

TO THE HONORABLE ARTHUR E. GAMBLE, JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: SITTING IN EQUITY.

Your Oratrix, KATHARINA FRISHKORN, by this her bill
of complaint presented against ADAM FRISHKORN, respectfully
shows:

FIRST: That Oratrix and Respondent are both over
the age of twenty-one years and are now, and have been for
more than three years prior to this date, residents of Bal-
dwin County, Alabama; that they were lawfully married at
Foley, Alabama, on or about the year 1913, and lived
together thereafter as man and wife until the month of Dec-
ember, 1918.

SECOND: That since the said marriage and partic-
ularly during the past two years, Defendant has treated
Oratrix with great cruelty which has continued to increase
so that from his conduct she has reasonable apprehension of
such physical violence as to endanger her life and health;
that she has put up with same but finds that her endurance
only excites him further and his conduct has now become so
menacing that she now lives separate and apart from Defendant.

THIRD: That Oratrix being without means has had no
place to which she might go and has been compelled to and now
is living in the same house with said Defendant, but they have
not had marital relations since the said date, to-wit, December,
1918.

FOURTH: Oratrix says there was born one child of
said marriage, a son, Otto John Frishkorn, now five years of
age, an infant of tender years needing the care and control
of his mother.

FIFTH: Oratrix shows that she is without means of
support or property of her own; that Defendant is an able
bodied man actively engaged in business by which he makes a
comfortable living, and who in addition has property, real and
personal of the reasonable value of between \$10,000.00 and

\$12,000.00; that she is without means of support for the maintenance of herself and child since her separation from her husband, or to pay her counsel fees for the prosecution of this cause.

Premises considered Oratrix prays that the Defendant, ADAM FRISHKORN, be made a party Defendant to this bill of complaint and by appropriate process be required to answer same within the time prescribed by law

Oratrix further prays that an order of reference be made forthwith, directed to the Register with instructions to ascertain and report what sum would be suitable to be allowed Oratrix as alimony pendente lite, and what further sum would be right and proper for the payment of Oratrix' solicitors in this cause; that upon the report being made as here prayed an order be made requiring the payment of such sum as the Court shall deem proper for such temporary alimony and counsel fees, that upon the hearing of the cause a decree be rendered granting to Oratrix a divorce a mensa et thoro, awarding to her the care and custody of the child of said marriage, requiring the Defendant to pay to her a suitable sum for the maintenance and support of herself and child and granting such other, further or different relief as to which she may be entitled in equity and to your Honor shall seem meet.

And Oratrix as in duty bound will ever pray, et ce Cetera.

Richard Fryer & Bule
Solicitors for Complainant,

The Defendant is required to answer each paragraph of the foregoing bill but oath to such answer is hereby waived.

Richard Fryer & Bule
Solicitor for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Adam Frishkorn

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Katharina Frishkorn,

against said

Adam Frishkorn,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 15th day of April

.....191.....

T. W. Richerson

Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

2

Copy
Serve on *Adam Frishkorn*

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

Received in office this 15th

No. 173.

day of April, 1919

SUMMONS.

O. B. Richerson
Sheriff.

Katharina Frishkorn,

Executed this 18 day of

April 1919

by leaving a copy of the within Summons with
Adam Frishkorn

Defendant

vs.

O. B. Richerson
Sheriff

By _____
Deputy Sheriff.

Adam Frishkorn

Rickarby Austill and Beebe.

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

Catharina Frishkorn,)
 vs.) In the Circuit Court of Baldwin County, Alabama.
 Adam Frishkorn.) In Equity.

This cause is submitted on the motion of Complainant for an order of reference to the Register to ascertain and report a suitable amount to be allowed to Complainant for Solicitor's fees and also for alimony pendente lite. And also on the motion of Complainant for an order to restore the Child, Otto John Frishkorn, to the custody of Complainant.

Complainant is entitled, as a matter of right, to the order of reference as to Solicitor's fees and temporary alimony.

It appears from the allegations of the Bill and also of the answer that there is a wide difference between the parties as to the true status of the parties as regards their relations with each other. It also appears that the child, whose custody each seems to desire, has been placed in a Catholic institution in Pensacola, Florida, where he is being cared for, and that he was so placed by Respondent; that Complainant is by faith a member of that Church and that Respondent is a Protestant. In all questions dealing with children the paramount consideration which moves the Court is the best interest of the child. I am of the opinion that it will be proper to have this child remain in said institution until his final disposition by this Court.

