

ADAM FRISH KORN

Complaint for divorce for abandonment

VS

KATHERINA FRISHKORN.

In The Circuit Court of Baldwin County, Alabama. Equity Side.

To Hon. John D Leigh Judge of the Circuit Court, sitting in Equity.

Your Complainant Adam Frishkorn shows unto Your Honor that he is over the age of 21 years, is now and has been for more than three years next immediately preceding the filing of this complaint a Bona Fide Resident of Foley, Baldwin County, Alabama, and brings this complaint against Katherina Frishkorn who is over the age of 21 years and is a resident of Mobile Alabama, residing at 358 St Francis Steeet.

1st.

--- were lawfully married at Bay Minette, Baldwin County, Alabama on about November 1st. 1912 . and lived together as man and wife until May 23rd 1922

2nd.

Complainant alleges that on or about the 23rd Day of May 1922 while living at Foley, Baldwin County, Alabama, that respondent Katherina Frishkorn voluntarily deserted and abandoned your Complainant without just cause or good excuse and moved to Dallas Texas, and has so continued to voluntarily desert and abandon your complainant since that time and has not consorted or lived with him since that time; and has stated that she never intended to return to him. That said abandonment has been for more e than 2 years before the filing of this complaint.

3rd.

---- Complainant alleges that of said marriage there were born two children Otto Frishkorn , a boy aged 10 years and a girl Lillie Frishkorn aged 5 years old who reside with and are cared for by Complainant and who were left with him by respondent when she deserted and abandoned Complainant, that complainant is amply able and willing to care for and educate said two children and is a fit and proper person to have the custody of them.

Prayer for process.

The premises considered Complainant prays that Your Honor will cause such process to be issued to make said Katherina Frishkorn party respondent to this his bill of complaint for divorce and that she be required to plead answer or demur to this complaint within the time required by law, and that your Honor will make and ad issue all necessary orders and decrees.

Prayer for relief.

Upon a final hearing of this cause may it please Your Honor to grant and decree to complainant an absolute decree of divorce from the said

Katherina Frishkorn and that he be permitted to again remarry, and that Your Honor will decree to him the custody and control of said two children Otto and Lillie Frishkorn, and to grant to him such other or different or further relief as to Your Honor may seem just and meet in the premises, and as in duty bound he will ever pray.

Adam Frishkorn

Note.

The respondent is required to answer each and every paragraph of the above complaint from I to 3 inclusive but not under oath as oath to the same is expressly waived.

Adam Frishkorn

Stewart
Solicitor for Compt.

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 Katherina Frishkorn, 358 St Francis
St, Mobile Alabama.

of Mobile 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

Adam Frishkorn,

against said Katherina 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 8th, day of July,

1924.

T. W. Richerson
Register.

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

66 Original
2nd

Serve on _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Adam Frishkorn,

vs.

Katherina Frishkorn.
358. St Francis St,
Mobile Ala.

Stone and Stone.
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

RECORDED
RECORDED

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this 7th
day of Aug 1924,
P. G. Bazalan Sheriff.
Mobile Ala

Executed this 8 day of
Aug 1924
by leaving a copy of the within summons with
Katherina Frishkorn

Defendant.
P. G. Bazalan Sheriff.
L. C. McHenry Deputy Sheriff.

RECORDED

[Faint, illegible text on the reverse side of the document, possibly bleed-through or a separate page.]

Adam Frishkorn

vs.

Katherine Frishkorn,

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
decree pro confesso and testimony of Adam Frishkorn, Fred Frishkorn
and Pete Frost,

and in behalf of Defendant upon



Register

6
No. 456

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Adam Truesdell

vs.

Katherine Truesdell

NOTE OF TESTIMONY.

Filed in Open Court this Sept 23

day of 20 191

D. W. Williams

Register

Recorded

RECORDED

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 456. Vacation Term, 1925

Adam Frishkorn, Complainant

vs.

Katherine Frishkorn, Defendant

To T.W. Richerson, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Stone & Stone,

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Stone & Stone
Solicitor for Complainant.

J. S. [unclear]

No. 456.

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

RECORDED

Adam Frishkorn

vs.

Katherine Frishkorn,

REQUEST FOR DECREE IN
VACATION

FILED Sept 23rd, 1925

J. W. [unclear]

Register

Recorded

RECORDED IN RECORD

VOL. PAGE

Register

The State of Alabama, }
Baldwin County.

No. CIRCUIT COURT, IN EQUITY

Adam Frishkorn

Complainant.....

vs.

Katherine Frishkorn

Defendant.....

In this cause it appears to the Register,
that a Summons requiring the Defendant Katherine Frishkorn

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said
Summons upon Katherine Frishkorn
was served upon by the Sheriff of Mobile,
County, Alabama, on the
..... day of 192.....

