yount

VERSUS

Emerson Augusta Yount

Clearfield County, ss:

The Commonwealth of Pennsylvania, to L. R. Brockbank, 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

Frances Tresa Yount

Plaintiff ,

and Emerson Augusta Yount

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 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

Tenth day of February, 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.

L. R. Brockbank

COMMISSIONER.

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

FRANCES TRESA YOUNT

VS

EMERSON AUGUSTA YOUNT

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830 May Term, 1961

DOCKET ENTRIES

AUGUST 23, 1961, COMPLAINT IN DIVORCE filed. One copy certified to Attorney.

August 28, 1961, Constable's Return, filed:

NOW, August 25, 1961, at 9:30 P.M., E.D.S.T., served EMERSON AUGUSTA YOUNT, SR., at his residence, to wit, R. D. #2, DuBois, Pennsylvania, with a true and attested copy of the within Complaint In Divorce No. 830 May Term, 1961, by handing the same to and leaving with him, personally, and making known to him the contents thereof. So answers, Alex Campbell, Constable.

NOW, February 10, 1962, By motion on the Watch Book, L. R. Brockbank, Esquire has been appointed Master to take the testimony and report a form of Decree. John J. Pentz, President Judge.

Certified from the records this 13th day of February, 1962

Carl E. Walker

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES TREASA YOUNT,

Plaintiff,

-VS-

EMERSON AUGUSTA YOUNT,

Defendant.

No. 830 MAY TERM, 1961

IN DIVORCE

COMPLAINT

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

Now comes FRANCES TREASA YOUNT, on a cause of action
whereof the following is a statement:

1. That the name of the Plaintiff is FRANCES TREASA YOUNT,
and the name of the Defendant is EMERSON AUGUSTA YOUNT.

2. That the said Plaintiff and Defendant are adults, and
neither the Plaintiff nor the Defendant are incompetent.

3. That the said Plaintiff and Defendant were married in
DuBois, Clearfield County, Pennsylvania, on June 3, 1928.

4. That at the time of the said marriage the Plaintiff
and Defendant were both natural born citizens of the United States;
and that said Plaintiff and Defendant have resided in Pennsylvania
all their lives.

5. That the present residence of the Plaintiff is Maple
Avenue Hospital, DuBois, Pennsylvania; and the Defendant's present
residence being R. D. 2, DuBois, Pennsylvania.

6. That there were four children born to this marriage, to
wit: Emerson Yount, Jr., aged 29, of Reynoldsville, Pennsylvania;

Helen Horn, aged 31, of DuBois, Pennsylvania; Ronald Yount; aged 22, of Colorado; and Shirley Weaver, aged 20, of Colorado.

All of said children are married and emancipated.

7. That neither party has instituted prior divorce action.

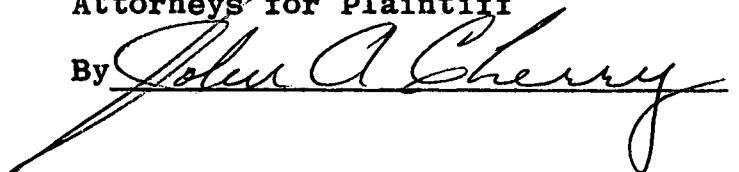
8. In violation of his marriage vows and of the laws of the Commonwealth of Pennsylvania, the said Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome; and maliciously and without cause deserted the Plaintiff for a period of two years and upwards, to wit, since May 1, 1957.

9. This action is not brought out of collusion.

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By

A handwritten signature in cursive script, appearing to read "John A. Cherry", written over a horizontal line.

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, FRANCES TREASA YOUNT, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct and that the same is not made out of levity or by collusion between herself and the said Defendant for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in this Complaint.

Frances Treasa Yount.

Sworn to and subscribed before me this 19th day of August, 1961.

Josephine M. Cherry

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 830 MAY TERM, 1961
IN DIVORCE

FRANCES TREASA YOUNT,

Plaintiff,

-VS-

EMERSON AUGUSTA YOUNT,

Defendant.