It is therefore ordered, adjudged and decreed that the Register of the Court shall forthwith, upon proper notice to the Solicitors of Respondent, hold a reference, upon which he will ascertain;

- 1st. A suitable amount to be allowed her as compensation to her Solicitors in the prosecution of this cause.
- 2nd. A suitable amount to be allowed Complainant as alimony pendente lite.
- 3rd. The income, and condition of Respondent's property.

He will report his finding to this Court within ten days from the holding of said reference together with any objections and exceptions which may be filed thereto.

It is further ordered, adjudged and decreed that the motion of the Complainant for the restoration of the Child to her custody be and the same is hereby overruled and denied. It is further ordered, adjudged and decreed that said Child remain in the Convent of Perpetual Adoration in Pensacola, Florida, at the expense of Respondent, until the further order of this Court, and that both Complainant and Respondent, be and they are each enjoined from removing or attempting to remove him therefrom or from the jurisdiction of this Court.

All other matters are hereby expressly reserved.

Done at Greenville, Alabama, at Chambers, this Aug. 13th 1919.

W. G. Gamble
 Judge.

Filed Aug 14th 1919.
T. W. Richardson
Register.

M. Frishkorn
vs.
Adam Frishkorn

CATHARINA FRISHKORN,
Complainant.

VS.

ADAM FRISHKORN,
Respondent.

IN EQUITY
IN THE CIRCUIT COURT
OF BALDWIN COUNTY.

By
To Messrs. Stone & Stone,
Solicitors for Respondent.

Dear Sirs

Please take notice that we are this daysubmitting to the Judge motions for an order of reference to ascertain alimony pendente lite and proper solicitors' fees, and also for an order requiring the return to complainant of her minor child removed from the jurisdiction of the Court by the respondent. These motions have been filed with the Clerk with the request that he forward them to Judge Gamble at once for submission and such orders as he deems proper.

Rickaby & Frazer & Beale
Solicitors for Complainant.

July 31, 1919.

We acknowledge receipt of a copy of the foregoing notice.

Solicitors for Respondent.

Executed this
2nd day of Aug
1919 by leaving
a copy of the
Within with
N C Stone

W R Stewart
Sheriff

CLERK OF DISTRICT COURT
IN AND FOR THE COUNTY OF
HARRISON

Original

To Messrs. Stone & Stone,
Collectors for Harrison
County, West Virginia.

Filed 8/2/19
D W McInnis
Recorder

True Copy on
Stone and Stone

for information and such orders as he sees proper.

Original
for Comp. Clerk

July 21, 1919.

We acknowledge receipt of a copy of the foregoing notice.

Collectors for Harrison Co.

IN EQUITY
IN THE CIRCUIT COURT OF BALDWIN
COUNTY.

CATHARINA FRISHKORN,
Complainant,

VS.

ADAM FRISHKORN,
Respondent.

Comes the Complainant and moves the Court for an order of reference to the Register to ascertain and report to the Court what would be a suitable amount to be allowed the Complainant as alimony pendente lite and for solicitors' fees for the prosecution of this cause.

Richard Brown & Buel
Solicitors for the Complainant.

CATHARINA FRISHKORN,

VS.

ADAM FRISHKORN.

MOTION FOR ORDER OF REFERENCE.

*Filed 8/2/1919
T. W. Williams
Register*

KATHERINA FRISCHKORN

IN THE CIRCUIT COURT OF BALDWIN COUNTY

VS

EQUITY SIDE.

ADAM FRISCHKORN.

ANSWER OF ADAM FRISCHKORN TO AMENDED
COMPLAINT.

Adam Frischkorn, the Respondent answering the amended original complaint of Katherina Frischkorn, for answer saith.

1st.

Respondent admits that he and complainant were married at Foley, Ala, during the month of October 1912, and that both are over the age of 21 years and are residents of Baldwin County, Alabama, but denies that they lived together as man and wife until December 1918, but alleges that during the month of September 1918 Complainant ceased to live with respondent as a wife and denied him access to her bed room at that time.

2nd.