And the said Defendant..... having failed to demur, plead to or answer the said Bill of Complaint to this date,
it is now, therefore, on motion of Stone &. Stone,
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed
against the said Katherine Frishkorn,

Defendant... aforesaid.

This 21st day of Sept,

192 5

D.W. Robinson

Register.

4th

No. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Adam Friskorn

Vs.

Katherine Friskorn

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued *Sept 21* 192*5*

T W Richardson

Register.

Recorded

RECORDED

1100

The State of Alabama, }
BALDWIN COUNTY.

No. _____ CIRCUIT COURT IN EQUITY.

Adam Zuchkore Complainant...

vs.

Katherine Friskorn Defendant...

Motion is hereby made for a Decree Pro Confesso against

Katherine Friskorn Defendant...

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant.....ha..... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This *19th* day of *Sept* 192*5*

Stone & Stone
.....
Solicitor.

3rd

No. Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Adam Frickson

Vs.

William Frickson

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed *Sept 19* 192*5*

J. W. Rieunor
Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

Recorded

RECORDED

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 Cross, a Bill of Complaint lately exhibited by

Katherine 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 28th day of August,

1924.

T. W. Richerson
Register.

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

Original 23/4

Serve on _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Katherine Frishkorn

vs.

Adam Frishkorn,

F.W. Hernann, John F?

Glennon.

Cross,
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

Recorded,

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____
day of _____ 192

Sheriff.

Executed this _____ day of _____
192

by leaving a copy of the within summons with

Defendant.

Sheriff.

By _____
Deputy Sheriff.

Recorded,

Received & certified this
Aug 29/24
Adam Frishkorn
by Katherine Frishkorn
Deputy Sheriff.

Adam Frishkorn
vs
Katherine Frishkorn

} IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA.
} IN EQUITY.

Now comes the Respondent in the above entitled cause and for answer to the bill of complaint herein, says as follows:

FIRST.

She admits the residence of the parties hereto and also the fact that the parties to this cause were lawfully married as stated.

SECOND.

The Respondent in this cause further answers to the bill of complaint, states that the fact to be that she is not guilty of the acts complained of in this cause, but she states the fact to be, that said Complainant since her marriage to the Complainant has committed many acts of cruelty, to wit: On or about the latter part of June 1919, in the night time the Complainant grabbed your Respondent by the throat and choked her, leaving the marks of his fingers on Respondent's neck for more than a week, at another time, Complainant did throw a large butcher knife at Respondent and barely missed her head, and on numerous other occasions has beat her, cursed her, and threatened the life of your Respondent, and has forced her to leave his domicile on several occasions and so on May 23rd. 1922 at Foley, Alabama he forced your Respondent out of their residence, and threatened her, he would kill her if she ever came back to the house, and owing to the violent temper of the Complainant and the threats made by him on various occasions, your Respondent has not felt safe to again co-habit with the Complainant as husband and wife. The Respondent admits that the children set out in this bill of complaint are the children born to the Respondent after their marriage, and she states the fact to be that she is a suitable and proper person to have care, custody, and control of same, but the Complainant in this cause on account of his violent temper and habitual use of profane language is not a suitable person to have the care, custody and control of said children, wherefore this Respondent prays that this may be taken

as hereanswer and cross-bill and for service of notice thereof upon the Complainant, Adam Frishkorn personally, and that Your Honor will render a decree, granting this Respondent a divorce from the bonds of matrimony now existing between herself and said Complainant in this cause, that your Honor will grant her permission to marry again, and it will please your Honor upon the hearing of this cause to decree that this Respondent and Cross-Complainant shall have the care, custody and control of said children, aforesaid, free from any interference whatsoever on the part of the Complainant and Cross-Respondent in this cause, and your Respondent further prays that allimony both Pen Dente Lite and permanent allimony and a reasonable Solicitors fee be awarded to her by the Court and that your Honor will grant her ~~any~~ such other, further and different relief as in justice she may be entitled to receive.

F. W. Hummer

Mrs. Katharina Frishkorn
Respondent & Cross-Complainant

John F. Gleason
Solicitors for Respondent &
Cross-Complainant.

FOOTE NOTE:

The Complainant and Cross-Defendent is required to answer all of the allegations of the foregoing cross-bill in this cause but not under oath, his oath hereby being expressly waived.

Mrs. Katharina Frishkorn
F. W. Hummer
John F. Gleason
Solicitors for Respondent and
Cross-Complainant.

STONE & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALA. Sept. 3rd. 1925

Hon T Richerson Esq

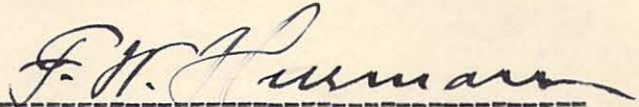
Register in Chancery

Bay Minette. Ala.

Dear Sir:-

I hereby withdraw and dismiss the Cross Bill and answer filed by me in the case of Adam Frischkorn vs Katherine Frischkorn. Divorce .