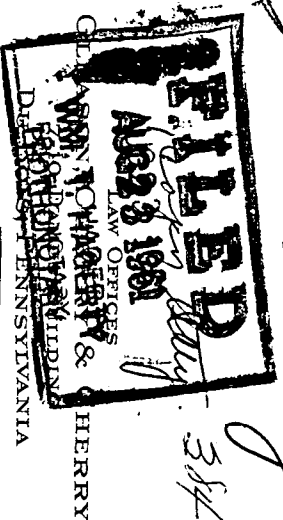
COMPLAINT

TO WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY
Attorneys for Plaintiff

By



109 N. BRADY STREET

400 City

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES TREASA YOUNT, :
Plaintiff : No. 830 MAY TERM, 1961
-vs- : IN DIVORCE
EMERSON AUGUSTA YOUNT, SR., :
Defendant. :

(CONSTABLE'S RETURN)

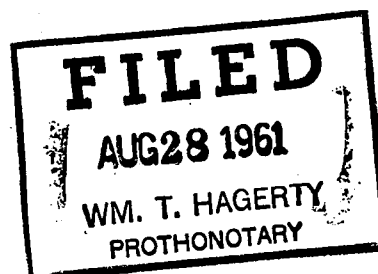
Now, August 25th, 1961, at 9:30 P.M., E.D.S.T., served
EMERSON AUGUSTA YOUNT, SR., at his residence, to wit, R. D. #2,
DuBois, Pennsylvania, with a true and attested copy of the within
Complaint in Divorce No. 830 May Term, 1961, by handing the same
to and leaving with him, personally, and making known to him the
contents thereof.

So answers,

Alice Campbell
Constable

Sworn to and subscribed before me this 26th day of
August, 1961.

Josephine M. Cherry
JOSEPHINE M. CHERRY
Notary Public, My Comm.
mission expires Jan. 7, 1963



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES TREASA YOUNT

-vs-

EMERSON AUGUSTA YOUNT

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No. 830

MAY TERM, 1961

IN DIVORCE

To: Emerson Augusta Yount, late of R.D. 2, DuBois, Clearfield County, Pennsylvania.

You are hereby notified that I have been appointed Master in the Divorce action of FRANCES TREASA YOUNT, your wife, against you, in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 830 May Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, on Tuesday, March 13, 1962, at 1:30 o'clock, P.M. Eastern Standard Time, when and where you may attend with witnesses, if you so desire.

DuBois, Pa.
February 21, 1962.

L. R. Brockbank
L. R. Brockbank, Master.

Now, February Twenty-first (21st), 1962, at about 5:00 o'clock p.m., Eastern Standard Time, served EMERSON AUGUSTA YOUNT at his home near the Gelnett Church in Sandy Township, Clearfield County, Pennsylvania, a true and exact copy of the above Master's Notice in Divorce, by handing the same to him and leaving with him, personally, and making known to him the contents thereof. And so answers,

Samuel Alessi
Constable

Sworn to and subscribed
before me this Twenty-second
(22nd.) day of February, 1962.

L. R. Brockbank
Master

Cost \$3.50
Paid by
Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES TREASA YOUNT

-vs-

EMERSON AUGUSTA YOUNT

No. 830

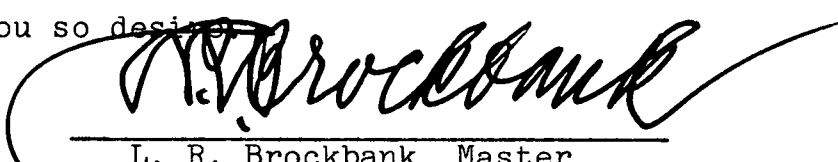
MAY TERM, 1961

IN DIVORCE

To: Emerson Augusta Yount, late of R. D.. 2, DuBois, Clearfield County, Pennsylvania.

You are hereby notified that I have been appointed Master in the Divorce action of FRANCES TREASA YOUNT, your wife, against you, in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 830 May Term, 1961, and that I will hold a meeting for the purpose of taking testimony in said case at my office, Suite 240-242-244 DuBois Deposit National Bank Building, at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, on Tuesday, March 13, 1962, at 1:30 o'clock P.M., Eastern Standard Time, when and where you may attend with witnesses, if you so desire.

