

No 20 April Term, 1902.

Della Graham,

Libellant.

^{vs}
William Graham,

Respondent.

Proceedings in Divorce.

Appendix to Report
of
Harry L. Huber,

Master.

Della Graham, by her next,
friend, John W. Killinger,
Libellant,
VS
William Graham, Respondent

In the Court of Common Pleas of
Franklin County, Pennsylvania.
No. 20 of April Term, 1902.
Proceedings in Divorce A.V.M.

APPENDIX

TO
REPORT OF HARRY I. HUBER, MASTER,

APPOINTED TO TAKE THE TESTIMONY, FIND THE FACTS AND RE-
PORT THE SAME TO THE SAID COURT WITH AN OPINION IN THE ABOVE
STATED PROCEEDINGS.

Della Graham
by her next friend John W. Killinger

FRANKLIN COUNTY, SS.

The Commonwealth of Pennsylvania:

To *William Graham* late of the
County aforesaid:

Whereas, *Della Graham*

did on the *10th* day of *February*, A. D., *1902*, prefer *her* Petition
to the *Hon. John Stewart*

Judge of the Court of Common Pleas of the County aforesaid, praying that, for the causes therein
set forth, *she* might be Divorced from the Bonds of Matrimony, entered into with
you, the said *William Graham*

We therefore Command You, the said *William Graham*,
that setting aside all other business and excuses, whatsoever, you be and appear before our Judge
at Chambersburg, at a County Court of Common Pleas, there to be held, for the County aforesaid,
on the *fourth* Monday of *April*, *1902*, to answer the
libel or complaint of the said *Della Graham* and to show cause,
if any you have, why *she* should not be Divorced from the Bonds of Matrimony entered
into with you *William Graham*

according to the prayer in *her* Petition contained, and the Acts of Assembly, in such cases
made and provided. And herein fail not.

WITNESS, The Hon. *John Stewart*, Esquire, President of

our said Court, at Chambersburg, the *10th* day of *February*, A. D., *1902*.

Writ allowed by *Hon. John Stewart, P. J.*
Ch. K. Burquer, Prothonotary.
per H. A. Burquer, Deputy.

No. 20 April Term, 1902.

Della Graham by her
next friend John St.
Killinger, Libellant.

vs.

William Graham,
Respondent.

Subpoena in Divorce.

Sheriff McFeren

#2.40

William Alexander

11-5-0 Feb'y 18th 1902

G. D. McGeath Witness

Chamberlain

WITNESS

IN

Witness

Witness

vs.

County, Pennsylvania. No. 20 of April Term

William Graham, Respondent, 1902. Subpoena in Divorce.

William Alexander	Della Graham, by her (next friend, John W.) Killinger, Libellant.	10th February, 1902. Subpoena of the said Court: in Divorce a vinculo matrimonii. The libellant named in the above-stated
20		
Stato	.50.	(vs) Returnable at Regular April Term
Pro. Burg.	1.00.	(fully represent:— That a subpoena was duly allowed by
Atty	3.00.	(William Graham, Re-) 1902.
Shff McF.	3.40.	(spondent.) proceedings and duly issued by
Pro. Burg.	1.00.	()

bar and term above indicated; that on the 17th day of February A.D. 1902

James F. McFerron, Esq., Sheriff of Franklin County, Pennsylvania, made per-

sonal And Now, 10th Feby, 1902. Subpoena awarded. William Graham, and

made return thereof as required by law. Jno. Stewart, P. J. Respondent, William

Graham, has entered no defence of any kind to the said libel of the said

Della Graham February 18 "1902. Served the within Subpoena in Divorce upon

Your pet the within named William Graham, Respondent, at 11:30 o'clock,

able per A.M. of the said 1 " February, 1902 in the Sheriff's Office in

thereof the Court House at Chambersburg, Franklin County, Pa., person-

ally by making known to him the contents of said writ and giv-

ing to him a true and attested copy of the same. I know that

the person served is the Respondent named in the writ from his

acknowledgement of that fact in the presence of G. D. McGzath

who was present when the writ was served.

So Answers,

And now, 24th 1902. Petition presented in open court, read and

considered James F. McFerron,

is appointed Master to

take the Sheriff.

take the facts and report the same to the said court,

the granting of the said divorce as he

Franklin County: ss.

Personally appeared before me James F. McFerron, Sheriff,
who being duly sworn according to law deposes and says that
the above return is true and correct.

Sworn to and subscribed before)	} James F. McFerron,
me this 26th day of March, 1902.	
H. A. Burgner,	

Deputy Prothy.

