

LENA FONDREN HODGES,

Complainant

-vs-

JOHN H. HODGES,

Respondent

No.  
E Q U I T Y

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

TO THE

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE  
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes LENA FONDREN HODGES and by this her Bill of Complaint  
presented against JOHN H. HODGES, respectfully shows:

FIRST: That Complainant and Respondent are both over the age of  
twenty-one years; that both are now and have been for more than five  
years next preceeding the filing of this Bill of Complaint bona fide  
residents of the State of Alabama, until recently living together as  
as husband and wife in the village of Daphne, Alabama.

SECOND: That Complainant and Defendant were married/8 October 1942  
in Mobile, on  
and lived together as husband and wife until recently in the village  
of Daphne, Alabama.

THIRD: That for the last few years the married life of this couple  
has been unhappy because of the behavior of Defendant, who has a bad  
temper and frequently flies into fits of anger, in which he had threat-  
ened and abused Complainant. Complainant has tried to put up with this  
behavior, hoping for improvement, but from Defendant's actions of late  
she fears that in a fit of anger he will do her great bodily harm, if  
not take her life. Complainant specifically charges that during the  
Carnival season of 1950, in a fit of anger, Respondent came at her with  
a brush ax, which he used to try to break in the door of the room in  
which she had run, locking the door for her protection. From Defen-  
dant's behavior on this occasion, as well as his general conduct, Com-  
plainant has reasonable apprehension to fear serious violence at the  
hands of Respondent that will endanger or risk her life and health.

FOURTH: Complainant further shows that having now determined to  
leave this Respondent, they have made an arrangement as to property  
division, a copy of which is filed herewith, and which she asks be  
~~embodied~~  
enjoined in whatever decree of divorce this Court sees proper to render.

THE PREMISES CONSIDERED, Complainant prays that JOHN H. HODGES be made party defendant to this cause, and by proper process required to plead, answer or demur to this Bill of Complaint within the time presecrived by law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said JOHN H. HODGES, granting her the right to marry again should she so desire, and such provision for her support and for the distribution of the property owned by them jointly as to your Honor seems proper together with such other and further relief as to equity may seem meet.

RICKARBY & RICKARBY

BY

Elliott H. Rickarby  
E. G. RICKARBY, SR.  
Solicitors for Complainant.

RECORDED

NO.

EQUIT Y.

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

LENA FONDREN HODGES,

-vs-

Complainant

JOHN H. HODGES,

Respondent

BILL OF COMPLAINT

FILED

JAN 29 1951

ALICE J. DUCK, Clerk

RICKARBY & RICKARBY  
Solicitors for Complainant

*Lena Fondren Hodges*

vs.

*John H. Hodges*

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, *answer*  
*and waiver, agreement of parties as to property, and testimony*  
*of Complainant and John H. Fonden.*

*Riesterly & Riesterly*

*Solicitors for Complainant.*

and in behalf of Defendant upon

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

*Lena F. Hodges*  
Complainant

VS.

*John H. Hodges*  
Respondent

NOTE OF TESTIMONY

Filed in Open Court this .....

day of *January*, 19*51*.

Register.

Printed By The Baldwin Times.

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

6 August 1951

Mrs. Alice J. Duck  
Register  
Bay Minette, Alabama

Dear Mrs. Duck:

HODGES VS HODGES--NO. 2602: You will recall that on January 27th we mailed you Bill, Answer and Waiver, check for \$12.00 Court costs, Agreement between Parties, and decree, also Depositions.

The next day, however, we telephoned you that the parties had "kissed and made up" but to hold the papers until further notice.

As I had anticipated, yesterday morning early, my client showed up at my home very much upset and told me that her loving husband had not only failed to live up to his promises, but was now threatening to kill her. We will probably give you the "green light" and submit the papers for decree, but before you do so, would like to see one copy of the decree sent you which I do not find a copy in my file. I should also like to know if the agreement between parties is not in the file. I have one copy in my file and the other has probably been sent you, but I am not certain.

When you get out the file, call me at my expense and read the decree to me.

Sincerely,

*Elliott G. Rickarby*  
for  
RICKARBY & RICKARBY

EGR:fc  
3041

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

27 January 1951

Mrs. Alice J. Duck  
Register of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

HODGES -vs- HODGES: With this we hand you Bill of Complaint in this cause, Answer and Waiver of Defendant, and our check for \$12.00 for Court costs; also an agreement between the parties and decree with <sup>also note of decision</sup> two copies. You will receive, by this mail, the depositions of Complainant and her witness.

We will be glad to get this decree at as early a date as possible, as these parties, both of whom have grown grandchildren, have finally reached the breaking point and desire the parting to be legally and speedily concluded.

We appreciate the promptness with which the Manery matter was closed, ~~and~~ another, which like this, was a case that had been simmering for a long time before the explosion occurred.

Sincerely,

*Elliott G. Rickarby*

for  
RICKARBY & RICKARBY

EGR:M  
3041

MOTION TO DISMISS

LENA FONDREN HODGES,

Complainant,

VS.

JOHN H. HODGES,

Respondent.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT:

Comes now the Respondent in the above styled cause and moves the Court to dismiss this cause and for grounds of said motion says as follows:

That very soon after <sup>this</sup> suit was filed your Complainant and Respondent resumed their marital life. That they lived together thereafter, as man and wife, continuously until to-wit, July 1, 1952; that your Complainant thereby condoned any acts of cruelty the Respondent might have committed, prior to that time.

