

45661

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Donald R. Faircloth, Complainant

vs.

Frances Faircloth, 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

Donald R. Faircloth is forever divorced from the said Frances Faircloth for and on account of

Adultery and it is further ORDERED, ADJUDGED AND DECREED that Donald R. Faircloth be and is awarded the permanent care, custody and control of the minor children, Donald R. Faircloth, Jr. and Franklin Martin Faircloth.

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 Donald R. Faircloth the Complainant pay the cost herein to be taxed, for which executed may issue.

This 5th day of October 1959

Hubert M. Still  
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

Donald R. Faircloth

Complainant

vs.

Frances Faircloth

Respondent

DIVORCE DECREE

FILED

OCT 8 1959

ALICE A. DUCK, CLERK  
REGISTER

DONALD R. FAIRCLOTH

COMPLAINANT

VS

FRANCES FAIRCLOTH

RESPONDENT

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

DECREE OF TEMPORARY CUSTODY

This day came Donald R. Faircloth and presented to the court his varified petition seeking temporary custody of his children and upon consideration of the same, the Court is of the opinion that he is entitled to the relief he seeks.

It is therefore ORDERED, ADJUDGED AND DECREED, that Donald R. Faircloth be and he is hereby given the full care, custody and control of Donald R. Faircloth, Jr. and Franklin Martin Faircloth pending a final determination of his divorce from his wife Frances Faircloth.

Done this the 30 day of July, 1959.

Hubert M. Lee  
Circuit Judge

FILED  
JUL 30 1959  
ALICE J. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons FRANCES FAIRCLOTH, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by DONALD R. FAIRCLOTH, as Complainant and against FRANCES FAIRCLOTH, as Respondent.

WITNESS my hand this the 30 day of July, 1959.

Miss J. Luck  
Register

DONALD R. FAIRCLOTH

COMPLAINANT

VS

FRANCES FAIRCLOTH

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4661

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

Your Complainant, DONALD R. FAIRCLOTH, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident citizen of Baldwin County, Alabama and over twenty-one years of age; that your Respondent is a non-resident citizen of Baldwin County and is over the age of twenty-one years of age.

2.

That your Complainant and the Respondent married at Chesterfield, South Carolina on May 31st, 1946 and lived together as husband and wife in Baldwin County, Alabama, until on to-wit: July 26, 1959.

3.

The Complainant alleges that the Respondent has committed various acts of adultery with various men, whose names at this time are unknown to this complainant; said acts having been committed without the connivance or consent of this complainant and have occurred since May 31st, 1946.

That there was born to this marriage between your Complainant and the Respondent two sons, Donald R. Faircloth, Jr., now twelve years of age and Franklin Martin Faircloth, now eleven years of age; that your Complainant is a suitable, fit and proper person to have their care, custody and control.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Frances Faircloth, party Respondent to this bill of complainant requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof, Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Complainant be awarded the permanent care, custody and control of the minor children, Donald R. Faircloth, Jr. and Franklin Martin Faircloth; Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

FILED  
JUL 30 1959

ALICE J. DUCK, Register

WILTERS AND BRANTLEY

BY

*Robert M. Brantley*  
Solicitor for the Complainant

**FILED**  
JUL 30 1959  
PAGE 1, DUCK, Register

# THE BALDWIN TIMES

JIMMY FAULKNER  
PUBLISHER

*Alabama's Best County's Best Newspaper*

BAY MINETTE, ALABAMA

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Faircloth vs Faircloth

NOTICE TO NON-RESIDENT  
The State of Alabama  
Baldwin County  
Circuit Court in Equity  
DONALD E. FAIRCLOTH, Complainant  
No. 4861

FRANCES FAIRCLOTH, Respondent  
In this cause it being made to appear to the Clerk of this Court by the affidavit of Donald E. Faircloth, Complainant that the Defendant Frances Faircloth is a non-resident of the State of Alabama and further that in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Frances Faircloth the said Defendant to answer or demur to the Bill of Complaint in this cause by the 30th day of August, 1959, or after thirty days therefrom a decree Pro Confesso may be taken against her.

Alice J. Duck, Register

### COST STATEMENT

160 WORDS @ 6 1/2 cents ..... \$ 10 <sup>40</sup> =  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.  
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Aug 6, 1959 Vol. 71 No. 30

Date of 2nd publication Aug 13, 1959 Vol. 71 No. 31

Date of 3rd publication Aug 20, 1959 Vol. 71 No. 32

Date of 4th publication Aug 27, 1959 Vol. 71 No. 33

Subscribed and sworn before the undersigned this 27 day of Aug, 1959.