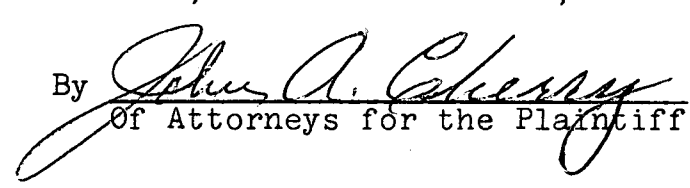
DuBois, Pa.
February 21, 1962.


L. R. Brockbank, Master.

Service of the above Notice accepted February 21, 1962,
by copy.

GLEASON, CHERRY and CHERRY,

By


Of Attorneys for the Plaintiff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES TREASA YOUNT

-vs-

EMERSON AUGUSTA YOUNT

No. 830 MAY TERM, 1961

IN DIVORCE

MASTERS' REPORT

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

L. R. Brockbank, Esq., the Master appointed by your Honorable Court in the above proceedings of Divorce to take the testimony of the witnesses in the case and return the same with a report thereof, respectfully reports as follows:

I SCHEDULE

August 23, 1961

Complaint filed.

August 25, 1961

At 9:30 P.M., E.D.S.T. served Emerson Augusta Yount, Sr., at his residence, to wit, R.D. No. 2, DuBois, Pennsylvania, with a true and attested copy of the within Complaint in Divorce No. 830, May Term, 1961, by handing the same to and leaving with him, personally, and making known to him the contents thereof. So answers Alex Campbell, Constable (Return sworn to).

February 10, 1962

L. R. Brockbank Esquire, appointed Master to take the testimony in the above matter.

February 21, 1962

Notice of Master's Hearing served personally on the Defendant, Emerson August Yount, at his home near the Gelnett Church in Sandy Township, Clearfield County, Pennsylvania, by handing the same to him and leaving with him, personally, and making known to him the contents thereof. So answers Samuel Alessi,

Constable of Sandy Township, Clearfield County, Pennsylvania. Sworn service of the Constable being attached to this report and made a part hereof.

February 21, 1962

Notice of Master's Hearing accepted by Gleason, Cherry and Cherry, Attorneys for Plaintiff. Acceptance of Service being attached to this report and made a part hereof.

March 13, 1962

At 1:30 o'clock P.M., Eastern Standard Time, the Master called a Hearing at his office, Suite 240 - 242 - 244 DuBois Deposit National Bank Building at the corner of East Long Avenue and South Brady Street, in the City of DuBois, Clearfield County, Pennsylvania, and at that time, John A. Cherry, Esquire, of Counsel for the Plaintiff, appeared together with Frances Treasa Yount, the Plaintiff. The Defendant did not appear at the Hearing, and no one appeared on his behalf. The testimony of the Plaintiff, Frances Treasa Yount was previously transcribed, and it was presented to the Master at the time of the Hearing, and the testimony of the Plaintiff was signed by the Plaintiff before the Master and sworn to before him. The testimony is attached hereto and made a part of this report.

II. SERVICE OF PROCESS

The original Complaint in Divorce was filed on August, 23, 1961, and one copy was certified to the Attorney for the Plaintiff, and

the Certified Copy of the Complaint was served personally on the Defendant, Emerson Augusta Yount, at his residence, to wit, R.D. No. 2, DuBois, Pennsylvania, by handing the same to and leaving with him, personally, and making known to him the contents thereof on August 25, 1961 by Alex Campbell, Constable, of Sandy Township, Clearfield County, Pennsylvania. Notice of the Master's Hearing was served personally on the Defendant, Emerson August Yount, at his home near the Gelnett Church in Sandy Township, Clearfield County, Pennsylvania, by Samuel Alessi, Constable of Sandy Township, Clearfield County, Pennsylvania, by handing to him, personally, and leaving with him, personally, and making known to him the contents thereof on February 21, 1962. Sworn proofs of the above two Services being attached hereto and made a part hereof. Notice of the Master's Hearing was served on Gleason, Cherry and Cherry, Attorneys for the Plaintiff, on February 21, 1962, and Acceptance of Service being attached hereto and made a part hereof. All other provisions of the Rules of Court of Clearfield County, Pennsylvania, have been complied with in full.

III. CAUSES OF DIVORCE

Indignities to the Person.

