

4618

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Bessie Moseley Mayeaux 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 Benton Mayeaux as the Complainant, against Bessie Moseley Mayeaux, as the Respondent.

Witness my hand on this the 9 day of June, 1959.

*Alvin J. ...*  
Register

BENTON MAYEAUX,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	)	
	)	BALDWIN COUNTY, ALABAMA
BESSIE MOSELEY MAYEAUX,	)	
Respondent.	)	IN EQUITY
	) (	

Comes your Complainant in the above styled cause and shows unto this Court and unto Your Honor as follows:

FIRST:

That your Complainant and the Respondent are both resident citizens of the State of Alabama and are both over the age of twenty-one years.

SECOND:

That your Complainant and the Respondent married each other on June 4, 1959. Their marriage certificate was issued by the Probate Judge of Baldwin County, Alabama, and he performed the ceremony on June 4, 1959. That immediately following such ceremony your Complainant and the Respondent drove to New Orleans, Louisiana, and that night when your Complainant attempted to have sexual intercourse with the Respondent she refused to have such sexual intercourse with

him and advised him then and there that she did not expect to have such sexual intercourse with him in the future and that she did not intend to fulfill her marriage vows. That on Friday, June 5, 1959, the Complainant and Respondent drove to Houston, Texas where they spent the night and on that night the Complainant again attempted to have sexual intercourse with the Respondent and she again refused him and informed him that she did not intend to ever have sexual intercourse with him. Thereupon the Respondent bought a bus ticket and returned to her home in Alabama and the Complainant returned in his automobile. The Respondent and Complainant have never consummated their marriage by sexual intercourse.

PRAYER FOR PROCESS AND RELIEF

The premises considered the Complainant prays that the above named Respondent be made a party Defendant to this cause by the usual Writ or process of this Court requiring her to plead, answer or demur within the time allowed by law. That upon a final hearing of this cause that this Court will order and decree that the marriage of your Complainant and the Respondent is annulled and is of no further force and effect and is null and void. That this Court will enter such other and further orders and decrees as may be requisite in the premises and your Complainant will ever pray.

FILED

JUN 9 59

ALICE L. DUCK, CLERK  
REGISTER

*Bertha C. Mayson*  
Complainant

BENTON MAYEAUX,

Complainant,

vs.

BESSIE MOSELEY MAYEAUX,

Respondent.

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I  
I  
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I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above styled cause and accepts service of a copy of the Summons and Complaint filed in said cause and waives further service of the same.

The Respondent hereby waives notice of the taking of testimony in said cause and notice of submission of the same and hereby agrees that the testimony may be taken and the cause submitted without further notice to her.

For answer to the Bill of Complaint filed in said cause the Respondent admits the allegations of the first paragraph of the complaint. The Respondent admits the allegations of the second paragraph of the Bill of Complaint insofar as the date and place of their marriage is concerned but denies all other allegations of the second paragraph of said complaint and demands strict proof thereof.

Bessie Moseley Mayeaux  
Respondent

WITNESS:

Alice J. Luck  
Register

filed June 9, 1959  
Alice J. Luck, reg.

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ALICE J. DUCK, CLERK  
REGISTER

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BENTON MAYEAUX,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT
	)	
VS.	)	OF BALDWIN COUNTY, ALABAMA. IN EQUITY
	)	
BESSIE MOSELEY MAYEAUX,	)	NO. 6818
	)	
Respondent	)	
	)	

TESTIMONY TAKEN IN OPEN COURT, ON JUNE 9th, 1959.

BENTON MAYEAUX, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

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Examination by Mr. Chason.

