

588

STATE OF ALABAMA.  
BALDWIN COUNTY.

IN THE CIRCUIT COURT-EQUITY SIDE

ROBERT LOVETT,  
Complainant,

-vs-

EULA SURRATT LOVETT,  
Defendant.

This cause coming on to be heard at this time was submitted upon the Bill of Complaint, answer of defendant, agreement for taking of testimony and submission of cause and testimony as noted by the Register; and upon consideration thereof the court is of the opinion that the complainant is entitled to relief prayed for in said Bill of Complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the bonds of matrimony heretofore existing between the complainant and the defendant be, and the same are hereby dissolved and the complainant is forever divorced from the complainant on the ground of adultery;

It is further ordered that the care, custody and control of the child Lee Jackson Lovett be and the same is hereby awarded to the complainant;

It is further ordered that the said Robert Lovett be and he is hereby permitted to again contract marriage upon payment of the cost of court in this cause against whom the same is hereby taxed.

It is further ordered, adjudged and decreed that said Robert Lovett shall not marry again except to the said Eula Surratt Lovett until 60 days after this date and that if an appeal is taken within 60 days he shall not marry again except to the said Eula Surratt Lovett during the pendency of said appeal.

Dated this 14<sup>th</sup> day of February, 1927.

John D. Leigh  
Judge of the Circuit Court, Baldwin  
County, Alabama-sitting in Equity.

IN THE CIRCUIT COURT, BALDWIN COUNTY, IN EQUITY.

ROBERT E. LOVETT Complainant.

vs.

EULA SURRETT LOVETT Respondent.

I T. W. RICHESON

as REGISTER

have called and caused to come before me Robert E. Lovett, Selma, Ala.

witnesses named in the Requirement for Oral Examination, on the 23rd day of Oct

1926, at the office of Bay Minette, Ala.

in Bay Minette, Ala., Alabama, and having first sworn said witnesses to speak the truth, the

whole truth, and nothing but the truth, the said Witnesses

doth depose and say as follows:

ROBERT E. LOVETT, the complainant and a witness for complainant, being

duly sworn, testifies as follows:-

My name is Robert Lovett and I am the complainant in this case where in

Eula Surrett Lovett is the defendant. Both the defendant and I are over

the age of twenty one years and were when the suit was instituted.

I have been a bona fide resident of Baldwin County, Alabama, all of my

life. At the time of the filing of this suit the defendant was also

a resident of Baldwin County, Alabama, having been such a resident for

more than three years nexts immediately preceding the date of filing

of this suit.

I and the defendant were married at Bay Minette, Baldwin County,

Alabama on June 22d, 1920 and we lived together as man and wife until

April 13th., 1925 when, on account of my learning of certain acts on

the part of the defendant, I left her.

By said marriage there was born one child, a boy, named Lee Jackson

Lovett who was at the time of the filing of the suit, about two years of

age. The child is now with the defendant wherever she is, I understand she

is in Mobile, Alabama, now.

My wife, the defendant, Eula Surrett Lovett, has committed adultery

with Charlie Brown who used to live near us, about two hundred yards from

my house. Their relations became suspicious for sometime; something

like a year before I left her. I would come home from work at differ-

ent hours of the day and find Charlie Brown over at my house with my wife;

just the two of them there and my baby. Also Charlie Brown would come up

to my house and set up until I went to bed, then he and my wife would go

out on the porch. Also just the two of them would go out riding to-

gether in the evening; I would come home from work and find that they had

gone, would find my baby left other places, sometimes with my wife's mother

and sometime with Mrs. Brown, the wife of Charlie Brown; my wife and Brown

could not return until around eight or nine o'clock at night.

About three nights before we finally separated, about April 10th.,

1925, I ~~waked~~ came home and found Brown and my wife there; they left

together, leaving the baby with me. I went to bed and waked up about

April 30, the best I recollect, and heard Brown's truck, it was a school truck,

at my side. I got up, dressed and went out and I found my wife and Charlie

Brown in the truck and I caught them in the act of sexual intercourse.

The next morning I talked to my wife about this and her other doings

with Brown. She told me that what she had Brown or any other man could

do to her. I then began to gather my things together, found me a place to

live and then left her. Up to the time I left my wife, April, 1925,

she had been over three months since I had had sexual intercourse with her.