Respondent denies that he has ever been guilty of cruelty to his wife the said Katherina Frischkorn, or that his conduct towards her has been of such a nature as would give her reasonable apprehension that she was in danger to her life and health or that his conduct has ever been menacing towards her, but on the contrary respondent alleges that Katherina Frischkorn is a woman of ungovernable temper, that she is possessed of great physical strength, being about 6 feet tall and weighs about 200 pounds and has constantly abused and cursed respondent at various times and also that she while in anger threw a large glass Mason jar at respondent twice, on another occasion she assaulted respondent with a large butcher knife and threw a large knife at respondent. On another occasion in the dining room of the Hotel at Foley and in the presence of several people she said " If I knew that nothing would be done with me I would take an axe and kill the S----- of a B-----h" referring to respondent that her conduct and demeanor towards respondent has always been abusive and threatening and not like a loving wife should be.

That without just cause complainant left and abandoned the hotel and home of respondent of her own free will and accord, and went to the home of a neighbor and has constantly abandoned respondent since that time

although respondent is able and ready and willing to support complainant at his own home.

Further answering the amended bill of complaint respondent denies that complainant has no means of her own for that she has been operating the Foley Hotel for the past year and has appropriated the entire proceeds to her own use and has means of her own.

3rd.

further answering the amended complaint respondent alleges that it is true that of said marriage was born one child Otto John Frischkorn, now five years of age, and that complainant has always neglected said child from its birth and that respondent has had the principal care of said child for many years and that after complainant left his home, having no one to care for said child during his enforced absence from home he placed the said child in care of the Convent of Perpetual Adoration in Pensacola Florida where it is receiving the tender care and attention of The Sisters of Perpetual Adoration, that although respondent is a Lutheran, in deference to the religious tendencies, if any, of complainant who is a Catholic he placed the child with the Catholic sisterhood with instruction to permit its Mother to see it at any time she wanted to.

Respondent alleges that when Complainant was Enciente with the said child Otto John Frischkorn, complainant ~~she~~ stated that if she could get the money to do she would have an abortion performed as she did not want to bear children; and at the time of this answer she is enciente, by some one, has attempted to have an abortion performed by one Dr Chapman of Mobile to prevent the birth of her unborn child, not only ~~unborn~~ has she tried this with the present child yet unborn but also she has on two other occasions against the protests of respondent aborted two other children by having operations performed, and informed respondent that she had also had two abortions performed while married to her first husband from whom she was divorced while living North.

That at all times complainant has made the life of respondent almost unbearable and has never treated him as a wife should, that she has tried in many ways to provoke respondent to strike her but to no avail; that on another occasion about two years ago, she stated that she would not live down south in the woods at Foley and that she was going to go back to

Chicago and take her child Otto John Frischkorn with her and that respondent would never see either of them again, and in order to prevent her doing so it was necessary for respondent to place said child with a relative to prevent her from taking it away from the jurisdiction of this court.

That respondent sought the aid of Father Thomas a priest of the Catholic Church to prevail upon complainant to do better and live as a wife should for the sake of the child but she refused and continued her abuse and bad behavior towards respondent.

That a short time before the filing of this original complaint, complainant demanded of respondent that she be permitted to go to Chicago and take Otto John, the child with her, that she would not live in the woods at Foley, and when respondent refused to let her with his consent, she informed him that she would take it to law, that in a few days complainant employed Hon W C Beebe, an attorney of Bay Minette, Ala, to prevail upon respondent to let his wife ~~go~~ *live apart from him* and take the child and also to give her an allowance ~~of~~ monthly, he then informed said Attorney that he would not consent for his wife to live apart from him with his child and that he would support her as long as she lived at his home and not at any other place; shortly thereafter this present suit was filed.

Further answering respondent denies that he is worth 10000 or 12000 Dollars or any amount near that sum, that he owns a farm of 80 acres and two lots in Foley Ala on which is a small wooden Hotel which is also the home of respondent, this property is worth approximately not more Eight Thousand Dollars, but it is encumbered by a Mortgage in the sum of Three Thousand now due and unpaid. That the value of his personal property is not more than \$500.00.

That complainant has always taken and kept all the money she could lay her hands upon and respondent alleges that she has a large amount of money so taken,

That respondent is informed and verily believes and so charges that complainant has sufficient means to her attorney and in fact that she has paid her attorney his fee or a part of the same in this case and that her demand for attorneys fees is speculative.

That when complainant abandoned and voluntarily left respondent she

took with her a large amount of personal property from the residence and Hotel and enow has the same.

Respondent denies each and every allegation of each paragraph of this amended bill of complaint, which is not admitted in this answer and demands strict proof thereof.

Adm Fishburn

Sworn to and subscribed before me this
April 30th. 1919.

Frank Stone

Notary Public Baldwin County.