- Q. What is your name, please?
- A. Benton Mayeaux.
- Q. Mr. Mayeaux, are you a resident citizen of the State of Alabama?
- A. Yes sir.
- Q. Is Bessie Moseley Mayeaux a resident citizen of the State of Alabama?
- A. Yes sir.
- Q. Are you both over the age of 21 years?
- a. Yes sir.
- Q. Did you and the respondent enter into a marriage ceremony on June 4, 1959?
- A. Where - Yes sir.
- Q. Where did you buy your license?
- A. We bought license and got married in Bay Minette, Alabama, by Judge Stuart.
- Q. Judge W. R. Stuart?
- A. Yes sir.
- Q. He performed the ceremony on June 4, 1959?
- A. Yes sir.

- Q. Immediately following this ceremony where did you and your wife go?
- A. From here we left and went to New Orleans and stayed overnight.
- Q. New Orleans, Louisiana?
- A. Yes sir.
- Q. Now on the night of June 4, 1959, when you and your wife arrived in New Orleans and after you had secured a room -- by the way, did you stay at a Hotel or Motel?
- A. Motel.
- Q. That night did you attempt to have sexual intercourse with your wife?
- A. I did.
- Q. What did she tell you?
- A. She told me that she had made a mistake and that she was sorry and she didn't want to be bothered and she went to bed with her pants on and kept them on all night.
- Q. Did she refuse to have sexual intercourse with you?
- A. Yes sir.
- Q. Did she inform you that she did not intend to fulfill her marital vows and have intercourse with you?
- A. The next night she did; that night she said she felt like she was a stranger and didn't want to be bothered.
- Q. The following day - Friday June 5th - where did you and your wife go?
- A. Houston, Texas.
- Q. That night did you attempt to have sexual intercourse with her?
- A. I certainly did and my wife didn't want to talk to me; I couldn't let my foot touch her and I would try to talk to her and she told me to shut up and she turned her back to me and she told me she didn't want to be bothered.

- Q. That was the night that she told you she didn't intend to fulfill her marriage vows?
- A. That is right.
- Q. Following her refusal on those two nights to have sexual intercourse with you, how did she come back to Alabama?
- A. Well when she did that, I got up about 12:30 and took her clothes out of my car, and I said: "If you don't want to be with me I am going to be gone," and I brought her clothes in and I got in my car and drove back and I left her there. I looked in her purse to see that she had enough money -
- Q. Did she come in on a bus?
- A. She did; she got in about 7:00 o'clock on the bus and I got back around 5:30.
- Q. You have not had sexual intercourse with her?
- A. No sir, she lives with her mother and father and I live by myself.
- Q. You have not had sexual intercourse with her since you returned to Alabama?
- A. No sir.
- Q. When you married her you expected her to have intercourse with you and live with you as a normal wife?
- A. That is what we all expect. I have been in the army and I retired and I was lonesome; I was going to quit going to sea and go back to my laboratory work.
- Q. And she has refused to fulfill the usual requirements of a wife?
- A. Yes sir.
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C E R T I F I C A T E:

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 in the above styled cause, taken by me on this day in open Court.

This 9th day of June, 1959.

Louise A. A. A.  
Official Court Reporter

BENTON MAYEAUX,	I	
	I	IN THE CIRCUIT COURT OF
Complainant,	I	
	I	BALDWIN COUNTY, ALABAMA
vs.	I	
	I	IN EQUITY
BESSIE MOSELEY MAYEAUX,	I	
	I	
Respondent.	I	

This cause coming on to be heard was submitted upon the Bill of Complaint, Answer and Waiver and testimony taken orally before the Court and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in the Bill of Complaint.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the marriage ceremony which was entered into by and between the Complainant and the Respondent on June 4, 1959, in Bay Minette, Baldwin County, Alabama, is hereby declared null and void and of no force and effect.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant and the Respondent are not married to each other, their purported marriage being hereby annulled and the Complainant is hereby taxed with the cost of this proceeding for which execution may issue.

Done this the 10 day of June, 1959.

*Hubert M. Hall*  
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 Judge

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**FILED**  
JUN 10 1959  
ALICE J. DUCK, CLERK  
REGISTER

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