Desertion.

IV. FINDINGS OF FACT

1. The Plaintiff and the Defendant were married at DuBois, Clearfield County, Pennsylvania on June 3, 1928.

2. At the time of their marriage, both of the parties resided in Clearfield County, Pennsylvania; after a short while, they moved to Bradford, Pennsylvania, where they stayed for about a year; after which they moved to Rathmel, Jefferson County, Pennsylvania, where they lived for about five or six years. They then moved back to Sandy Township, Clearfield County, Pennsylvania, where they lived for about five years or so; after which they moved to Crenshaw, Elk County, Pennsylvania, where they lived for about four years. They then moved back to Sandy Township, Clearfield County, Pennsylvania, but the testi-

mony that they were in DuBois a short time before they moved to Sandy Township. The testimony also shows that they bought their property in Sandy Township in 1948, and the Plaintiff left the Defendant in the year 1957 and came to DuBois, and at present resides at the Nurses' Home on Maple Avenue, DuBois, Pa., while the Defendant continues to reside in Sandy Township up to the present time.

3. The Plaintiff and the Defendant are both natural born citizens of the United States.

4. The present age of the Plaintiff is about fifty-four (54) years, and she is a Nurse's Aid at the Maple Avenue Hospital, DuBois, Pa. The present age of the Defendant is about fifty-six (56) years, and the Plaintiff testified that she did not know what her husband's occupation is, although she did say that normally he is a truck driver.

5. Four children were born to this union: Emmerson, Jr. twenty-nine years of age; Helen, thirty-one years of age; Ronald, twenty-two years of age, and Shirley, twenty years of age; all of whom are married and reside in their own homes.

6. Military Service - Armed Forces. The testimony in this case shows that the Defendant is not in the Military Service of the United States. It also shows that the Defendant is fifty-six (56) years of age, and that he is a truck driver by occupation, and that he resides in Sandy Township, Clearfield County, Pennsylvania, and that the copy of the Complaint in Divorce was served on him at his residence by Alex Campbell, Constable; the Master's Notice was also served on him at his home near the Gelnett Church in Sandy Township, Clearfield County, Pennsylvania, by Samuel Alessi, Constable. Based upon the testimony, etc., above enumerated, the Master makes a specific finding of fact that the Defendant is not now a member of any branch of the Armed Services of the United States.

7. The Complaint in this case charges: "The said Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and life burdensome." The Plaintiff testified that some of their principal troubles were his cruelty and drink; the Defendant also drank to excess on many occasions. The wife was afraid to ride with him in the same automobile because he carried a gun and a blackjack with him in the car at all times; she also testified that the husband cursed her and her daughter on numerous occasions. At one time she testified that he beat her up with his fists because she had been saying things to the boss, Glenn Holt, at Rockwell, when the truth was she was trying to make amends for her husband for his excessive drinking. The Defendant would come home many times intoxicated; he would leave his work and go to the taverns first and do his drinking and arrive home intoxicated. At some periods, he was drinking every day. She also testified that he had a sulky and a nasty attitude and did not show her any love or affection; on different occasions, he told his wife to get out, and that there were other women to take her place. He also ordered her out of the home, and conditions got so bad after a number of years that she found it necessary to leave. The Plaintiff testified that the first part of their married life was good, but later on it got bad and became much worse, and that she was embarrassed and nervous, and about the time she found it necessary to leave, she was practically a nervous wreck. Since their separation, the Defendant has supplied nothing for the support of his wife, and she keeps herself by working as a Nurse's Aid. At one time before the separation, The Plaintiff had the Defendant arrested for the support of their daughter, and an Order of Court was made, and after the daughter got married, the Defendant paid nothing whatever.

The Master is of the opinion that there is ample evidence to support the Divorce on the grounds of Indignities to the Person.

It is impossible to lay down a general rule for the determination of what indignities render the condition of the injured spouse intolerable. It has been held by many Courts that they may consist of 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. The Master, after a perusal of the testimony, believes that a good many of the above qualifications are in this case.

The Complaint also charges Desertion from May 1, 1957. The Plaintiff testified that for the previous several years before May 1, 1957 conditions got so bad that she finally had to leave, and when asked: "Why did you leave?", she stated: "Well, I just was afraid to live with him any more." She also testified later on in the Hearing that she had not lived with him since.