I hereby acknowledge receipt in full of Alimony Pendente Lite and Permanent alimony in this cause, Adam Frischkorn paying all costs of court .



Solicitor for Katherine Frischkorn.

Please dismiss the above answer & Cross bill so that we can take decree pro Confesso and wind it up.

Stone

Adam Frishkorn,
Complainant.

vs

Katherine Frishkorn.
Respondent and Cross- Complainant.

PENDING IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Respondent and Cross- Complainant, Katherine Frishkorn by her Solicitors, and respectfully shows unto your Honor, that in the above state cause, a reference was had before the Register of this Court, and that said Register has filed his report on said reference with your Honor, more than thirty (30) days before the filing of this motion, and no exception has been filed to said report by t the Complainant and Cross-Respondent, Now the Respondent and Cross-Complainant respectfully moves this Honorable Court to confirm the report of the Register heretofore. in this cause.



John F. Hannon
Solicitors for Respondent and Cross-
Complainant.

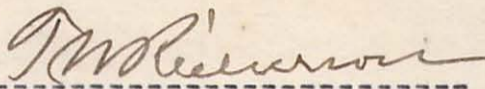
Messers Stone and Stone,

Dear Sirs:-

The reference ordered held
by the Register in cause of Adam Frishkorn vs Katherina
Frishkorn will be held in the office of the Regsiter of
the Circuit Court, at Bay Minette, Alabama, Friday November
28th 1924, at 11.A.M.

Nov 20th, 1924.

Signed.



Register.

Original

Notice of Reference.

Adam Frishkorn, Complainant.

vs

Katherina Frishkorn, Complainant.

Executed Nov.
27th 1924 by Attorney
Copy of Within on
J.C. Stone Atty
W.R. Stuart
S.H.

OFFICE OF
F. W. HERRMANN
ATTORNEY AT LAW
202 POLLOCK BUILDING
HOME PHONE 1715, BELL PHONE 1267
P. O. BOX 1227
MOBILE, ALA.

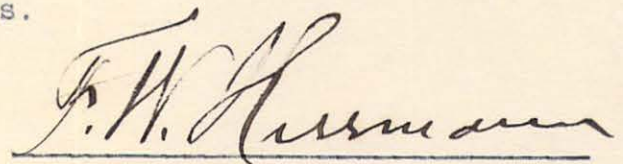
October 14th 1924.

T. W. Richerson
Register of the Circuit Court
May Minnette, Baldwin County.

Dear Sir:

In re of Frishkorn vs Frishkorn in which I represent the Respondent and the Cross Complainant, and in which case we obtained an order of reference to be held before you. My understanding with Mr. Frank Stone, was expecting to reach some agreement as to Attorneys fee and allimony, Mr. Stone was to bring his client over to Mobile for a consultation in the matter, that was the agreement when I last saw Mr. Stone about a month ago, since that I have been unable either to see Mr. Stone or get a reply to my letter, I therefore request you to set the day for a hearing of said reference before you, any day will be agreeable to me except Saturday, if convenient to you I wish you to see Mr. Stone and set some day suitable to him. Please give me three or four days notice of the day set so I can make the proper arrangements for witnesses. Hoping you will attend to this for me at your earliest convenience, I remain with best wishes.

Sincerely Yours.


F. W. Herrmann

The State of Alabama, }
Baldwin County.

No. 466 CIRCUIT COURT, IN EQUITY

ADAM FRISCHKORN Complainant

vs.

KATHERINE FRISCHKORN Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the Complainant is forever divorced from the Defendant. on account of voluntary abandonment.

It is further ordered and adjudged that the complainant shall have the custody and control of Lillie Frischkorn and the exclusive management and control of said Minor Girl who is the daughter of said Adam Frischkorn and that Katherine Frischkorn shall have the custody and control of Otto John Frischkorn, who is the son of said Katherine Frischkorn, and that both children shall be permitted to visit each parent

It is further ordered, that the said ADAM FRISCHKORN be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said ADAM FRISCHKORN pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said KATHERINE FRISCHKORN

It is further ordered, adjudged and decreed that said ADAM FRISCHKORN shall not again marry except to said KATHERINE FRISCHKORN until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said KATHERINE FRISCHKORN during the pendency of said appeal

This 23rd day of September 1925.

John D. Leigh
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY. } CIRCUIT COURT, IN EQUITY.

I, _____ Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____, 192____, in the cause of _____ Complainant

vs.

_____ Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____ 192____

Register.

No.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

ADAM FRISCHKORN

vs.

KATHERINE FRISCHKORN

DECREE OF DIVORCE.

Filed in office this 28th

day of September, 1925

T. W. Richardson
Register.

E. O. M.

Recorded on
minutes
3/12/26

THE STATE OF ALABAMA

[Handwritten signature]
Judge of the Circuit Court of Baldwin County

CIRCUIT COURT IN EQUITY

Witness my hand and the seal of said court this 28th day of September 1925

1925

12

OFFICE OF
F. W. HERRMANN
ATTORNEY AT LAW
202 POLLOCK BUILDING
HOME PHONE 1715, BELL PHONE 1267
P. O. BOX 1227
MOBILE, ALA.

