

3928

#5.00

VIRGIE HOGUE,  
 Complainant,  
 VS  
 WILLIE S. HOGUE,  
 Respondent.

)  
 )  
 ) IN THE  
 )  
 ) CIRCUIT COURT OF BALDWIN COUNTY,  
 )  
 ) ALABAMA. IN EQUITY.  
 )  
 ) NO. 3928  
 )

TESTIMONY TAKEN IN OPEN COURT, ON December 12, 1956, before  
 HON. HUBERT M. HALL, JUDGE OF SAID COURT:

PRESENT AND REPRESENTING THE PARTIES:

FOR THE COMPLAINANT: Hon. Norborn C. Stone  
 GUARDIAN AD LITEM: Hon. Wilson Hayes.

STIPULATION:

Comes now the Complainant, by her Solicitor, and  
 the Respondent by the Guardian Ad Litem hereofore appointed  
 to represent and defend for him, and stipulate in open Court  
 that the Guardian Ad Litem does hereby waive notice of the  
 taking of the testimony and of the submission for final decree  
 in the above cause.

MRS. VIRGIE HOGUE, THE COMPLAINANT, BEING FIRST DULY SWORN,  
TESTIFIED:

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Examination by Mr. Stone.

Q. Are you Virgie Hogue?

A. Yes I am.

Q. Are you the Complainant in this cause, Mrs. Hogue?

Q. Are you over 21?

A. Yes sir,

Q. Where do you live?

A. Robertsdale.

Q. How long have yhou lived in Robertsdale?

A. 15 years.

Q. Are you married to Willie S. Hogue?

A. Yes I am.

Q. Is he over the age of 21 years?

A. Yes sir.

Q. Where is his present address?

A. Veteran's Administration, Hospital Ward N. Biloxi, Mississippi.

Q. Where was he living before he became a patient in that hospital?

A. Robertsdale, Alabama.

Q. Baldwin County, Alabama?

A. Yes.

- Q. When were you married to Willie S. Hogue?
- A. August 3, 1945.
- Q. Where were you married?
- A. Lozley, Alabama.
- Q. Now when did Willie S. Hogue become a patient in this hospital where he is now residing?
- A. January 3, 1948.
- Q. Did you and Willie S. Hogue live together as man and wife from August 3, 1945 to January 1948 when he was committed to the Veterans Hospital?
- A. Yes sir.
- Q. Has he been confined continuously since January 3, 1948?
- A. Yes sir.
- Q. Is he a patient in the mental ward or asylum in the hospital?
- A. Yes sir.
- Q. Now have you been informed and do you believe, Mrs. Hogue, that he is an incompetent, mentally and hopelessly and incurably insane?
- A. Yes I do.
- Q. Were there any children born to you and Mr. Hogue?
- A. One.
- Q. Boy or girl?
- A. Girl.
- Q. How old is she?
- A. 10.

Q. Where is she living?

A. With me in Robertsdale.

Q. Now do you maintain a home in Robertsdale?

A. Yes I do.

Q. Do you live with some one?

A. No sir, I am living by myself with my children.

Q. What is the name of your daughter by Mr. Hogue?

A. Linda Juanita.

Q. Now has there ever been a guardian appointed over the person of your husband? -- Does he have a guardian?

A. No.

MR. STONE: We would like to call the Court's Attention, and introduce in evidence and have marked as Complainant's exhibit 1, the certificate under oath of E. A. Hiller, the manager of the Veteran's Administration, Biloxi, Mississippi, dated December 4, 1956, in which he certifies to the mental condition of the Respondent on November 27, 1956, the date that this suit was filed.

ON CROSS EXAMINATION OF THE COMPLAINANT, SHE TESTIFIED:

Examination by Mr. Hayes, Guardian Ad Litem.