The Master is of the opinion that the Plaintiff is entitled to a divorce on the grounds of Constructive Desertion as the testimony contained, also a compulsory departure resulting from a turning out of doors followed by conduct showing the Defendant's persistence in the intent to desert. This constitutes Constructive Desertion. Such conduct of a Defendant is at least equivalent to a refusal to permit the Plaintiff to live with him.

V. CONCLUSIONS OF LAW

1. That the proceedings are in accordance with the requirements of the Divorce Code and the Rules of Court of Clearfield County, Pennsylvania.
2. That the Court has jurisdiction of the parties and the subject matter of this action.
3. The facts established Indignities to the Person of the Plaintiff within the meaning of the Act of Assembly.
4. The facts established Constructive Desertion within the meaning of the Act of Assembly.
5. The legal domicile of the Plaintiff is DuBois, Clearfield

County, Pennsylvania; the legal domicile of the Defendant is Sandy Township, Clearfield County, Pennsylvania.

6. The Complaint in Divorce was served, personally, on the Defendant at his residence in Sandy Township, Clearfield County, Pennsylvania, by Alex Campbell, Constable; the Notice of the Master's Hearing was served personally on the Defendant at his residence in Sandy Township, Clearfield County, Pennsylvania, by Samuel Alessi, Constable.

7. There has been no collusion, connivance, or levity between the parties.

VI. RECOMMENDATIONS

The Master, therefore, finds that the averments of the Complaint have been sustained, and recommends that the Prayer of the Complaint be granted, and that a Decree be entered by your Honorable Court divorcing Frances Treasa Yount, the Plaintiff, and Emerson Augusta Yount, the Defendant, from the bonds of matrimony now existing between them; and a suggested form of Decree is hereto attached.

All of which is respectfully submitted.


Master

DuBois, Pa.
March 17, 1962.

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

FRANCES TREASA YOUNT	}	Of	May	Term, 1961	
Plaintiff		No.	830		
VERSUS					
EMERSON AUGUSTA YOUNG					

DIVORCE

And Now, the 30th day of March 1962, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that Frances Treasa Yount be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~himself~~ herself and Emerson Augusta Yount. 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 Frances Treasa Yount ~~his~~ her costs expended in this action.

ATTEST

Prothonotary

BY THE COURT

[Signature]
President Judge

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

No. 830 May Term 19 62

FRANCES TREASA YOUNT
~~Defendant~~

Plaintiff

VERSUS

EMERSON AUGUSTA YOUNT
~~Respondent~~

Defendant

DECREE

Attorney

FRANCES TREASA YOUNT, being produced and sworn, testifies as follows:

BY MR. CHERRY:

Q. What is your full name, Mrs. Yount?

A. Frances Treasa Yount.

Q. And where do you live?

A. At the Maple Avenue Nurses Home, DuBois, Pa.

Q. Is Emerson Yount, your husband?

A. Yes.

Q. What is his full name?

A. Emerson Augusta Yount.

Q. Mrs. Yount when were you and Mr. Yount married?

A. June 3rd, 1928.

Q. 1928? Would this year make 34 years of your marriage if you were married in June of 1928?

A. That's right.

Q. Now at the time of your marriage, where was your home?

A. I was making my home with Mr. and Mrs. Frank Gearhart on South Highland Street, DuBois, Pa.

Q. At the time of your marriage, where was Mr. Yount's home?

A. With his folks on R. D. DuBois, Pa.

Q. And therefore each of you lived with your respective parents, is that right?

A. That's right.

Q. Now, after your marriage, where did you go to live?

A. We had a furnished apartment on Park Avenue.

Q. In DuBois?

A. That's right.

Q. Will you tell me where you have lived and how long since your marriage; that is, after you lived on Park Avenue where did you live?