I slept in different rooms. I have in no way forgiven or condoned these

acts of adultery. They were committed with out knowledge, agency or consent

and as soon as my suspicions were confirmed and I caught them in the act I immediately left my wife and we have never lived together as man and wife since that time.

My wife is not a proper person in any way to have the care and support and custody of my child. She is a woman who now bears a bad reputation. She has been in jail one time since we separated. The general report now is that she has gone to Mobile and is living with another man, one Charley Wilson. Ever since we have been separated I have contributed to the support of our child. While my wife was in jail she had the child with her people. At one time, while she was in jail, she gave me a note to her father and mother to give me the child. My attorneys, however, advised me not to try to take the child on the strength of the note but await the outcome of this case. After she got out of jail she went and got the child and left for Mobile withit; she left here with Charley Wilson. She now has the child with her.

My wife is not able not is she a suitable person to raise any child. I am a working man, working for the Newport People in Bay Minette getting out tar wood for them

Robert E. Lovett

CHARLIE RUSSELL, A WITNESS FOR COMPLAINANT, BEING DULY SWORN, TESTIFIES AS FOLLOWS:-

My name is Charlie Russell, I am about 70 years old and live near Bay Minette, Alabama. I know both Robert E. Lovett and his wife Eula Surratt Lovett. I have known Robert E. Lovett practically all his life; I have known his wife ever since she was a girl. They are both over twentyone years old. On April 12th., 1926 both of them lived near Bay Minette in Baldwin County, Alabama and they had lived here continuously for past twenty years or more.

I was not present when these parties married but I know they lived together as man and wife for a long time, about five or six years.

I also know Charlie Brown who also lived near Bay Minette. During the Fall of 1925, I do not remember the exact month but it was in pea cutting time, I saw Charlie Brown come out of the field where he was working and down into the woods where I and my wife had been dipping turpentine, my wife and I were sitting on a log. Brown had Mr. and Mrs. Lovett's baby boy with him and he set it down and then Eula Lovett came on down; she laid down and I saw Charlie Brown and Eula Surratt Lovett have sexual intercourse together. This was near Bay Minette in Baldwin County, Alabama and just next to Parkers and Lawsons Field where they both had been working cutting pea vines.

I did not tell Robert Lovett about this until a good while afterwards, I do not know just how long but it was about the time they separated. I have never seen Robert and Eula Lovett together since I told him of this.

Charlie Russell  
his mark

ORAL EXAMINATION.

I, T.W. Richerson, as Commissioner

hereby certify that the foregoing deposition.....on Oral Examination.....was..... taken down in writing by me in the words of the witnesses and read over to them and they..... signed the same in the presence of Myself and W.C. Stone, Atty for Complainant,..... at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witnesses..... or had proof made before me of the identity of said witnesses.; that I am not of counsel or of kin to any of the parties to said cause, or in 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 23rd day of October, 1926  
T.W. Richerson (L.S.)

No. .... Page.....

**The State of Alabama**

Belleville  
County

**IN CIRCUIT COURT, IN EQUITY.**

Robert E. Lovett

vs. Complainant,

Egla Surrett Lovett,

Respondent.

**ORAL DEPOSITION.**

Filed Oct 23rd, 1926

T.W. Richerson  
Register.

Recorded in

Record

Vol. .... Page.....

Register.

8581 NOTE OF TESTIMONY

..... Robert Lovett .....

.....

.....

vs.

..... Eula Lovett .....

.....

.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, amendment to bill, agreement for taking testimony and testimony of of Robert Lovett and Charley Russell,

and in behalf of Defendant upon

*T. W. Richardson*

Register.

No. 588.

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Robert Lovett

vs

Eula Lovett,

NOTE OF TESTIMONY

Filed in Open Court this 17th

day of November 1926.

*T. V. Rice*

Register

MOORE PTG CO

**RECORDED**

The State of Alabama, }  
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING :

WE COMMAND YOU, That you summon

Lula Surratt Lovett,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Robert H. Lovett,

against said

Lula Surratt Lovett,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 12th day of

April 1926.

T. W. Richerson Register.

N. B.— Any party defendant is entitled to a copy of the bill upon application to the Register.

*N Original*

SERVE ON.....  
Circuit Court of Baldwin County  
In Equity.

No. ....

SUMMONS

Robert T. Lovett,

vs.