February 20th. 1925.

Honorable T. W. Richerson
Clerk & Register of the Circuit Court
Baldwin County.

Dear Sir:

Yours of February 19th, in re of Frishkorn vs Frishkorn has been received and in reply I herewith send you a motion to have the report of the register in said cause confirmed by the Judge. Please file it and see that it gets to ~~the~~ his Honor and as soon as the Judge acts on said motion, please let me know of the action.

Thanking you for past favors and hoping that you will attend to this with the usual promptness, I remain,

Sincerely Yours,

F. W. Herrmann

Dear Judge;
you have the report
in this matter.
Yours truly
T. W. Richerson
2/21/925;

ADAM FRISHKORN

VS

KATHERINE FRISHKORN.

In Circuit Court Baldwin County. Ala.

EQUITY SIDE.

Answer of Complainant to Cross bill of Katherine Frischkorn.

Comes Adam Frishkorn and for answer to the allegations of the Cross bill
in above cause denies the allegations of same and demands strict proff
thereof.

ADAM FRISHKORN

By ~~STONE & STONE~~ Solicitors.

By Frank Stone

ADAM FRISHKORN

VS

KATHERINE F. ISHKORN

ANSWER TO CROSS BILL.

Filed *Sept 27* 1924

J. W. Rice
REGISTER.

The State of Alabama, } Circuit Court of Baldwin County, Alabama
Baldwin County. (In Equity.)

ADAM FRISCHKORN Complainant.

VS.

KATHERINE FRISCHKORN Respondent.

I, T. W. Richerson.....

as Register and Commissioner to take the deposition of within witnesses

have called and caused to come before me Adam Frischkorn, Fred Frischkorn and

Pete Frost.....

witness^{es} named in the Requirement for Oral Examination, on the 22 day of September

1925, at the office of T. W. Richerson, Register in Chancery at Bay Minette

in Baldwin County, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Adam Frischkorn

Complainant doth depose and say as follows:

My name is Adam Frischkorn. I am 59 years of age and I have lived continuously at Foley Baldwin County, Alabama for the past 19 years and for more than three years next immediately preceding the filing of my complaint for divorce against Katherine Frischkorn; she is over 21 years of age and is now living in Mobile Alabama, but lived in Texas for about one year before she moved to Mobile, Ala. We were married at Bay Minette, Alabama, in November 1912 and lived together as man and wife until May 1922, when she voluntarily abandoned me and went to Texas she stills abandons me and has never returned to residence May 1922 when she left me. We have had two children Otto John who is now living with his Mother at Mobile and one girl Lillie who lives with me; I am willing for her to have the Boy Otto Frischkorn and I want the girl Lillie Frischkorn, but both children can visit either Parent when they want to. I never gave her any cause to leave me but she became infatuated with another man and voluntarily abandoned me more than two years ago.

I make my living farming and supported her as best I could until she left me May 1922. I want the right to marry again if I want to.....

She abandoned me voluntarily while we were living at Foley, Baldwin County, Alabama. She stated that she was going to Chicago but left secretly

for Texas.
I am amply able to take care of Lillie Frischkorn and educate her:

Adam Frischkorn

TESTIMONY OF FRED FRISCHKORN; Being duly sworn.

My name is Fred Frischkorn and I am a son of Adam Frischkorn by a former marriage; I am over 21 years of age and live at Foley Baldwin County Alabama; I know when Adam Frischkorn and Katherine Frischkorn were married at Bay Minette, Baldwin County Alabama in November 1912 and also when they came to Foley Ala.

Katherine Frischkorn is over the age of 21 years and Adam Frischkorn is 59 years of age and has lived continuously in Baldwin County Alabama for more than 19 years, and for more than three years before he started his complaint for divorce; Katherine Frischkorn voluntarily left and abandoned Adam Frischkorn while they were living at Foley Baldwin County, Alabama in May 1922 and left for Texas, she has never lived with him since but lived when last heard from in Mobile, Alabama:

Adam Frischkorn is amply able to care for Lillie Frischkorn his daughter by Katherine Frischkorn.

When she left she told everybody that she was going to Chicago but left secretly for Texas and lived there for more than one year and then returned to Mobile.

Adam Frischkorn was a good provider and supported his wife well until she abandoned him.

P. D. Frischkorn

TESTIMONY OF PETE FROST. Being duly sworn

My name is Pete Frost and I am over 21 years of age, I live at Foley and have lived there 10 years, I know that Adam Frischkorn has lived at Foley, Baldwin County, Alabama, for more than ten years next immediately preceding his filing his divorce suit against Katherine Frischkorn, I knew when Katherine Frischkorn voluntarily abandoned and left Adam Frischkorn in May 1922 and she has never come back to him, I hear that she went first to Texas and then come to Mobile.