Q. Mrs. Hogue, how long did you and your husband live in Robertsdale from the time you married?

A. Until he went to the Hospital.

- Q. You never lived any where else?
- A. For two months we lived in Arkansas.
- Q. What year was that?
- A. 1947.
- Q. But you returned to Robertsdale, in Baldwin County, Alabama?
- A. Yes sir.
- Q. Robertsdale was your home?
- A. Yes sir.
- Q. And was your home at the time he entered the hospital on January 3, 1948?
- A. Yes sir.
- Q. Do you know the name of the mental abberation that your husband is suffering from?
- A. No sir, I don't; I have it wrote down at home but I don't remember.
- Q. You have seen him since he has been in the hospital?
- A. Oh yes.

I hereby certify that the foregoing, consisting of pages 1 to 5 both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open Court in the above styled cause on this day.

This 12th day of December, 1956.

Louise D. [Signature]  
Court Reporter



VETERANS ADMINISTRATION  
CENTER  
BILOXI DIVISION  
BILOXI, MISSISSIPPI

*Compliments Ed Hiller 1*

YOUR FILE REFERENCE:

IN REPLY REFER TO:

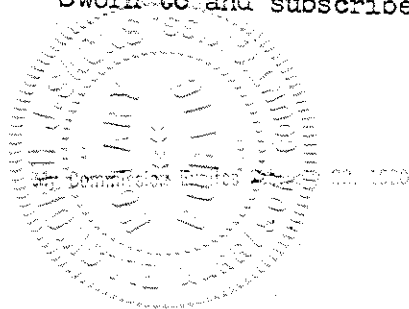
C-13 592 263  
HOGUE, Willie S.

Before me, Ellsworth J. Sacks, Notary Public, personally appeared Mr. E. A. Hiller, Manager, Veterans Administration Center, Biloxi, Mississippi, who is known to me and who, after being by me first duly and legally sworn, did depose, certify and say under oath as follows:

That his name is E. A. Hiller and that he is over the age of twenty-one years and Manager of the Veterans Administration Center, Biloxi, Mississippi, and that said Center maintains and operates, as part of the Center, a Neuropsychiatric Hospital. That Willie S. Hogue is now, and has been for a period of more than five (5) successive years, confined in said hospital, and, in the opinion of the patient's attending physician and the undersigned, after a complete and full study and examination of the said Willie S. Hogue, that he is now, and was on November 27, 1956, hopelessly and incurably insane.

E. A. HILLER

Sworn to and subscribed before me this 4th day of December, 1956.

  
ELLSWORTH J. SACKS,  
Notary Public.

VERGIE S. HOGUE,	¶	
Complainant,	¶	IN THE CIRCUIT COURT OF
vs.	¶	BALDWIN COUNTY, ALABAMA
WILLIE S. HOGUE,	¶	IN EQUITY
Respondent.	¶	
	¶	

DECREE OF DIVORCE

This cause coming on to be heard was submitted upon Bill of Complaint, Order Appointing Guardian ad Litem, Acceptance of Appointment by Guardian ad Litem, Certificate of E. A. Hiller, Answer of Guardian ad Litem and Testimony taken ore tenus and filed in the cause, and upon consideration thereof, the Court is of the 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 Respondent be, and the same are hereby dissolved, and that the said Vergie A. Hogue is forever divorced from the said Willie S. Hogue for and on account of the fact that the Respondent is hopelessly and incurably insane and was at the time of the filing of the bill, and has been confined in an insane asylum for a period of five (5) years.

It is further ORDERED, ADJUDGED and DECREED by the court that the Complainant be, and she hereby is, awarded the full and complete custody and control of Linda Juanita Hogue, the only child born to the marriage of the Complainant and the Respondent.

It is further ORDERED, ADJUDGED and DECREED that neither party to this suit shall again marry except to each other until sixty (60) days after the rendition of this decree, and that if appeal is taken within sixty (60) days, neither party shall again marry except to each other during the pendency of said appeal.

It is further Ordered that the Complainant and Respondent be and they hereby are permitted to again contract marriage upon payment of the cost of this suit.