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrisette, Jr.  
Editor.

1

4661

1

FILED

AUG 28 1959

ALICE J. DUCK, CLERK  
REGISTER



NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

DONALD R. FAIRCLOTH  
No. 4661 COMPLAINANT

The State of Alabama,

BALDWIN County.

vs.

FRANCES FAIRCLOTH  
RESPONDENT

Circuit Court, in Equity

This the 30 day of

July, 1967

In this cause it being made to appear to the Clerk of this Court by the affidavit of

DONALD R. FAIRCLOTH, Complainant

that the Defendant Frances Faircloth

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Frances Faircloth the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 30 day of

August 1967, or after thirty days therefrom a decree Pro Confesso may be taken against her

Alice J. Harker  
Register.

Wilton T Brantley

Donald Faircloth

vs.

Frances Faircloth

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,  
Decree Pro Confesso on Publication and Testimony of Donald Faircloth and  
witnesses Millie Faircloth and Grover Faircloth

and in behalf of Defendant upon

Wilters, Brantley and Nesbit

by: *Phyllis S. Nesbit**Alice J. Duck*

Register.

No. 4661

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

Donald R. Faircloth

VS.

Frances Faircloth

Note of Testimony

Filed in Open Court this

day of, 19

Register.

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4661

Term, 19

Donald Faircloth

Complainant

Vs.

Frances Faircloth

Defendant

Motion is hereby made for a Decree Pro Confesso against

Frances Faircloth

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 5<sup>th</sup> day of

October 1959

82

746 Code

F D

By: Arthur Brantly & Nesbit  
Thyllis S. Nesbit Solicitor.

OCT 8 1959

ALICE J. DUCK, Register

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4661

Term, 19

Donald Faircloth

Complainant

Frances Faircloth

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 day of \_\_\_\_\_, 19\_\_\_\_, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and

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

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 Frances Faircloth

This 5th day of October 1959

Alice J. Duck Register.

DONALD R. FAIRCLOTH

COMPLAINANT

VS

FRANCES FAIRCLOTH

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

Before me, the undersigned authority, personally appeared Donald R. Faircloth, who being first duly sworn, deposes and says that Frances Faircloth, the Respondent in the above stated cause is a non-resident of the State of Alabama, and that her place of residence is unknown, and that it cannot be ascertained after reasonable effort and further that in the belief of the said Affiant, the said non-resident is over the age of twenty-one years.

Donald R Faircloth  
Affiant

Sworn to and subscribed before me this 30 day of July, 1959.

FILED  
JUL 30 1959  
ALICE J. DUCK, Registrar

Phyllis S. Nease  
Notary Public, State of Alabama at  
Large

DONALD R. FAIRCLOTH

COMPLAINANT

VS

FRANCES FAIRCLOTH

RESPONDENT

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

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

Your Complainant, DONALD R. FAIRCLOTH, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Petitioner has filed a suit for divorce against the respondent in this court in which he asks for permanent custody of his two children, Donald R. Faircloth, Jr., age twelve and Franklin Martin Faircloth, age eleven.

2.

That your Petitioner is in every respect a suitable and proper person to have temporary custody of his children pending the final divorce decree.

3.

The Respondent is in no wise fit to have these children pending the divorce decree. That she left the home of your petitioner with a married man and went to North Carolina with him. That she took these aforesaid children there and left them with her mother, Mrs. Addie Smuggs.

The premises considered your petitioner prays that your Honor will forthwith issue an order giving him the full care, custody and control of his two minor children Donald R. Faircloth, Jr. and Franklin Martin Faircloth; pending the final decree in this cause.

Donald R. Faircloth  
Petitioner

STATE OF ALABAMA  
BALDWIN COUNTY

Before me the undersigned authority, personally appeared Donald R. Faircloth, who being by me first duly sworn, deposes and says: "My name is Donald R. Faircloth, I am the petitioner in this cause, I have read the foregoing petition and all matters stated therein are true."

Donald R. Faircloth  
Petitioner

FILED

JUL 30 1959

Sworn to and subscribed before me this 30 day of July, 1959.

ALICE J. DUCK, Register

80

Phyllis S. Nesbitt  
Notary Public, State of Alabama at Large

DATE JUL 25 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. J Faircloth  
SPEC. INST.

DATE JUL 25 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. James Faircloth  
SPEC. INST.

DATE JUL 25 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. James Faircloth  
SPEC. INST.