Adam Frischkorn was always a good husband to her and supported her well until she abandoned him. He is able to care for Lillie Frischkorn., I am no kin to either party but know both of them.

Adam Frischkorn and Katherine Frischkorn lived together as man and wife
at Foley Ala. until she abandoned him in May 1982.

Pete Frost

ORAL EXAMINATION.

I, T W Richerson, as Register and Commissioner hereby certify that the foregoing deposition...on Oral Examination was taken down in writing by me in the words of the witnesses and read over to...them...and...they...signed the same in the presence of myself...T W Richerson Register in Chancery... at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses...or had proof made before me of the identity of said witness...es...; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 22nd day of Sept., 1925 192...

T W Richerson (L. S.)
Register in Chancery.

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Adam Truckman

vs. Complainant

Nathaniel Truckman

Respondent.

Oral Deposition

Filed Sept 22, 1925

T W Richerson, Register.

Recorded in

Record _____

Vol. _____ Page _____

_____, Register

Adam Frishkorn

vs

Katherine Frishkorn

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.

IN EQUITY.

And now comes the Respondent and Cross-Complainant in the above entitled cause by her solicitors and moves the Court to order a reference to be held for the purpose of ascertaining what would be a reasonable and proper sum to be allowed her for her support during the pendency of this cause; also what would be a proper and reasonable amount to be allowed her for the services of her solicitors in this cause.

Mrs. Katherine Frishkorn
F. W. Hatcher
John F. Green
Solicitors for Respondent and
Cross-Complainant.

Service accepted this Aug 29/24
Adam Frishkorn
by Stout & Stout
Sol. for. Resp.

STATE OF ALABAMA,
MOBILE COUNTY.

ADam Frishkorn,

Complainant &
Cross Respondent.

vs

Katherine Frishkorn,

Defendent & Cross
Complainant.

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

IN EQUITY.

Comes the Respondent and Cross Complainant in above entitled cause by her Solicitors and shows to this Honorable Court as follows:

That a decree for a reference was rendered in this cause, that pursuant to said decree, the Register of this Court held a reference, and that the Register has filed the evidence taken at said reference in this Court and the Cross Complainant further shows that the Register has filed his report of said reference in Court, which said report has been laid over for more than one day before the filing of this motion, and no exceptions have been filed to said report. The premises considered, the Respondent and Cross Complainant in this cause, moves the Court to confirm the report of the Register heretofore filed in this cause.

John F. Gleason
J. W. Hummer
SOLICITORS FOR COMPLAINANT.

OFFICE OF
F. W. HERRMANN
ATTORNEY AT LAW
202 POLLOCK BUILDING
HOME PHONE 1715, BELL PHONE 1267
P. O. BOX 1227
MOBILE, ALA.

April 17th. 1925.

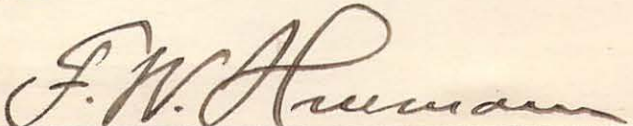
T. W. Richerson
Clerk of the Circuit Court
Baldwin County
Bay Minnette, Ala.

Dear Sir:

Mr. John Glennon informed me yesterday after his return to the city from Bay Minnette, that you have not filed a report of the reference in the Frishkorn matter, according to his suggestion I hereby submit to you, a report to be signed by you of the reference held in said cause, which after you have signed same, please file it properly, and have it entered on the docket, I also enclose a motion to have your report confirmed by the Judge, which ought to be filed a day or two after your report has been on the docket, I also enclose for the Judge's convenience a proper Judgment for confirming said report, which you will please get the Judge to sign if possible before he leaves Bay Minnette. Of course if you wish any changes to be made in these papers, that will be perfectly alright to us, as I only submit these for your approval.

Hoping that you will attend to this with your usual prompt way, I remain,

Sincerely Yours.


F. W. Herrmann

STATE OF ALABAMA,
MOBILE COUNTY.

Adam Frishkorn

Complainant &
Cross Respondent.

vs

Katherine Frishkorn,

Defendent &
Cross Complainant.

CIRCUIT COURT OF BALDWIN COUNTY, ALA.

IN EQUITY.

This cause is submitted on motion to confirm the Register's report as to allimony Pendente Lite and Solicitors fees and it appearing to the Court that said report was read in open Court and laid over for one day and that no exceptions have been filed to said report, upon consideration it is ordered that said report be and hereby is confirmed.