A. Well, we moved into Bob Murray's home in Oklahoma.

Q. That would be Sandy Township, is that correct?

A. That's right.

Q. How long did you remain there?

A. We were there for just a short period and then my husband got work in Bradford and then I joined him there.

Q. Where then did you live in Bradford?

A. On Congress Street.

Q. For how long?

A. Well, I'd be pretty safe in saying close to a year.

Q. Then where did you live?

A. He was called back to his work here in DuBois, rather Rathmel, for John Peterson.

Q. And where did you live, in DuBois?

A. Rathmel.

Q. That would be in Jefferson County?

A. That's right.

Q. How long did you live there?

A. I suppose five or six years.

Q. Then where did you go to live?

A. Then we went to a home on the DuBois Airport road.

Q. That's in Sandy Township?

A. Yes.

Q. How long did you reside there?

A. Well, I don't know exactly how long. I give an estimate of five years or so.

Q. Then where did you go to live?

A. Crenshaw.

Q. That's in Elk County?

A. Yes.

Q. How long did you live there?

A. I'd say about four years.

Q. And then where did you go to live?

A. That was when we bought our property in --

Q. Sandy Township?

A. In Sandy Township.

Q. And how long did you reside together there?

A. We came back and lived on Brady Street before we bought our property.

Q. Oh, you lived in DuBois for a while before you bought your property?

A. That's right.

Q. And how long did you live in the property which you bought in Sandy Township?

A. We bought the property in '48 and I left him in '57.

Q. Now all these places of residence why did you live in so many places?

A. Well, where his work took him I was always satisfied to go.

Q. Well, are you living together now?

A. No.

Q. Where are you living?

A. In the Nurses Home, on Maple Avenue, DuBois, Pa.

Q. And where is he living?

A. To my knowledge, in our house.

Q. In Sandy Township?

A. Yes.

Q. How long have you been separated; since what date?

A. May in '57.

Q. What day?

A. The First.

Q. 1st day of May.

A. That's right.

Q. What is your husband's occupation?

A. I don't know. You mean right today?

Q. Normally, what is his occupation?

A. Truck driver.

Q. And what is your occupation?

A. Nurse's aid or a practical nurse.

Q. At the Maple Avenue Hospital?

A. That's right.

Q. In DuBois?

A. That's right.

Q. And where are you residing?

A. At the Maple Avenue Nurses Home.

Q. How long have you been residing there?

A. Since April, of last year.

Q. April of 1961?

A. That's right.

Q. And prior to that and since your separation where did you live?

A. Do you mean from the first that I had left him?

Q. Yes?

A. I went directly to a Childrens' Home in Indiana where I had occupancy, my home meals, and so forth and I had my daughter with me and I acted as house mother there.

Q. How long did you stay there?

A. Just about six months.

Q. And then from there were did you go?

A. I came back to DuBois and done practical nursing in individual homes.

Q. And stayed here and have been here ever since, is that right?

A. That's correct.

Q. Now, Mrs. Yount what is your age?

A. I was 54 in January.

Q. What is the age of your husband?

A. He was 56 last November.

Q. Were there any children born to this marriage?

A. Yes.

Q. Will you give their names and their ages?

A. There's Emerson, Jr.

Q. How old is he?

A. 29.

Q. Were there other children?

A. Yes.

Q. Will you give their names and ages?

A. Helen Horn, 31; Ronald, 22 and Shirley Weaver, 20.

Q. Are they all married?

A. That's correct.

Q. And they live in their own homes?

A. Yes.

Q. Do they live with you husband?

A. No.

Q. Are any of them dependent upon you or your husband?

A. No, sir.

Q. Is your husband in the Military Service of the United States?

A. No.

Q. As I recall, you stated that he is still living in Sandy Township, is that correct?

A. That is to my knowledge.

Q. Now, where were you born, Mrs. Yount?

A. In DuBois, Pa.

Q. And where was your husband born?

A. In DuBois, Pa.

Q. And you are both citizens of Pennsylvania and of the United States, is that correct?

A. That's correct.

Q. Mrs. Yount you stated that you have not lived together since May 1st, 1957; what led to your separation?

A. Well, cruelty, drink--.

Q. Well, just what did he do?

A. Well the first time would be his maliciousness and the second time when I definitely made up my mind was after he had struck me.

Q. Well, now, I will have to have it a little more definite that that; what were his actions toward you? You say the first and second time, had you left him before that?

