

# MRS. RUDOLF FRIML TO RECEIVE DIVORCE

**Emma Trentini Is Co-respondent  
in Wife's Suit Against  
Opera Composer.**

**"DARLING EMMA," HE WROTE**

**Referee Recommends Plaintiff Keep  
Couple's Children—\$15,000  
In Lieu of Alimony.**

Copies of the report of Henry F. Miller, the referee in the suit of Mathilde Friml against Charles Rudolf Friml for a divorce have been sent to the principals in the case. The report recommends that a decree be granted to Mrs. Friml; that the two children, Charles Rudolf Friml, Jr., 5 years old, and Marie Lucille Friml, 2, be placed in the custody of the mother; that the father be permitted to see them at stated intervals, and that the plaintiff shall receive \$15,000 in lieu of alimony.

Mr. Friml is a composer of several light operas, among them being "The Firefly," "The Peasant Girl," and "High Jinks." He has been in this country ten years and from the beginning of his musical career here has met with much success. Emma Trentini played the leading rôle in some of his musical productions, and her name appeared in Mrs. Friml's complaint as the co-respondent. The evidence against her and Mr. Friml was presented by Herman L. Roth, Mrs. Friml's attorney.

The report finds that the defendant and co-respondent were guilty of misconduct at the Claridge Hotel on Election Eve, 1914, on a train going to Albany on Nov. 12, 1914; at the Hotel Statler in Buffalo on Nov. 17, and at an apartment house at 600 West 169th Street, in this city, in the week beginning Dec. 13, 1914. Mr. Friml is also accused in the report of having misconducted himself with an unknown woman in the same apartment house in the same month.

"The plaintiff, in my view of the case," the referee says, "is entitled to be divorced from her husband. Her natural inclination would be at least for a time to return to the home of her parents, who happen now to be living in California. To compel her to keep the children in New York would, in my opinion, be tantamount to depriving her of the children altogether, which would be most unjust and a severe hardship."

### **Friml Found Excitable.**

Mr. and Mrs. Friml were married on May 26, 1909, in Los Angeles. The date of the marriage was about six years after the arrival of Mr. Friml in this country, and he already had achieved fame as a musician. He was earning a great deal of money in royalties. Some of the royalties were to run for twenty-five years, and his total annual income from this source alone was said to be \$50,000. The referee described him as of an excitable temperament. His wife described him as being extremely cruel to her and to the children.

The evidence submitted to the referee was that Mr. Friml treated his children with "great cruelty." Mrs. Friml testified that while she and her husband lived together the rent of their apartment was \$960, that a number of servants were employed, and that her husband opened accounts for her in many department and jewelry stores. They lived in luxury, but Mrs. Friml was not happy. She complained that her husband was cold and cruel, and several times "assaulted her with his hand and kicked her," and that he would "horribly beat his children."

Mrs. Friml said that in December, 1914, he threw her out of the house and she went to her parents' home in Los Angeles. Her husband offered her \$5,000 to get a divorce, and promised to pay her \$200 a month if she would do as he wished, she asserted. Among the exhibits in the case was a letter written to Mme. Trentini, in which Mr. Friml addressed her as "Dearest, Darling Emma," and closed, "I am so lonesome without you. Love to you. Dearest Emma."

The referee found that Mr. Friml was frequently in the company of Mme. Trentini. He said:

"The constant attendance of the defendant upon Mme. Trentini and his presence in her dressing room on so many occasions, coupled with the interference that this caused in the judgment of the managers to the proper conduct of the performance, resulted ultimately in his expulsion from the theatre."

Mr. Blumenthal, Mme. Trentini's manager, testified to this effect, according to the report:

"He saw the defendant in the room of Emma Trentini at the Statler Hotel on Sunday, Monday, Tuesday, and Wednesday mornings, from Nov. 15 to 18, inclusive, 1914. Upon all of these occasions the parties were more or less dining together at times in the room, eating their meals. He testified that Mme. Trentini was always in negligée, and that on some mornings it looked as if the room had not yet been made up."

### **Agreement for Divorce.**

Toni Novaeck, who was employed by Mr. Friml as a maid while he lived at 600 West 169th Street, testified of visits made to the apartment by Mme. Trentini. An effort was made by the attorney for Mr. Friml to show that the action for divorce was the result of connivance and collusion, but the referee said he found no evidence of this. This agreement was made part of the record:

Apt. 62, The Courtwood,

600 West 169th Street, Oct. 10, 1914.

It is mutually agreed between us that I, Mathilde Friml, am to sue for divorce and sole unconditional custody of the children, Rudolf, Jr., and Marie Lucille Friml. I am promised not to have the suit contested and to receive \$40 a week support until the final divorce decree is granted. Furthermore, in consideration of our mutual agreements I am to receive the lump sum of \$1,217.51, an automobile, Western trip, and all costs of divorce paid by Mr. Rudolph Friml, Sr. Furthermore I, Mathilde Friml, am to receive a settlement of \$5,000 cash when the final divorce decree is granted, and whatever pecuniary remuneration Mr. Friml sees fit to make at his own free will from time to time.

It is clearly understood between the parties undersigned that any variations from these premises will terminate this agreement, and each party may do as they choose toward the other.

Signed (in good faith)

MATHILDE L. FRIML.

RUDOLPH L. FRIML.

The referee found that while the plaintiff had received \$5,000 from the defendant it had no connection at all with the agreement. A telegram from Mr. Friml to his wife in California was to the effect that the money was sent her to buy an automobile. The referee said:

"The plaintiff impressed me very favorably while on the witness stand. Her attitude appears to me to be fairly expressed in a letter to the defendant, from which it appears that her action is prompted in sorrow, and compelled by her self-respect and love for her children, and that it is not in pursuance of any collusive agreement with her husband. I find no collusion. This agreement in respect of alimony impresses me as corroborative of the defendant's knowledge of his guilt; for without expressly so stating, it carries to my mind the implication of the defendant's belief that judgment would have to be rendered against him in this action."

### **Osborne to Lecture at Columbia.**

Warden Thomas Mott Osborne, head of Sing Sing Prison, will address the students of the Columbia Summer session on Aug. 2, according to announcement made yesterday by Professor James C. Egbert, the Director. The registration at the Summer session has now exceeded 6,000, breaking last Summer's record by about 500 students.

**The New York Times**

Published: July 25, 1915

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