It is further ORDERED that Vergie ~~X~~. Hogue, the Complainant, pay the costs herein to be taxed, including the fee of the Guardian ad Litem, for which execution may issue.

Done this 12th day of December, 1956.

Hubert M. Hall  
Judge Circuit Court, In Equity



VERGIE S. HOGUE  
Complainant,  
vs  
WILLIE S. HOGUE  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE OF DIVORCE

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It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the complainant and Respondent be, and the same are hereby dissolved, and that the said Vergie S. Hogue is forever divorced from the said Willie S. Hogue for and on account of the l fact that the Respondent is hopelessly and incurably insane and was at the time of the filing of the bill, and has been confined in an insaen asylum for a period of five years (5).

It is further ORDERED, ADJUDGED AND DECREED by the court that the Complainant be, and she hereby is, awarded the full and complete custody and controls of Linda Juanita Hogue, the only child born to the marriage of the Complainant and the Respondent.

It is further ORDERED, ADJUDGED AND DECREED that neither party to this suit shall again marry except to each other luntil sixty (60) days after the rendition of this decree, and if appeal is taken within sixty (60) days, neither party shall marry again except to each other during the pendency of said appeal.

It is further Ordered that the Complainant and Respondent be and they hereby are permitted to again contract marriage upon payment of the cost of this suit.

It is further ORDERED that Vergie S. Hogue, the Com-  
plainant, pay the costs herein to be taxed, includeng the fee of the  
Guardian ad Litem, for which execution may issue.

Done this 12th day of December, 1956.

HUBERT M. HALL  
Judge Circuit Court, in Equity

VERGIE S. HOGUE,  
Complainant,  
vs.  
WILLIE S. HOGUE,  
Respondent.

Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

MOTION TO RE-TAX COSTS

Comes now the Complainant in the above styled cause, by her Solicitors, and moves this Honorable Court to re-tax the costs in the above styled cause and as grounds for said motion says, separately and severally, as follows:

1. That the costs are excessive.
2. That the cost bill as presented to the Complainant contains charges not authorized by law.
3. That said costs were not computed in accordance with the provisions of Title 11, Section 27 of the Code of Alabama of 1940.

Respectfully submitted,  
CHASON & STONE

By: 

~~FILED~~  
DEC 12 1956  
ALICE J. DUCK, Clerk

FILED  
DEC 12 1956  
ALICE J. DUCK, Register

STATE OF ALABAMA  
BALDWIN COUNTY

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||  
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IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Willie S. Hogue to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Vergie Hogue, as Complainant, against Willie S. Hogue, as Respondent.

Witness my hand this 27<sup>th</sup> day of November, 1956.

Alice J. Duck  
Register

VERGIE HOGUE,	I	
Complainant,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
WILLIE S. HOGUE,	I	IN EQUITY
Respondent.	I	

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND TO THE HONORABLE HUBERT M. HALL, THE JUDGE THEREOF:

Comes your Complainant, the undersigned Vergie Hogue, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That she is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, residing in Robertsdale, Alabama, and that she has been residing in said County in said State for more than two years next preceding the filing of this Bill of Complaint. That the Respondent, Willie S. Hogue, is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, and his present address is Veteran's Administration Mental Hospital in Gulfport, Mississippi.

SECOND:

That your Complainant and the Respondent were married on, to-wit: August 3, 1945, in Loxley, Baldwin County, Alabama, and that they lived together as man and wife until, to-wit; January 3, 1948, when the Respondent was committed to the Veterans's Administration Mental Hospital in Gulfport, Mississippi, where he has been confined and is presently confined. That the Respondent has been confined in said hospital, an insane asylum, for a period of five (5) successive years and he is hopelessly and incurably insane on the date of the filing of this Bill of Complaint.

THIRD:

That there was born to your Complainant and the Respondent one child, Linda Juanita Hogue who is presently ten (10) years of age and who resides with your Complainant in Robertsdale, Alabama. That your Complainant is a proper person to have the care, custody and control of the said Linda Juanita Hogue and, because of the mental condition of her father, he is unable to have such care, custody and control of said child.

