

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA
August 27, 1956

3823

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you find a divorce proceeding. I do not have any motion or decrees pro confesso on publication, so please send me some. ~~Also, I do not have the dates nor the name of the news~~ *have that now.* ~~paper of the publication.~~ Also, send a statement as to the amount of court costs.

Yours very truly,



FOREST A. CHRISTIAN

RACHEL BLACKMON, COMPLAINANT

vs.

MALVIN BLACKMON, RESPONDENT

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, _____
TESTIMONY OF RACHEL BLACKMON, JOHN I. BLACKMON, AND JAMES S. MORRIS,

and in behalf of Defendant upon _____ AFFIDAVIT OF PUBLICATION, MOTION AND DECREE PRO
CONFESSO.

Melvin Blackmon
Collector for
Complainant.

Alice J. Duck
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

Register.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

RACHEL BLACKMON

Complainant

VS.

MALVIN BLACKMON

Respondent

I, Kathryn Sute

as Register and Commissioner

have called and caused to come before me

Rachel Blackmon

John I. Blackmon

James S. Morris

witnesses named in the Requirement for Oral Examination, on the 25 day of August

1956, at the office of Forest A. Christian

in Foley

Alabama, and having first sworn said Witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Rachel Blackmon

doth depose and say as follows:

My name is Rachel Blackmon. I am over the age of 21 years and live at Foley, Baldwin County, Alabama. I married Malvin Blackmon in 1945 at Foley, Alabama. My husband is 31 years of age. We have three children; Dona, age 10; David, age 8; and Charles, age 5. My husband left me five and one half years ago, and he went to the island of Guam and worked for Civil Service, but letters addressed have been returned. I have heard that he returned to the states, but I have not seen or heard from him for over 5 years, and I have had to work to support my children, and have not had any income from him for over a year.

Rachel Blackmon

Rachel Blackmon

I, JOHN I. BLACKMON, first being duly sworn depose and say as follows:

My name is JOHN I. BLACKMON. I am the uncle of Malvin Blackmon. My nephew left his family here about five years ago, and has never returned. Our family has not heard from him either, and we do not know where he is. He is over the age of 31 years, and left his wife Rachel with three children for no good cause.

John I. Blackmon

John I. Blackmon

I, JAMES S. MORRIS, FIRST BEING DULY SWORN DEPOSE AND SAY AS FOLLOWS:

My name is JAMES S. MORRIS, and I am related by marriage to Rachel Blackmon and Malvin Blackmon. I know that Malvin Blackmon left his wife Rachel Blackmon about five years ago and has not returned. Malvin Blackmon left his wife and their three children for no good cause.

James S. Morris

James S. Morris

ORAL EXAMINATION.

I, Kathryn Sute, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition ~~on~~ Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Forest A. Christian

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 25th day of August, 1946

Kathryn Sute (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 1946

FILED

Register.

Recorded in 1946

Record

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Register.

AFFIDAVIT OF NONRESIDENCE

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

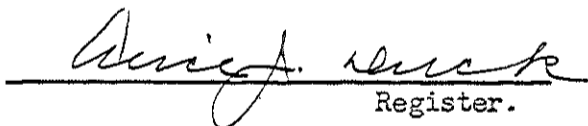
RACHEL BLACKMON,)
)
 COMPLAINANT,)
)
VS:)
)
MALVIN BLACKMON,)
)
 RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Before me, ALICE J. DUCK, Register of said Court, personally appeared FOREST A. CHRISTIAN, who being first duly sworn, deposes and says that MALVIN BLACKMON, Respondent in the above stated cause is a nonresident of the State of Alabama, and that his place of residence is unknown, and that it can not be ascertained after reasonable effort, and further, that in the belief of said affiant the said defendant is over the age of twenty-one years.



Sworn to and subscribed before me this the 25th day of June, 1956.


Register.

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25

5. Your complainant further avers that she and the three children are destitute and without funds with no place to go for help and that your respondent is in good health, is an able bodied man, whose income will exceed \$500.00 per month; that your complainant has no means of support either for herself or for her three children and that respondent has refused and failed to provide for the support and maintenance of her and the three minor children; and that your complainant further avers that she is without means to pay her attorney for services rendered and services to be rendered in this suit.

The premises considered, your complainant makes the said MALVIN BLACKMON a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said MALVIN BLACKMON, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will further order that the care, custody and control of said minor children of the marriage, namely: Donald Blackmon, David Blackmon, and Charles Blackmon, be awarded to your complainant; that your Honor will award permanent alimony, support and maintenance of THREE HUNDRED & 00/100 DOLLARS (\$300.00) per month for herself and the three minor children, and attorney's fees in the amount of \$150.00, and your complainant prays for such other, further or general relief to which she may be entitled.


Solicitor for Complainant

LEGAL NOTICE

J. 9 B
h

Rachel Blackmon, Complainant vs. Malvin Blackmon, Respondent.
In the Circuit Court of Baldwin County, Alabama, In Equity.

In this cause, it appearing to the Register from the affidavit of Forest A. Christian, solicitor for complainant, that the residence and post office address of the respondent, Malvin Blackmon, are unknown and further that in the belief of said affiant, the respondent, Malvin Blackmon, is over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in the Foley Onlooker, a newspaper published in Baldwin County, Alabama, requiring the said Malvin Blackmon to plead, answer or demur to the bill of complaint in this cause by the 15th day of August, 1956, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against said respondent.

Done at office, this the 25 day of June, 1956.