*Albert M. Brantley*  
SOLICITOR FOR RESPONDENT

MOTION TO DISMISS

LENA FONDREN HODGES,

JOHN H. HODGES,

AS

Complainant,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

FILED

REGISTERED



MOTION TO DISMISS

LENA FONDREN HODGES,

Complainant,

VS.

JOHN H. HODGES,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

FILED 10-25-54

Register  
REGISTER

*MOTION FOR RESPONDENT*

and each of said the Respondent might have committed prior to that time.  
consequently until to-wit: July 7, 1925; that said Complainant therein assigned  
served their master till; that they lived together peacefully as man and wife;  
that said soon after said wife filed said Complainant and Respondent re-  
to divorce the same and for change of said motion was as follows:

Come now the Respondent in the above styled cause and move the Court  
CIRCUIT:

TO THE HONORABLE JUDITH P. WARDEN, JR., JUDGE OF THE TENNESSEE SUPREME

Respondent:	X	CASE NO. 2602
JOHN H. HODGES,	X	IN EQUITY
AS:	X	BALDWIN COUNTY, ALABAMA
Complainant:	X	IN THE CIRCUIT COURT OF
LENA FONDREN HODGES,	X	

MOTION TO DISMISS

MOTION TO DISMISS

LENA FONDREN HODGES,

Complainant,

VS.

JOHN H. HODGES,

Respondent.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

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*Robert M Brantley*  
SOLICITOR FOR RESPONDENT

MOTION TO DISMISS

LENA FONDREN HODGES,

Complainant,

VS.

JOHN H. HODGES,

Respondent.

-----

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

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FILED 10-25-57

Register  
REGISTER

LENA FONDREN HODGES,  
Complainant

vs

JOHN H. HODGES,  
Respondent

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

DEPOSITIONS OF LENA FONDREN HODGES AND  
JOHN H. FONDREN, WITNESSES FOR COMPLAINANT

The above named witnesses appeared before me at the time and place hereinafter stated and upon examination by counsel for Complainant, after being sworn, testified as follows:

LENA FONDREN HODGES

I am the Complainant in this cause and on October 3, 1942, married John H. Hodges, who, like myself, has been a bona fide resident of Baldwin County for more than five years past. We live at Daphne. My life with my husband has not been a happy one and we have in the past few years had frequent quarrels. This got so far that in the Mardi Gras season of 1950 he came after me with a brush axe in a fit of rage and smashed in the door of our home which I had locked to be protected against him and had I not been able to keep him away while his fit of rage lasted, he would have killed me with this. This is only one time when he has abused me and made threats, and, as he does not improve, I am leaving him before he does me serious injury or kills me, which from his actions in the past gives me ample grounds for my fear. I am now asking a divorce and am willing to make a very liberal property agreement with him to get my freedom from his mistreatment and my constant fear for my life.

Lena F. Hodges.

JOHN H. FONDREN

I am a lifelong resident of Baldwin County and brother of the Complainant. I have known for a long time that her relations with her present husband, Mr. Hodges, were not satisfactory and that he has been cruel and abusive to her, but have not known of such occurrences up to the spring of last year during Mardi Gras when I went to their home in Daphne and found where he had smashed in a door of the house with an axe in attempting to get to her where she had locked herself in to get away from him. I did not see this occasion, but saw it within a few hours afterward and both of them were still upset because of the difficulty. They both have violent tempers and I am convinced that if they do not separate he will do her some serious bodily harm.

John H. Fondren

I, Helen P. Baugh, acting as commissioner by agreement of parties, hereby certify that in the case of LENA FONDREN HODGES vs JOHN H. HODGES, pending on the Equity side of the Circuit Court of Baldwin County, I caused Lena Fondren Hodges and John H. Hodges, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, and where, after being duly sworn, upon examination by the solicitors for the Complainant, they testified as is above written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 26th day of January, 1951

Helen P. Baugh

LENA FONDREN HODGES,  
Complainant

vs

JOHN H. HODGES,  
Respondent

DEPOSITIONS OF LENA FONDREN  
HODGES AND JOHN H. FONDREN,  
WITNESSES FOR COMPLAINANT

Filed 1-31-51  
Rec'd -  
Reg -  
✓

Commissioner's fee \$4.50  
Paid by Complainant.

LENA FONDREN HODGES,  
Complainant

No.  
E Q U I T Y

vs

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

JOHN H. HODGES,  
Respondent

Comes JOHN H. HODGES, Respondent in the above styled cause,  
and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

*John H. Hodges*

Respondent

Before me, the undersigned Notary, personally appeared JOHN H. HODGES, who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 26th day of January, 1951.

*Elvett S. Riney*

Notary Public, State of Alabama at Large.

2602

RECORDED

LENA FONDREN HODGES,  
Complainant

vs

JOHN H. HODGES,  
Respondent

ANSWER AND WAIVER

FILED

JAN 29

ALICE J. DUCK, Clerk

LENA FONDREN HODGES,

Complainant

-VS-

JOHN H. HODGES,

Respondent

No.  
E Q U I T Y

CIRCUIT COURT OF BALDWIN

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RICKARBY & RICKARBY

BY *Elliott G. Rickarby*

E. G. RICKARBY, SR.  
Solicitors for Complainant.