FOURTH:

That the Respondent is a person of unsound mind and has no duly appointed guardian over his estate or person.

PRAYER FOR PROCESS

The premises considered your Complainant respectfully prays that a guardian ad litem be appointed to represent and defend the Respondent, Willie S. Hogue, without personal service of a Summons and a copy of this Bill of Complaint upon the person of the Respondent under the provisions of the Equity Rule 5 (C), Alabama Equity Rules, or by such other process as this court may direct and in the event that a guardian ad litem is appointed without personal service upon the Respondent that he be required to plead, answer or demur to this Bill of Complaint within the time allowed by law or the rules of this

Honorable Court.

BOOK 021 PAGE 132

PRAYER FOR RELIEF

The premises considered your Complainant respectfully prays that upon a final hearing of this cause that this Honorable Court will enter an order or decree divorcing the Complainant from the Respondent and on account of the matters hereinabove alleged and in and by the terms of said decree that this Honorable Court will award to your Complainant the care, custody and control of the said Linda Juanita Hogue and that this Honorable Court will enter such other and different orders and decrees as in the premises will be meet and proper.

Respectfully submitted,

Vergie Hogue  
Vergie Hogue

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Worborne C. Stone, Jr., a Notary Public, in said County in said State, personally appeared Vergie Hogue, who is know to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Vergie Hogue and that she is one and the same person as the Complainant in the foregoing Bill of Complaint and her name is signed thereto as such and the facts alleged are true.

Vergie Hogue  
Vergie Hogue

Sworn to and subscribed before me  
on this 26<sup>th</sup> day of November,  
1956.

Worborne C. Stone, Jr.  
Notary Public, Baldwin County, Alabama



VERGIE HOGUE,  
Complainant,

vs.

WILLIE S. HOGUE,  
Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear to the Court that Vergie Hogue has this day filed a bill of complaint in this Court against Willie S. Hogue in which she prays that a decree be entered divorcing her from the said Willie S. Hogue for and on account of the fact that he has been confined in an insane asylum for a period of five successive years and that on the date of the filing of the said bill of complaint is hopelessly and incurably insane and that he is now confined in the Veterans Administration Hospital in Biloxi, Mississippi, and that he has no duly appointed guardian over his person or estate; and the Court having considered the same is of the opinion that a guardian ad litem should be appointed to represent and defend for the said Willie S. Hogue without personal service of summons on the said Willie S. Hogue; it is, therefore,

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Wilson Hayes, a practicing attorney in Bay Minette, Alabama, be, and he hereby is, appointed as guardian ad litem for Willie S. Hogue in the above styled cause; and he is required to plead, answer or demur to the bill of complaint within thirty days after service upon him of a copy of the same and of this order and decree, such service to be had upon the said guardian ad litem in the manner prescribed by law.

Done this 27th day of November, 1956.

Hubert M. Hall  
Circuit judge.

BOOK 021 PAGE 133

VERGIE HOGUE,  
Complainant,  
VS  
WILLIE S. HOGUE,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

Comes now Wilson Hayes, a practicing attorney in Bay Minette, Alabama heretofore on, to wit, November 27, 1956, appointed as Guardian Ad Litem for Willie Hogue, Respondent.

AND having accepted such appointment as Guardian Ad Litem makes the following answer to Complainant's Bill of Complaint.

I

Respondent denies each and every allegation contained in the Complainant's Bill of Complaint and demands strict proof thereof.

*Wilson Hayes*  
Solicitor for Respondent

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VERGIE HOGUE,

Complainant,

vs

WILLIE S. HOGUE,

Respondent.

CIRCUIT COURT

IN EQUITY

ACCEPTANCE AND ANSWER  
OF GUARDIAN AD LITEM

FILED  
DEC 11 1956  
ALICE J. DUCK, Register