It is further ordered that the Complainant and Cross ~~Complainant~~ Respondent forthwith pay to the Respondent and Cross Complainant the sum of One Hundred and Ninety-one (\$191.00) Dollars as alimony pendente lite at the rate of Twenty-five (\$25.00) Dollars a month from the filing of her Cross bill to the 21st. day of April, 1925; and also the further sum of One Hundred ~~and Fifty~~ (\$100.00) Dollars as a fee for her Solicitors for their services in her behalf in this cause.

It is further ordered that said Complainant and cross Respondent pay to the Respondent and Cross Complainant on the 1st. day of each month hereafter, during the pendency of this suit, the sum of Twnety five (\$25.00) Dollars.

It is further ordered that execution may issue for the collection of this decree or any part thereof.

In term time *April 20* 1925.

John A. Leigh

JUDGE.

Adam Frishkorn,)
Complaint.)
vs)
Katherine Frishkorn,)
Defendant.)

In the Circuit Court-Equity
Side, State of Alabama,
Baldwin County.

This cause coming on to be heard upon motion of the Complainant, for an order of reference to ascertain the amount of attorneys fees and alimony pendente lite as prayed for in the amended complaint in this cause and it appearing to the Court that the said motion was filed August 27th, 1924, and that notice thereof was accepted by the Solicitors for defendant on said date and it further appearing to the Court that said motion should be granted;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register be and he is hereby ordered and directed to hold a reference in this cause to ascertain the value of the property and the earning capacity of the Complainant, Adam Frishkorn and to ascertain a suitable amount to be paid by the said Complainant to your Defendant as alimony pendente lite and attorneys fees for the Defendant in this cause and that the findings on the reference be duly reported in accordance with the rules and practice of this Court.

Done this August 30th 1924.

John D. Leigh
Judge.

T. W. RICHEYSON
CLERK AND REGISTER CIRCUIT COURT
BALDWIN COUNTY, ALA.

BAY MINETTE. ALA. Dec 18th, 1924.

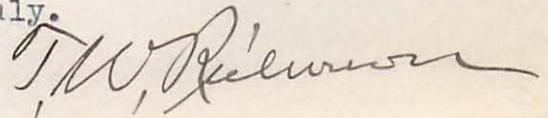
Hon. John D. Leigh
Brewton Ala.

Dear Sir:-

Enclosed find report of reference held in cause of Adam Frishkorn vs Katherine Frishkorn, You will notice that Judge Andersons evidence was that 150.00 was minimum fee in cases of this kind but I only recommended \$100.00 as I dont think from the evidence that Friskorn is worth very much after mortgages are paid. and \$100.00 is the largest fee the Bay Minette Lawyers ever received in cases of this kind Judge Anderson himself receiving only 50.00 in the Dr Hayles case .If I am wrong in my estimate of Hon.F.W.Hermann's worth as a divorce Lawyer you will of course correct me .

I see the Reichert case reversed and remanded will send copy of opinion to you when received if you wish it.

Yours very truly.



ADAM FRISHKORN

-VS-

KATHERINE FRISHKORN

CIRCUIT COURT BALDWIN COUNTY, ALABAMA

IN EQUITY.

REPORT OF REGISTER.

In this cause the Register reports to the Court that pursuant to a decree entered on the 30 day of Aug, 1924, by your Honor to ascertain the proper amount for attorneys fees and alimony pendente lite. Upon motion of the Respondent, that he held said reference on 28 day of December, 1924, after proper notice and service on the parties and that said reference, the testimony of the witnesses for the complainant and respondent were duly examined and the testimony reduced to writing, it being agreed by the parties that the signatures of the witnesses are waived, which testimony is hereto attached marked Exhibit "A"; that said reference was attended by the Solicitors for the Complainant and Respondent and by both the Complainant and the Respondent in person.

Upon a careful consideration of the testimony before him, the Register finds and reports as follows:- That the Solicitor for the Respondent is entitled to a fee of \$100.00 for his services rendered and to be rendered in this case and that the amount of alimony pendente lite shall be the sum of \$25.00 per month.

ATTEST:-

D. W. Richardson
Clerk of Circuit Court, Ex-Officio,
Register in Chancery.

Exhibit A.

ADAM FRISHKORN
vs
KATHERINE FRISHKORN.

P.J. COONEY, having been sworn testified for the Respondent as follows:-

- Q.- Do you know Mr. Frishkorn? A.- Yest. Q.- Do you know about his financial condition and of what he earns around Foley? A.- No.
- Q.- What do you consider a fair valuation of what he owns around Foley? A.- \$12,000
Do you sate that this estimation os of to-day? A.- Yes.
- Q.- What incumbrances or mortgages has he on that prôperty? A.- Do not know
Q.- What does that consist of? A.- 80 acres of land
Q.- Is that land improved. A.- Little
Q.- What is planted or growing on that land? A.- Do not know
Q.- Is it not a fact that all trees were killed? A.- Yest.
- Q.- What would place bring to-day? A.- \$4,000
Q.- How is the sale of land now? A.- Very slow.
Q.- What other property do you have in your estimation ? A.- Lots in Foley, improved, one building, garage.
Q.- What would you consider the net value of this property? A.- \$8,000
Q.- What would the lots in Foley bring? A.- \$2,000
Q.- Do you know what Mr. Frishkorn's present êncome is? A.- No.
Do you know whether or not in this present season's operations in farming \checkmark if he made or ;lost any money? A.- No.
Q.- During the past season did farmers make or loose money? A.- Make
Q.- Do you know what Mr. Frishkorn's present income is? A.- No.
You do not know what his income is A.- No.