TO Mobile  
COLLECT NO. HE 29408  
PERS.  
ACCEPTED  
ADD NAME

TO Mobile  
COLLECT NO. He 29408  
PERS.  
ACCEPTED  
ADD NAME

TO Mobile  
COLLECT NO. He 29317  
PERS.  
ACCEPTED  
ADD NAME

OPR 4 8 15 A 3  
T.C. 3  
TERM. VIA CLASS TAX  
ROUTE

OPR 8 8 48 A 3  
T.C. 3  
TERM. VIA CLASS TAX  
ROUTE

OPR 14 10 00 A 9  
T.C. 9  
TERM. VIA CLASS TAX  
ROUTE

Complainant  
Exhibit # 12

Complainant  
Exhibit # 13

Complainant  
Exhibit # 14

DATE JUL 21 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. James Faircloth  
SPEC. INST.

DATE JUL 18 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. James Faircloth  
SPEC. INST.

DATE JUL 18 1959  
PL. R Dale  
NO. Wi 7 2425  
PERS. J Faircloth  
SPEC. INST.

TO Mobile  
COLLECT NO. He 29317  
PERS. Leo Rabun  
ACCEPTED  
ADD NAME

TO Mobile  
COLLECT NO. He 29317  
PERS.  
ACCEPTED  
ADD NAME

TO Mobile  
COLLECT NO. He 29317  
PERS.  
ACCEPTED  
ADD NAME

OPR 8 7 31 A 5  
T.C. 8  
TERM. VIA CLASS TAX  
ROUTE

OPR 16 7 07 A 3  
T.C. 3  
TERM. VIA CLASS TAX  
ROUTE

OPR 14 8 16 A 2  
T.C. 2  
TERM. VIA CLASS TAX  
ROUTE

Complainant  
Exhibit # 11

Complainant  
Exhibit # 10

Complainant  
Exhibit # 9



DATE JUL 6 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Frances Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29408 PERS. ACCEPTED ADD. NAME OPR. 5905 FILING CHARGE T.C. 2 30 MINS. TERM. VIA CLASS TAX 3 ROUTE

Complainant Exhibit #1

DATE JUL 7 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Frances Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 5905 FILING CHARGE T.C. 2 30 MINS. TERM. VIA CLASS TAX 3 ROUTE

Complainant Exhibit #2

DATE JUL 8 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Frances Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 6615 FILING CHARGE T.C. 4 40 MINS. TERM. VIA CLASS TAX 4 ROUTE

Complainant Exhibit #3

DATE JUL 9 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Mrs Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 8703 FILING CHARGE T.C. 4 40 MINS. TERM. VIA CLASS TAX 4 ROUTE

Complainant Exhibit #4

DATE JUL 10 1959 FROM R Dale STATE PL. NO. WI 7-2425 PERS. Frances Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 8703 FILING CHARGE T.C. 4 30 MINS. TERM. VIA CLASS TAX 3 ROUTE

Complainant Exhibit #5

DATE JUL 11 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 14 FILING CHARGE T.C. 8 80 MINS. TERM. VIA CLASS TAX 8 ROUTE

Complainant Exhibit #6

DATE JUL 14 1959 FROM R Dale STATE PL. NO. WI 72425 PERS. Francis Faircloth SPEC. INST. T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 22 12:32 FILING CHARGE T.C. 3 30 MINS. TERM. VIA CLASS TAX 3 ROUTE

DATE JUL 15 1959 FROM R Dale STATE PL. NO. WI 7-2425 PERS. Frances Faircloth SPEC. INST. Bill to R Dale da (H.E. Dimmick) 72425 T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 4 11:39 FILING CHARGE T.C. 5 50 MINS. TERM. VIA CLASS TAX 5 ROUTE

DATE JUL 15 1959 FROM R Dale STATE PL. NO. WI 7-2425 PERS. Frances Faircloth SPEC. INST. Bill to R Dale da (H.E. Dimmick) 72425 T&C TO Mobile STATE PL. COLLECT NO. HE 29317 PERS. ACCEPTED ADD. NAME OPR. 4 11:39 FILING CHARGE T.C. 5 50 MINS. TERM. VIA CLASS TAX 5 ROUTE

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

Donald Faircloth COMPLAINANT

vs.