Della Graham, Libellant, In the Court of Common Pleas of Franklin
vs. County, Pennsylvania. No. 20 of April Term
William Graham, Respondent. 1902. Subpoena in Diverce.

To the Honorable John Stewart, President Judge of the said Court:

The petition of Della Graham, the libellant named in the above-stated case, would respectfully represent:- That a subpoena was duly allowed by your honorable court in the above-stated proceeding, and duly issued by the Prothonotary thereof on the 10th day of February, A.D. 1902 to the number and term above indicated; that on the 17th day of February A.D. 1902 James F. McFerren, Esq., Sheriff of Franklin County, Pennsylvania, made personal service of the said subpoena on the respondent, William Graham, and made return thereof as required by law; that the said respondent, William Graham, has entered no defence of any kind to the said libel of the said Della Graham, and has made no answer to the same.

Your petitioner therefore prays your honorable court to appoint some suitable person as Master to take testimony, find the facts, and make report thereof to your honorable court, with such recommendation as the said Master shall determine to be just and lawful. And she will ever pray, etc.

William Alexander
Attorney for Della Graham, Libellant.

Decree.

And now, 2 May 1902, Petition presented in open court, read and considered and Harry P. Hiker is appointed Master to take the testimony, find the facts and report the same to the said court, with such recommendation as to the granting of the said divorce as he shall determine to be just and lawful.

John Stewart
President Judge.

shall determine to be just and lawful.

President Judge.

No 20 of April J. 1902.

Della Graham, by her
next friend John
W. Kellin
Libellants
vs.
m.

William Graham
Respondent

Petition for the appoint-
ment of a Master
See inside for deuce

Filed 29th May, 1902,
M. H. Bursner,

Prothy.

William Alexander
att'y

the person as Master to take testimony, find the facts, and make report
Your petitioner therefore prays your honorable court to appoint some suit
Della Graham, and has made no answer to the same.

Graham, has entered no defence of any kind to the said libel of the said
made return thereof as required by law; that the said respondent, William
sexual service of the said subpoena on the respondent, William Graham, and
James H. McFerran, Esq., Sheriff of Franklin County, Pennsylvania, made per-
pet and term above indicated; that on the 17th day of November, A.D. 1902

PETITION

FOR

APPOINTMENT OF A MASTER

2nd May, 1902. Petition for appointment of a Master; same day, petition presented in open court, read and considered and Harry I. Huber, Esq., is appointed Master to take the testimony, find the facts and report the same to the said Court with such recommendation as to the granting of the said divorce as he shall determine to be just and lawful. (Ex. Com.)

Harry I. Huber

Master.

Della Graham, by her next friend, John W. Killinger, Libellant,
vs
William Graham, Respondent.

In the Court of Common Pleas of Franklin County, Pennsylvania.
No. 20 April Term, 1902.
Proceedings in Divorce A.V.M.

To William Graham, Respondent above named,
To William Alexander, Esq., Counsel for Della Graham, Libellant.

You are hereby notified that I have been appointed by the Honorable John Stewart, Judge of said Court, Master, to take the testimony, find the facts and report the same to the said Court with such recommendation as to the granting of the said divorce, as shall be determined to be just and lawful, and will sit for the performance of the duties of said appointment at my office on Memorial Square in Chambersburg, Pa., on Friday, the 13th day of June A.D. 1902, at 10 o'clock A.M., when and where all parties interested can attend.

Service of this notice acknowledged this 29th day of May, A.D. 1902.

William Alexander

Att'y for Libellant.

Harry I. Huber

Harry I. Huber

Franklin County, Pa.
In the Court of Common Pleas of Franklin County, Pennsylvania.
No. 20 April Term, 1902.
Proceedings in Divorce A.V.M.
I, the undersigned, Harry I. Huber, Master of said Court, do hereby certify that the above and foregoing is a true and correct copy of the proceedings in the above entitled case, as the same appear in the records of said Court, and that the same were filed in my office on Friday, May 31st, 1902.

Della Graham, by her next
Friend, John W. Killinger,
Libellant,
vs
William Graham, Respondent.)

In the Court of Common Pleas of
Franklin County, Pennsylvania.
No. 20 April Term, 1902.
Proceedings in Divorce A.V.M.

To William Graham, Respondent above named.