MRS. KATHERINE FRISHKORN, being duly sworn, testifies in her own behalf as follows:-

- Q.- You are the wife of Mr. Frishkorn? A.- Yes.
Q.- Are you the party interested in these divorce proceedings.? A.- Yes.
Q.- Do you know anything about Mr. Frishkorn's financial condition? No
Q.- Do you own a farm? A.- Yes.
Q.- Do you own lots in Foley? A.- Yes.
Q.- Do you own what farming machinery there is on farm? A.- No.
Q.- What is your financial resources or income outside of what you try to make outside of your rooming house? A.- No thing
Q.- Does your rooming house bring enough to support you? A.- No
Q.- How much would it take so you could make a living out of the rooming house?(NOTE: Object to this question because it is irrevelant and does not bear upon the inquiries upon this case.)
Q.- What would it take to maintain you in the style what Mr. Frishkorn has supported you in? A.- \$50 per month
Q.- Could you get along with \$50 per month if you had no income from your rooming house
A.- No.
Q.- How much without income from your rooming house would it take? A.- \$50.00

CROSS EXAMINATION

- Where is your rooming house located? A.- 209 St. Francis Street
Q.- What rent to pay? A.- \$50.00
Q.- What is your average receipts from your rooming house? A.- \$50 to \$75
Q.- Then you make about \$25 a month? A.- I have furniture to pay for
Q.- How much do you pay on furniture? A.- \$24.00
How much behind are you on paying for this furniture? A.- Two months
Q.- Who did you buy the furniture from A.- Pagett
Q.- What did it take to support you when living with Mr. Frishkorn? A.- Do not know.
Q.- Who collected from the receipts from the Hotel? A.- I did
Q.- What did you do with the money? A.- Paid bills
Q.- Did you make any trips to Chicago? A.- Yest, one
Q.- How much of Mr. Frishkorn's money did you spend? A.- \$75.
Q.- Did he give it to you? A.- Yes.
Q.- Where did you get the money to go to Chicago on? A.- The money belonged to me.
Q.- Where did you get that money from? A.- From my mother.
Q.- How much did you take from the Hotel? A.- Do not know.
Q.- How much was bill for furniture? A.- \$800
Q.- What would it take if you were not paying on furniture? A.- \$50.00
Q.- Did you make any money last year when running rooming house? A.- No.
Q.- Did you make any money in Texas? A.- No.
Q.- If you had stayed with Mr. Frishkorn, would you have been put to expense of buying th furniture? A.- No.

- How much money have you now? A. \$6 or \$7
Q.- How much have you paid on the furniture? A. Do not know
Q.- How much cash? \$200
Q.- How many trunks did you take away? A.- 4 trunks
Q.- Anything else? A.- Nothing
Q.- Any bed lining? A.- Yes.
Q.- Did it belong to the Hotel? A.- No.
Where did you get it? A.- From Chicago.
Q.- Where was it when you left Foley? A.- In trunk
Q.- Do you know how much Mr. Frishkorn owes? A.- No
Q.- What mortgage he has on his property? A.- No
Q.- Was he burnt out at Hotel? A.- Yes.

E RE-EXAMINATION, By Mr. Herman, Solicitor for Respondent

- Q.- The bed linin what you took out of the Hotel never belonged to Mr. Frishkorn or bought by him? A.- Two quilts and one blanket.
Q.- In regard to any mortgage on this property, was there any mortgage on the property when you left Mr. Frishkorn outside of the mortgage on the Hotel? A.- I do not know
Q.- Did you ever sign any of these as his wife? A.- Yes.