Frances Faircloth RESPONDENT

I, Delta H. Gwaltney

as ~~Register and~~ Commissioner

have called and caused to come before me

Donald Faircloth and Millie C. Faircloth and Grover Faircloth

witnesses named in the requirement for Oral Examination, on the 3rd day of October

1959, at the office of Wilters and Brantley

in Robertsdale, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Donald Faircloth, Grover

Faircloth and Millie C. Faircloth doth depose and say as follows:

Examination of witness by Tolbert M. Brantley, Atty for Complainant

Q. What is your name, please sir?

A. Donald R. Faircloth.

Q. How old are you, Mr. Faircloth?

A. Thirty.

Q. Your wife's name is Frances Faircloth?

A. Yes, Frances Faircloth.

Q. How old is your wife?

A. Thirty.

Q. Where do you live?

A. Robertsdale.

Q. How long have you lived here?

A. Two years and three months.

Q. Where does your wife live now?

A. Now? I don't know.

Q. Does she live out of the state of Alabama?

A. I guess so, I haven't heard since she left.

Q. Where was she the last time you heard?

A. North Carolina.

I, Delta H. Gwaltney as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and Phyllis S. Nesbit at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 3rd day of October, 1959

Delta H. Gwaltney (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Donald R. Faircloth COMPLAINANT

vs.

Frances Faircloth RESPONDENT

ORAL DEPOSITION

Filed \_\_\_\_\_, 19\_\_\_\_

RECORDED IN

\_\_\_\_\_, Register.  
\_\_\_\_\_, Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Register.

Continuation of Examination of Donald R. Faircloth, ~~made~~ by Tolbert M. Brantley  
Atty for Complainant.

Q. When and where were you married?

A. Married in Chesterfield, South Carolina on May 31, 1946.

Q. When did your wife leave you?

A. On the 26th day of July, 1959.

Q. Do you and your wife have any children?

A. yes,

Q. What are their names?

A. Donald, Junior and Frankie Martin.

Q. How old are they?

A. Donald is eleven and Frankie is ten.

Q. Do you have a suitable home in which to rear these children?

A. Yes.

Q. Does it have a good Christian environment?

A. Yes

Q. Do you have enough room for them?

A. Yes.

Q. Who do you propose to have care of them if you bring them here?

A. Mrs. Grover Faircloth, my sister-in-law.

Q. How many children of her own does she have?

A. Two

Q. What are their ages?

A. Joe is eight and Angela is going to be five in December.

Q. Has she expressed a willingness to take care of these children?

A. Yes.

Q. Is your wife a fit and proper person to have the children to raise?

A. I would not think so.

Q. Why do you say that?

A. Well, she took off with this guy and just don't think she would be a fittin' mother.

Q. When your wife left you, who did she leave with?

A. George Rabren.

Q. Is he a married man?

A. Yes

Q. Where did George Rebrun work?

A. At the Trailway Truck Stop on Mobile Causeway.

Q. Do you know the telephone number of this place.

A. yes

Q. What is it?

A. One is Hemlock 2-9317 and the other is Hemlock 2-9408

Q. When you received your telephone bill for the month of July, were all the slips in it?

A. No sir.

Q. Do you know how many were left out.

A. No sir.

Q. Did you later find out that many calls from your wife Frances Faircloth to the two numbers you have given?

A. yes.

Q. How many calls did your wifemake?

A. I believe there were fifteen.

Q. Were these calls made from a pay station?

A. yes and some were made from my house.

Q. Were they all charged to your phone?

A. Yes.

Q. Did you know anything about these calls until you got these slips?

A. No.

I offer in evidence as Complainant's exhibit One a telephone charge from Frances Faircloth, phone WI 7-2425, Robertsdale, Alabama to Mobile, Hemlock 2-9408 and ask that it be marked Complainant's exhibit number 1.

I offer as Exhibit number 2 telephone charge dated July 7.

As Exhibit number 3, I offer one dated July 8.

As Exhibit number 4, I offer one dated July 9.

As Exhibit number 5, I offer one dated July 10.

As Exhibit number 6, I offer one dated July 11, wherein it appears that the operator was No. 14, in Mobile.

I offer another dated July 11, wherein the operator is shown to be No. 22 in Mobile, as Exhibit number 7.

As Exhibit Number 8, I offer a charge slip dated July 15.

As Exhibit Number 9, I offer a charge slip dated July 18.

As Exhibit Number 10, I offer a charge slip dated July 19.

As Exhibit Number 11, I offer a charge slip dated July 21.

As Exhibit Number 12, I offer a charge slip dated July 25 wherein the operator is shown to be No. 4, Mobile.

As Exhibit Number 13, I offer a charge slip dated July 25 wherein the operator is shown to be No. 8, Mobile.

As Exhibit Number 14, I offer a charge slip dated July 25, wherein the operator is shown to be No. 14, Mobile.