You are hereby notified that an application for a divorce
has been made in the above stated case, upon the allegation
that you have wilfully and maliciously deserted your wife, the
Libellant, and absented yourself from her habitation without a
reasonable cause for and during the term and space of two years.
By reason of your default in not entering an appearance, the
case has been referred to me by the Honorable John Stewart,
Judge of said Court, as Master, to take the testimony, find the
facts and report the same to the said Court with such recommend-
ation, as shall be determined to be just and lawful. I have
fixed Friday, the 13th day of June, A.D.1902, at 10 o'clock, A.
M. as the time, and my office on Memorial Square in Chambers-
burg, Pa., as the place, for taking the testimony in this cause,
when and where you may attend if you see proper.

Service of this notice
is acknowledged this 29th
day of May, A.D., 1902.

Harry J. Huber
Master.

Respondent.

*Franklin County ss.
Before me the undersigned Harry
of the Court of Common Pleas of Franklin
County, Pa. My office is in Chambersburg
Pa. I hereby certify that the following
N. J. Shultz, Constable for the 2nd Ward of
Chambersburg Pa. who being duly sworn
according to law deposited and sent
that he served the foregoing notice on
the respondent William Graham on
Saturday May 31st 1902 - at Chambersburg*

Purveyor General by handing to him a
true and correct copy thereof and
making known to him the case
thereof.

Answer submitted
before me this 5th day
of June 1890.

M. K. Burgess

W. L. Stitely
Constable

Prothonotary

STATE OF NEW YORK
IN SENATE
January 1, 1890.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE
MAY 1, 1889.
ALBANY: PUBLISHED BY THE STATE PRINTING OFFICE.
1890.

PROCEEDINGS IN DIVORCE.

Mrs. Della Graham, the Libellant, called by William Alex-

ander, Esq., and sworn.

Della Graham, by her next friend, John W. Killinger, Libellant, this proceedings, are you not?
 A. Yes Sir. vs
 William Graham, Respondent.)

Q. On the 5th of February, 1896.

Q. Who performed the ceremony?

A. Rev. H. A. Schlichter.

Q. Was he a minister of the gospel of the United Brethren Church?

Before Harry I. Huber, Master.

A. He was.

Q. Where was your marriage?

A. At the home of my father June 13th, 1902.

Q. Where was that?

A. It was on the farm of Rev. Schlichter about two and one-half miles South of Upper Strasburg, this county.

APPEARANCES: present when you were married?

A. My father William Alexander, Esq., appears for Della Graham, the Libellant, and produces the following witnesses: Della Graham, Libellant, Susan Killinger, and Ace Killinger.

Q. And Della Graham, Libellant, also appears in person.

Q. How long did you live together after your marriage?

William Graham, the Respondent, does not appear.

A. My husband was with me from February until June 1896.

Q. Where did you live?

A. At the home of my father.

EVIDENCE

- Q. When did your husband leave you?
A. The first week in June 1896.
- Q. Has Mrs. Della Graham, the Libellant, called by William Alexander, Esq., and sworn?
A. Yes.
- Q. Mrs. Graham you are the wife of William Graham, the respondent, in this proceedings, are you not?
A. Yes Sir.
- Q. When were you married?
A. On the 5th of February, 1896.
- Q. Who performed the ceremony?
A. Rev. H. A. Schlichter.
- Q. Was he a minister of the gospel of the United Brethren Church?
A. He was.
- Q. Where were you married?
A. At the home of my father in Letterkenny Township.
- Q. Where was that?
A. It was on the farm of Rev. Schlichter about two and one-half miles South of Upper Strasburg, this county.
- Q. Who were present when you were married?
A. My father, John W. Killinger, my mother, Susan Killinger, my brothers Ace and Harvey Killinger, and my sisters Abbie and Myrtle Killinger.
- Q. How old were you at that time?
A. I was twenty-three years of age.
- Q. How long did you live together after your marriage?
A. My husband was with me from February until June 1896.
- Q. Where did you live?
A. At the home of my father.

Q. When did your husband leave you?

A. The first week in June 1896. he gave it to me after the war-

Q. Had he any cause for leaving you?

A. No Sir, he had no cause.

Q. Do you know where he went after leaving you?

A. He first went to State Line and afterwards to Shippensburg.

Q. Was he ever back with you after he left?

A. He was not, and I never saw him afterwards until last winter

at Upper Strasburg.