A. Yes, thinking I may bring him to acting more like a man.

Q. When did that occur?

A. Well, that was in -- I mean I left him in '57 when I went to Indiana and then when I came back to DuBois I-- we had a hearing at Edner's.

Q. You mean you had him arrested?

A. That's Right, for the support of my daughter.

Q. And yourself?

A. No.

Q. Why?

A. Because I felt it was no more than right that he should help /support our daughter.

Q. No, why didn't you have him arrested for your own support?

A. Well, I just figured I wouldn't be bothered.

Q. Did you feel that you weren't entitled to support from him?

A. No, but the way he had acted with me even while I lived with him, I wasn't going to ask any favors of him.

Q.. All right, you had a hearing before Mr. Edner on an arrest for support, is that correct?

A. That's correct.

Q. What was the result of that?

A. Well, we had a hearing then in Clearfield and the Judge

issued papers to the effect that I would buy all her medical supplies, clothing and so on and send these bills to the Probation Officer in Clearfield which I did.

Q. Was there an order made for support, in addition to that?

A. No.

Q. You mean he didn't have to support your daughter?

A. Only to that effect, for her clothing and --.

Q. Why, did the Court decide you were at fault?

A. It didn't say, it just gave me that issue in that Order until he went to them later, I guess he thought that I was using too much financial aid that way; so then the Judge issued a different decree and he had to pay me.

Q. And How much did he have to pay you per month?

A. I can't remember how much that was, I have all my papers.

Q. When an Order for support was made, did he ever pay it?

A. He would pay it but many a times the checks would be late.

Q. And has he been continuing to pay it?

A. Definitely not.

Q. Do you know how far behind he got?

A. After the daughter was married, he quit.

Q. Of course he was no longer required to support her then. Now, Mrs. Yount, I would like to get back to the reason why your separation occurred; what was he doing to make it necessary that you leave the home?

A. Well, one big thing was his drink.

Q. Well, was it to excess?

A. Definitely.

Q. Would he become intoxicated?

A. Yes he would.

Q. Will you describe some of the situations that resulted from his drinking?

A. Well, he didn't hesitate with his cursing. He cursed our daughter and I, even friends that would be in the home would get up and leave. I wouldn't be out in public with him because of his cursing and you couldn't ride with him anywhere because he would always have his gun in the compartment of the car and a blackjack. Different times he would stop on Park Avenue if something didn't go right or he thought that I should agree with him on a subject and it just got that I was fearful to live with him.

Q. Well, what would he do? What would he do with his gun and his blackjack?

A. Well, he would threaten.

Q. Threaten what?

A. Threaten to kill me or hit me with the blackjack. At the time then when I did go out to his home, that's the time when he hit me with his fists and accused me of saying things to his boss, who was Glenn Holt at Rockwell at the time.

Q. And had you said anything to his boss?

A. No, and I told him I hadn't heard from Glenn, so he called him and Glenn came right out to our home and he said to him, "Emerson, that's a lie, when you know you had asked this woman to come out to try to make amends, why were you drinking at the time?"

Q. Now on this drinking, how many times would he become intoxicated?

A. Oh, many a time he came home and he was already intoxicated even Mr. Holt said to him, "Why don't you go home and get a bite to eat, instead of going to the taverns first?"

Q. How many times a week would this happen?

A. Practically every day, especially when he came in on trips, of course he didn't come home every day. He went on these long trips for Rockwell.

Q. When he came home, what kind of an attitude did he have?

A. Just a sulky, nasty attitude.

Q. Did he show you any love or affection?

A. Definitely not, he told me different times why didn't I get out, there was other women to take my place?

Q. He wanted you to get out of the home, is that it?

A. Definitely and on his last trip to California, is when I left. He told me when he left that I had better be packed and be out of there or he would throw me and everything right out.

Q. He ordered you out of the home?

A. Definitely.

Q. And why did you leave?

A. Well I just was afraid to live with him any more with his actions and why should I live in a home when I am always being told to get out?