Q. Mr. Faircloth, where did your wife go when she left here.

A. She went to her mother's in Mount Gileat in North Carolina.

Q. Did she take the children with her?

A. Yes sir.

Q. And left them at her mother's?

A. Yes sir.

Q. Where did she go from there?

A. I don't know.

Q. Was she still with George Rabren at this time?

A. Yes she was.

Donald R Faircloth

Examination of Millie Faircloth made by Tolbert M. Brantley, Attorney for  
Complainant

Q. What is your name, please?

A. Millie Faircloth.

Q. Is Donald R. Faircloth your brother-in-law?

A. Yes sir.

Q. Is he and his wife Frances, both over the age of twenty-one years?

A. yes

Q. Where does Donald live?

A. With my husband and me in Robertsdale.

Q. How long have he lived in Robertsdale.

A. About two years and three months.

Q. Do you know where his wife Frances is living?

A. No I do not.

Q. Do you know when and where Donald and Frances were married?

A. They told me Chesterfield, S. Ca.

Q. Do you know what year?

A. I saw it on their marriage license but I can't remember it.

Q. Are Frances and Donald living together now?

A. No sir.

Q. Has Frances left the City of Robertsdale?

A. Yes sir.

Q. Who did she leave with?

A. George Rabren.

Q. Is George Rabren a married man?

A. Yes.

Q. Where did Frances and George Rabren go?

A. She called me up and told me she was going to her mother's Sunday evening,  
and that is in Mount Gileat in North Carolina.

Q. If Donald is given the custody of his two children, are you willing to take  
them into your home and help him raise them?

A. Yes, I am and I will do the best I can with them.

Q. Is Donald a fit and proper person to have custody of these two boys?

A. Yes, I think so, I think is a lot better fit than she is.

Q. In your opinion Miss Frances Faircloth a fit and proper person to have the care and custody of Donald Junior and Franklin?

A. No.

Q. Why do you say that?

A. Well, if she was a fit mother, she would have not been running around on Donald with other men and would have been staying home seeing after them.

Q. Where do you live in relation to the home of Donald and Frances Faircloth?

A. Two or three miles.

Q. During the month of July, did Frances leave her children with you on many occasions?

A. Yes, she left them with me once, on the 24th of July from 8:00 until about 4:00 in the afternoon.

Q. Did Frances take her children and leave them in the home of her mother?

A. yes

Q. How long did they stay there?

A. They stayed there about a month--four weeks, from last part of May to first part of July.

Millie Faircloth

Examination of witness Grover Faircloth taken by Tolbert M. Brantley, Atty for Complainant.

Q. What is your name, please sir?

A. Grover Faircloth.

Q. What is your relation to Donald R. Faircloth?

A. Brother

Q. Mr. Faircloth, you have just heard the testimony given in this case by your brother, Donald R. Faircloth and by your wife, Millie Faircloth. Do you have personal knowledge of all the facts they have testified to yourself?

A. yes.

Q. Do you know that Donald's wife left Baldwin County with a married man, George Rabren?

A. Yes.

Q. Do you know that your brother is a proper and fit person to have custody of his children?

A. yes.



Q. Do you know that his wife is not a fit and proper person?

A. Yes.

Q. Why do you say that she is not.

A. Well, a woman that is running around and run off with another man and took her kids along with them is not a fit woman to have the children.

Q. Mr. Faircloth, does your brother work with you?

A. Yes, sir.

Q. Did he work with you during the month of July, this year?

A. yes.

Q. During the month of July, how many times did Donald's wife, Frances, leave Robertsdale and say she was going to Mobile?

A. At least two or three times a week.

Q. How do you know that she did?

A. Sometimes she would come by where he was working and tell him Donald that she was going to Mobile and sometimes she would just leave.

Q. What was the general talk in Robertsdale relative to Frances being unfaithful to Donald.

A. About everybody knew and said that Donald's wife was running around on him except Donald.

Q. This was general talk about Robertsdale?

A. Yes sir and even around Fairhope.

G. L. Faircloth

**FILED**

**OCT 8 1959**

**ALICE J. DUCK, Register**

**THE STATE OF ALABAMA**  
**Baldwin County**

**Circuit Court**

TO: DELTA H. GWALTNEY

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

Donald Faircloth and Millie C. Faircloth and Grover Faircloth

as witnesses in behalf of Donald Faircloth in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Donald Faircloth is

, Complainant

and

Frances Faircloth is

Respondent

on oath, to be by you administered, upon

to take and certify the deposition<sup>s</sup> of the witness<sup>es</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness I day of Oct, 1949.

Alvin J. Luck  
 Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. 4661

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Donald R. Faircloth

Complainant

VS.

Frances Faircloth

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Delta H. Gwaltney

WITNESSES:

Donald R. Faircloth

Millie Faircloth

Grover Faircloth

FILED

OCT 8 1959

ALICE J. DUCK, Register