Q. Have you co-habited as man and wife since June 1896?

A. No Sir.

Q. Do you know of any reason why he should have left you?

A. There was no reason that I know of except that he got to drinking and running after other women.

Q. You say that he left you without any cause that you know of?

A. Yes.

Q. Did you do your part as a wife?

A. Yes Sir, I did.

Q. You were willing to do what you should do as a wife?

A. Yes.

Q. Has he ever contributed to your support?

A. No.

Q. Has he ever been in your company since June 1896?

A. No Sir.

Q. Did you ever write to him to come back?

A. I did write to him several times during the summer he left but he never answered my letters.

Witness shown paper marked exhibit "A"

Q. Is that a certificate of your marriage?

A. Yes Sir, it is.

Q. Who did you receive that from?

A. From Rev. H. A. Schlichter who gave it to me after the marriage ceremony was performed.

Q. Have you had it ever since?

A. I have.

Q. Was the desertion of your husband, William Graham, malicious and without reasonable cause?

A. It was without reasonable cause.

Q. Did he treat you unkindly before he left?

A. Yes.

Q. What did he do?

A. He talked very cross to me when I wanted him to go to house-keeping. And when I told him we ought to put up fruit for ourselves, so that we would have some when we had a home of our own, he said he was not going to housekeeping and that we did not need any fruit.

Q. When he went away did he say he would come back?

A. No.

Q. And you say he never did come back, nor answer your letters?

A. He did not.

Q. Yes he did until about the last of March 1856 at which time he went to work by the month on a farm near State Line.

Q. Did they still make their home with you until June 1856?

A. They did.

Q. What happened at that time?

A. My husband started and went away.

Q. Did he have any cause for leaving?

A. No.

Q. Did your daughter treat him well?

A. Yes Sir she did.

Q. Did Susan Killinger called by William Alexander, Esq., and sworn. She asked him in the presence of the family and he replied that he did not intend to go to housekeeping. And when my daughter told him they ought to put up some fruit

Q. Are you the mother of Della Graham, the Libellant?

A. Yes Sir.

Q. Where did you live at the time of her marriage to William Graham, the Respondent?

A. On Rev. H. A. Schlichter's farm.

Q. Was Della living home with you at the time of her marriage?

A. Yes.

Q. Where you present at her marriage? A. I was.

Q. At what time was she married?

A. On February 5th, 1896 at 6 o'clock in the evening.

Q. Did your daughter and her husband continue to live with you after her marriage until the first week in June 1896?

A. Yes Sir.

Q. Where was Mr. Graham working at the time of his marriage?

A. He was chopping wood near Shippensburg.

Q. Did he continue working at the same occupation after his marriage?

A. Yes he did until about the last of March 1896 at which time he went to work by the month on a farm near State Line.

Q. Did they still make their home with you until June 1896?

A. They did.

Q. What happened at that time?

A. Why, he left there and never came back.

Q. Did he have any cause for leaving?

A. No.

Q. Did your daughter treat him well?

A. Yes Sir she did.

- Q. Did you ever hear her ask her husband to go to housekeeping?
- A. Yes. She asked him in the presence of the family and he replied that he did not intend to go to housekeeping. And when my daughter told him they ought to put up some fruit for themselves, he refused and said his mother never put up any.
- Q. Do you know whether your daughter ever wrote to him to come back?
- A. Yes Sir she did because I read the letters after she had written them.
- Q. Did she ever receive any answer from him.
- A. Not that I know of.
- Q. Has she been home ever since with you?
- A. Yes.
- Q. Have they lived together since June 1896?
- A. They have not.
- Q. What was his treatment of her before he left?
- A. He gave her very short answers when she asked him for money to put up fruit.
- Q. Do you know what caused him to leave?
- A. Nothing unless it was whiskey and other women.
- Q. Do you know that he was addicted to the use of whiskey and that he went with other women?
- A. I don't know further than what I heard that he was drinking and running after other women in Shippensburg.
- Q. Do you know if your daughter has been with him since he left?
- A. Not to my knowledge.
- Q. Has he maintained her or helped to support her since he left?
- A. He has not.

Q. Did you see their manner of living together?

A. Yes. Ace Killinger called by William Alexander, Esq., and sworn, living pleasantly together as man and wife should live.

Q. Did you observe whether your sister did what a faithful wife

Q. How old are you?

A. I was twenty-seven years old last fall.

Q. Are you a brother of Della Graham, the Libellant?

A. I am.

Q. Were you present at the marriage of your sister to William Graham, the Respondent?

A. Yer Sir, I was.

Q. When were they married?

A. On the 5th of February, 1896.

Q. Who performed the ceremony?

A. Rev. H. A. Schlichter married them.

Q. Where did the marriage take place?

A. At our home on the farm of Rev. Schlichter about two and one half miles South of Upper Strasburg.

Q. Was your sister living at home at the time of her marriage?

A. Yes.

Q. Did she and her husband continue to live with you after their marriage?

A. Yes Sir.

Q. How long did they live there?

A. Until the first week in June, 1896.

Q. What happened at that time?

A. The first week in June, 1896 he left my sister and has never lived with her since. I took him to town when he left and he did not say that he would ever return. He has not been back to our home to see her since.