ADAM FRISHKORN, being sworn, testifies as follows:-

- You have heard the testimony of Mr. Cooney? A.- Yes.
Have you had your property reasonably estimated lately? A.- Yes.
Q.- By whom? A.- Mr. Stoddard
Q.- How many acres in your farm? A.- 80
How many acres improved? A.- 60
Q.- What is the farm worth in its present condition? A.- \$5,000
Q.- The lots in Foley consist of what? A.- Hotel lot
Q.- What is their market value? A.- \$500
What is the value of the other lot? \$500
Q.- Then the total would be valued at about \$6,000, would it not? Yes.
Q.- What is the amount of your mortgages unpaid? A.- \$4300
Q.- Who handles them? A.- State Bank of Foley
Q.- Then the net worth of you is about \$1700? A.- Yes.
Q.- Did you farm last year? A.- Some
Q.- Were your trees injured? A.- All killed
Q.- What were your receipts last year from your land? A.- None
Q.- What are your yearly taxes? A.- \$120
Q.- Did you have any income last year? A.- None
Q.- Did you work at any other work last year? A.- No
Q.- Had you an income last year? A.- No
Q.- What money did Mrs. Frishkorn inherit? A.- \$100
Q.- Has she any other property? A.- Lots in Foley
Q.- How many? A.- Two or three
Q.- Where are they located? A.- Across from the Methodist Church
Q.- What are they worth? A.- Do not know
Q.- Do you know whether she has a mortgage on her house? A.- Do not know
Q.- Where did she get money from the lots? A.- From the Hotel
Q.- Who collected the receipts from the Hotel? A.- She did
Q.- How much did you net out of the Hotel? A.- \$300
Q.- When she left there what did she take with her? A.- One trunk, quilts
Q.- Did she have any of the silverware? A.- Do not know
Q.- Has Mrs. Frishkorn property of her own? A.- Yes
Q.- What income have you? A.- None
Q.- What is your total indebtedness? A.- \$500 or \$700
Q.- The \$700 added to the \$4300 makes \$5000, then your net worth would be about \$500.
Q.- How much insurance do you carry? A.- \$6,000
Q.- How much cash did you get? A.- \$1,000
Q.- What did you do with the insurance money? A.- Improved farm
Q.- Have you any other money now? No.
Q.- When was Hotel burned? A.- Two years ago
Q.- How much are the farming tools worth? A.- \$500
Q.- Is that all the property you have? A.- Yes.

CROSS EXAMINATION

- Q.- When you and your wife operated that Hotel, you lived at the hotel? A.- Yes.
She paid all the expenses? A.- Yes.
Q.- What did you pay? A.- Taxes lights, wood, etc.
Q.- What become of the money from the mortgage? A.- ~~Spent~~ Bought a Hotel

- Q.- How much was the mortgage? A.- \$5500
Q.- Is it not a fact that the mortgage was put on the Hotel to start your son in the saw-mill business? A.- Yes
Q.- Did you get the money back? A.- No.
Q.- Does your son owe you anything? A.- Nothing
Q.- Was it supposed to be paid back? A.- No.

Re-EXAMINATION

- Q.- How long had your son been with you on the farm? A.- 21 years
Q.- How long did he work with you after he was 21 years old? A.- One year
Q.- How much mortgage have you on your property altogether? \$8,000, \$4300 left
Q.- Does he help you now? A.- Yes.
Q.-

J.W. VINES being duly sworn, testifies for complainant as follows:-

- Q.- Do you know Mr. Frishkorn? A.- Yes
Q.- Are you acquainted with his property? A.- Yes.
Q.- In its present condition, what would it sell for? A.- I would say \$5000
Q.- Do you know about the mortgages on it? A.- No
Q.- Do you know about the property in Foley? A.- No
Q.- What are the lots worth? A.- Do not know
Q.- Did he make any money last year? A.- Do not know
Q.- Was his trees damaged by the freeze? A.- I would say a total loss
Q.-

CROSS EXAMINATION

- Q.- Do you know what it might sell for? A.- No.

MR. A.T. CROUCH, being duly sworn, testifies as follows:-

- Q.- What would the farm bring? \$6000
Q.- What would it bring without any equipment? A.- \$5,000
Q.- Do you know anything about the lots? A.- No.
Q.- What was the injury to his orange trees during freeze of last winter? A.- Total loss
Q.- Do you know if he made any money last year? A.- Do not know
Q.-

CROSS EXAMINATION

- Q.- What did Mr. Frishkorn plant this year? A.- Irish potatoes, soy beans and corn
Q.- What sort of farming implements does he own? A.- Tractor, I saw a horse, a mule, two head of cattle?

RE-EXAMINATION MRS. FRISHKORN

- Q.- Do you have any property in Foley? A.- It belongs to the boy and girl
Q.- How much have you paid on the property? A.- Do not know
Q.- Have you got the lots about paid for? A.- Do not know
Q.- How much have you paid? A.- Do not know, think \$10 a month
Q.- When did you start paying this? A.- Two years ago
Q.- How much was you to pay for them? A.- \$200, \$175 and \$150
Q.- Did you buy them in your own name? A.- Yes.
Q.- Was any change made in the contract? A.- No.

JUDGE W.S. ANDERSON, Being duly sworn testifies as follows:-

- Q.- What would be, in your opinion, be a reasonable charge for her Attorneys A.- \$150 or \$200
Q.- Do you know the customary fee charged here in divorce cases? A.- Yes, \$25 to \$50
Q.- What fee was charged in the Hale case? A.- \$50
Q.- What is the minimum fee? A.- \$100

NOTE:- It was agreed between the Attorneys that the testimony need not be signed.