F. A. Christian
Solicitor for Complainant

W. J. Duck
Register

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2958 _____, Term, 19____

Rachel Blackmon _____ Complainant_____

Vs.

Malvin Blackmon _____ Defendant_____

Motion is hereby made for a Decree Pro Confesso against Malvin Blackmon _____

_____ Defendant_____

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 24th day of August 19 56

746 Code

 _____ Solicitor.

No. 2958

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

RACHEL BLACKMON

Complainant _____

Vs.

MALVIN BLACKMON

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed _____ 8-24 _____ 19 56

Register.

Recorded in _____ Record

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[Handwritten signature/initials]

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Kathryn Sute

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

Rachel Blackmon

John I. Blackmon

James S. Morris

a witnesses in behalf of Rachel Blackmon in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Rachel Blackmon, Complainant

and

Malvin Blackmon Respondent

on oath, to be by you administered, upon said witnesses to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 25th day of August, 1956

[Signature]
Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant _____

VS.

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

I, _____, do hereby certify that _____
 of the County of _____ State of Alabama,
 is a duly qualified _____
 and is qualified to take the deposition of _____
 on the _____ day of _____ A.D. 19____
 at _____ Alabama.
 My commission expires on the _____ day of _____ A.D. 19____

I, _____, do hereby certify that _____
 of the County of _____ State of Alabama,
 is a duly qualified _____
 and is qualified to take the deposition of _____
 on the _____ day of _____ A.D. 19____
 at _____ Alabama.
 My commission expires on the _____ day of _____ A.D. 19____

I, _____, do hereby certify that _____
 of the County of _____ State of Alabama,
 is a duly qualified _____
 and is qualified to take the deposition of _____
 on the _____ day of _____ A.D. 19____
 at _____ Alabama.
 My commission expires on the _____ day of _____ A.D. 19____

SUMMONS

BOOK 021 PAGE 467

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon MALVIN BLACKMON, to appear and plead, answer or demur, within thirty days from the service hereof to the Complaint filed in the Circuit Court of Baldwin County, Alabama, at Bay Minette, against MALVIN BLACKMON by RACHEL BLACKMON.

Witness my hand this the _____ day of June, 1956.

Clerk

* * * * *

BILL OF COMPLAINT

RACHEL BLACKMON,)	
))	
COMPLAINANT)	IN THE CIRCUIT COURT OF
)	
VS:)	BALDWIN COUNTY, ALABAMA
)	
MALVIN BLACKMON,)	IN EQUITY.
)	
RESPONDENT)	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your complainant, RACHEL BLACKMON, respectfully represents and shows unto your Honor:

1. That the complainant is over the age of twenty-one years and is a resident citizen of said State and County; that MALVIN BLACKMON is over the age of twenty-one years and his residence is unknown.

2. That your complainant and respondent were lawfully married on or about, to wit: 1945 at Foley, Alabama.

3. Your complainant further avers and alleges that the said respondent voluntarily abandoned the bed and board of complainant for more than one year next preceding the filing of this bill of complaint, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

4. There has been born to said marriage three children, namely: Donald, age 10; David, age 8; and Charles, age 5, and the complainant alleges that she is a person of good moral character and a prudent parent and is a suitable person to take proper care of said minor children.

BOOK 021 PAGE 438

5. Your complainant further avers that she and the three children are destitute and without funds with no place to go for help and that your respondent is in good health, is an able bodied man, whose income will exceed \$500.00 per month; that your complainant has no means of support either for herself or for her three children and that respondent has refused and failed to provide for the support and maintenance of her and the three minor children; and that your complainant further avers that she is without means to pay her attorney for services rendered and services to be rendered in this suit.

The premises considered, your complainant makes the said MALVIN BLACKMON a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said MALVIN BLACKMON, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will further order that the care, custody and control of said minor children of the marriage, namely: Donald Blackmon, David Blackmon, and Charles Blackmon, be awarded to your complainant; that your Honor will award permanent alimony, support and maintenance of THREE HUNDRED & 00/100 DOLLARS (\$300.00) per month for herself and the three minor children, and attorney's fees in the amount of \$150.00, and your complainant prays for such other, further or general relief to which she may be entitled.


Solicitor for Complainant

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RACHEL BLACKMON, Complainant

vs.

MALVIN BLACKMON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on publication and Testimony as noted by the Register, 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 Defendant be, and the same are hereby dissolved, and that the said RACHEL BLACKMON is forever divorced from the said MALVIN BLACKMON for and on account of

VOLUNTARY ABANDONMENT

It is further ordered, adjudged and decreed by the Court that;

RACHEL BLACKMON, the Complainant, shall have complete custody of the three minor children; Donald, age 10, David, age 8, and Charles, age 5.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty 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 are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that RACHEL BLACKMON the Complainant pay the cost herein to be taxed, for which executed may issue.

This 3rd day of September 1956

[Handwritten Signature]

Judge Circuit Court, In Equity.

I, _____, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree, rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of _____, 19____

Register of Circuit Court, In Equity.

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

Decree Pro Confesso of Publication.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 2958 ~~See~~ Aug. Term, 19 56

RACHEL BLACKMON Complainant

MALVIN BLACKMON Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 28th day of June, 1956, in the Foley Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 28th day of June 1956, and

And it now further appearing to the Register Alice J. Duck, that the said

MALVIN BLACKMON

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said MALVIN BLACKMON

This 24 day of August 1956

Alice J. Duck Register.

No. -----

Page -----

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Decree Pro Confesso of Publication

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