A. Yes Sir.

By William Alexander, Esq. I offer in evidence the Certif-

Q. Did you see their manner of living together?

A. Yes. They had no quarrels that I know of and seemed to be living pleasantly together as man and wife should live.

Q. Did you observe whether your sister did what a faithful wife should do?

A. Yes, she did her part, I know that. So far as I know I never saw anything wrong about him, except that he left her without cause and failed to support her after the first week in June 1896.

Q. Did he say anything about leaving when you took him to town?

A. He did not say anything about leaving her, but when I asked him when he would be back, he said he did not know when.

Q. Do you know where he has been living since?

A. At State Line and afterwards at Shippensburg.

Q. Where does he live now?

A. I don't know of my own personal knowledge, as I have never seen him since I took him to town at the time he deserted his wife, but I understand he now lives with William Jones near Shippensburg.

Q. Do you know of any reason for his leaving?

A. No Sir.

Q. Have you heard anything about him going with other women?

A. I heard that he was and that he was drinking pretty freely, but I don't know this of my own knowledge.

Q. So far as you could see and know, was his desertion of his wife malicious, wilful and without reasonable cause?

A. Yes Sir, I know it was.

Q. Witness shown paper marked Exhibit "A".

Q. Did you see Rev. H. A. Schlichter hand this paper to your sister?

A. Yes Sir.

EVIDENCE CLOSED.

By William Alexander, Esq. I offer in evidence the Certificate of Marriage of William Graham and Della Graham, dated the 10th day of February and signed by Rev. H. A. Schlichter, a minister of the Gospel. (Exhibit "A").

Also the Libel in Divorce of Della Graham by her next friend John W. Killinger vs William Graham, No. 20 of April Term, 1902, and the award of writ granted by the Court of Common Pleas on the 10th day of February, 1902.

Also the subpoena in divorce and the return of James F. McFerren, High Sheriff, dated February 15th, 1902.

Also the petition of William Alexander, attorney for libellant, for a master.

Also the appointment of Harry I. Huber, master, made by the Honorable John Stewart, President Judge, on the 2nd day of May 1902.

Also the commission of Harry I. Huber, master.

Also the notice served by Harry I. Huber, master, on William Alexander, attorney for Della Graham, the Libellant, and acknowledgement of service.

Also the notice of Harry I. Huber, master, served on William Graham, the Respondent, of his appointment as master in the above case, and of the time and place of taking testimony.

Also the service of notice by W. L. Stitely, constable, and his affidavit.

William Graham, the Respondent, did not appear.

E. V. I. D. E. N. C. E. C L O S E D.

MINUTES OF PROCEEDINGS.

Della Graham, by her next
Friend John W. Killinger,
Libellant,
vs
William Graham, Respondent

In the Court of Common Pleas of
Franklin County, Pennsylvania.
No. 20 of April Term, 1902.
Proceedings in Divorce A.V.M.

To the Honorable John Stewart, President Judge of the Court
of Common Pleas, of Franklin County, Pa.

The undersigned appointed by your Honorable Court, Master,
to take the testimony, find the facts and report an opinion in
the above stated proceedings, respectfully reports:

That fourteen day's notice of his appointment by your Hon-
orable Court, and of the time and place of taking the testimony
having been given, by the Master, to the Libellant and Respond-
ent, as prescribed by the Rules of Court, which notice is here-
to attached and made part of this appendix, he sat for the per-
formance of the duties of his appointment at his office in Cham-
bersburg, Pa., on Friday, June 13th, 1902, at 10 o'clock, A.M.

There appeared before him William Alexander, Esq., counsel
for the Libellant, Della Graham, the Libellant, and the follow-
ing witnesses: Susan Killinger and Ace Killinger.

William Graham, the Respondent, did not appear.

C O S T S .

Prothonotary and State-----	\$3.00.
Att'y -----	3.00.
M. K. Burgner, this report, -----	5.00.
James F. McFerren, Sheriff, -----	2.40
W. L. Stitely, Constable, -----	.50.
Susan Killinger, witness fee and mileage,-----	1.28.
Ace Killinger, " " " " -----	1.28.
William Alexander, Att'y fee, -----	50.00.
Harry I. Huber, Master's fee, -----	<u>20.00.</u>
	\$36.46

All of which is respectfully submitted,

Harry I. Huber,

Master.