Q. How long did this occur up until the time you left?

A. I would say over two years. He told me to get out of there and stay out which I did.

Q. Now, Mrs. Yount would he do any running around?

A. I couldn't say that.

Q. Has he since that time?

A. Yes, he introduces her as his girl friend. He even comes up to the hospital to visit patients.

Q. With his girl friend?

A. He introduces her as his girl friend.

Q. And how did he treat the children?

A. He would treat them to a certain degree--but my two oldest ones he told them to leave.

Q. Would he welcome friends in the home?

A. --

Q. Friends and relatives of yours?

A. No, because the last time we were going to plan to make our vacation period, I only had the two youngest children home and he told me definitely not to plan no place for a vacation where any of my relatives lived.

Q. Well how about however, apart from vacations, how about at home, were they welcomed in your home by him?

A. Oh yes, when they would come in, but after they would leave--.

Q. Well you stated a little earlier, that they would up and leave, why?

A. Well, that was some of his individual friends that he would bring home; they said they had known him when he acted like a man, but when they saw him acting like he did and drinking and carrying on, they left.

Q. What effect did he have on you during your married life,

Mrs. Yount?

A. The first part of our married life was good.

Q. And later?

A. No.

Q. Well, what effect did that have on you? On your health?

A. Well, it was quite a bit on my health, I was just --
I became practically a nervous wreck.

Q. Would you call his attention to these things? Did you try to get him to straighten out?

A. Yes, and the last time that I was in the hospital for surgery and my doctor told me I had to have other surgery done, it is not nice to say, but he definitely refused. He said all I wanted to do was make myself into a whore. It was Dr. Lewis.

Q. And he stated that in front of Dr. Lewis?

A. Definitely.

Q. Did this have any effect on you?

A. Yes, because I tried to live as I should.

Q. I see.

A. This is my home town and I tried to keep my name up.

Q. Did he embarrass you?

A. Yes he surely did embarrass me.

Q. Were you able to face your friends in view of these circumstances?

A. No, I was ashamed to face them.

Q. Now, could you live with him?

A. Now?

Q. Yes?

A. Definitely not.

Q. Could you when you left?

A. No because he made me bitter; after him striking me and cursing me and well--.

Q. Was that the constant course of his conduct?

A. It surely was, he wouldn't even eat, the last year or so when I lived with him, he wouldn't eat meals I prepared; he accused me that I was going to really poison him and many a times he would come, take his fifth of whiskey and case of beer and put them up by his bed.

Q. Has he provided for you at all since your separation?

A. No, not even a Christmas card.

Q. Has he offered to?

A. No.

Q. Has he offered to have you come back to his home?

A. No.

Q. Did you try to work it out even after that?

A. Well, the last time I said something to him was when I went out to get furniture to fix up the apartment that I had rented for the daughter and I so that she would have a place for friends, and I asked him, I said, "Emerson are you sure that this is now what you want and what it has to be and if there could be a reconciliation.

Q. Did you ask him if he would straighten out?

A. I asked him that in front of his employer the time that Glenn Holt was out to our home.

Q. What did you ask him?

A. I said if he would give up his drink and try to live as he should we could, maybe, make a go of it.

Q. Did he offer to do so?

A. He told me right in front of Glenn Holt, I will give up my drinking for no "G.D." woman.

Q. Disregarding you and showing no love for you, is that right?

A. That's correct.

Q. Have you lived with him since that time?

A. No.

Q. Now, Mrs. Yount is this divorce brought by agreement between you and your husband, or are you seeking it on legal grounds?

A. I'm seeking it on legal grounds.

Q. Has he agreed to it?

A. He has never talked to me about it. When I was in Indiana he asked me on the phone, he said, "Suppose you'll be applying for a divorce". I told him if I had the money, yes, I would start the proceedings tomorrow according to your actions but I said, you go ahead and I will not stand in your way. That's the only time we ever talked about a divorce.

Frances Treasa Yount.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
NO. 830 MAY TERM, 1961
IN DIVORCE

FRANCES TREASA YOUNT

-VS-

EMERSON AUGUSTA YOUNT

MASTER'S REPORT

"UNCONTESTED"

L. R. BROCKBANK, - MASTER'S
REPORT -----\$ 85.00

L. R. BROCKBANK - Paid
Constable's Costs for
serving Master's

Notice-----3.50
Total-----\$ 88.50

FILED

MAR 20 1962

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LEO R. BROCKBANK

ATTORNEY AT LAW

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NATIONAL BANK BUILDING

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