Eula Surratt Lovett.

Stone & Stone.

Solicitor for Complainant

Recorded in Vol. .... Page .....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this *April 12th*.

day of ..... 192 *6*

*W R Street*

Sheriff.

Executed this *15<sup>th</sup>* day of

*April* 192 *6*

by leaving a copy of the within Summons with

*Eula Surratt Lovett*

Defendant.

*W R Street*

Sheriff.

By .....  
Deputy Sheriff.

RECORDED



STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 588. November 17th, 1926. Term 1926.

Robert Lovett, Complainant

vs.

Eula Lovett, Defendant

To T.W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Norborne Stone,

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Norborne Stone,  
Solicitor for Complainant.

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

Robert Lovett,

vs.

Eula Lovett,

REQUEST FOR DECREE IN  
VACATION

FILED Nov 17th 1926

*T. W. Riceman*

Register

**RECORDED**

RECORDED IN RECORD

VOL. PAGE

Register

ROBERT LOVETT,  
Complainant,

-vs-

EULA LOVETT,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE.

STATE OF ALABAMA.

BALDWIN COUNTY.

AGREEMENT FOR TAKING OF TESTIMONY:

It is agreed between Norborne Stone, as attorney for Complainant and Rickarby, Beebe & Hall, as Solicitors for respondent in this cause that Complainant may proceed to the taking of testimony and submission of this cause on August 7th., 1926, and without further notice to respondent.

*Norborne Stone*

As Solicitor for Complainant.

*Rickarby Beebe & Hall*

As Solicitors for Respondent.

588 ~~604~~ 611  
Robert Lovett  
vs  
Eula Lovett

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Filed Aug 3, 1926,  
T. W. Peterson  
Register

RECORDED

FRANK S. STONE

NORBORNE C. STONE

**STONE & STONE**  
ATTORNEYS AT LAW  
BAY MINETTE, ALA.

AUGUST THIRD, 1926.

Register in Chancery,  
Bay Minette, Ala.

Dear Sir:-

Please be advised that under agreement entered into on this day with solicitors for respondent in the cause of Lovett versus Lovett that the complainant will take testimony before you on August 7th., 1926.

Yours very truly,

*Norborne C. Stone*  
Solicitor for complainant.

FCS:BF

Complainant gives notice ~~of the~~  
~~to bring~~ that he will take  
testimony in this cause  
on Aug 7, 1926.

STATE OF ALABAMA.

BALDWIN COUNTY.

IN CHANCERY.

ROBERT E. LOVETT,

-vs-

EULA SURRATT LOVETT.

TO THE HON. JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT,  
21ST. JUDICIAL CIRCUIT, SITTING IN EQUITY:-

Your Complainant, Robert E. Lovett, bring this, his Bill of Complaint against Eula Surratt Lovett, for divorce for adultery and shows unto your Honor that both complainant and respondent are over 21 years of age, both reside in Baldwin County, Alabama and have so lived for more than three years next before the filing of this suit. Complainant charges,

1. That he and Eula Surratt Lovett were lawfully married at Bay Minette, Alabama, on the 22 day of June 1920 and that they lived together as man and wife up to the 13 day of April, 1925.
2. Complainant charges that said Eula Surratt Lovett has at various times committed adultery with various people and particularly committed adultery with Charley Wilson during the spring of 1924 and that since complainant became convinced and ascertained it to be the truth that she had so committed adultery, that he immediately left her and has not condoned the offense or lived with her as a husband since.
3. Complainant charges that of said marriage were born to them a boy child, Lee Jackson Lovett now about two years of age, who lives with his mother Eula Surratt Lovett near Bay Minette,
4. Complainant alleges that said respondent, Eula Surratt Lovett by reason of her adultery and moral character is not a fit and proper person to have the custody of said child and is not such a person as will raise the child to lead a fit and proper life.

PRAYER FOR PROCESS.

Complainant prays that your Honor will make such orders and issue such decrees as will make the said Eula Surratt Lovett party respondent to this his Bill of Complaint for adultery, requiring her to plead, answer or demur to this Bill of Complaint within the time required by law or that the same be taken as confessed against her.

PRAYER FOR RELIEF.

Complainant prays that upon a final hearing of this cause that your Honor will grant unto him a divorce from the said Eula Surratt Lovett from the bonds of matrimony and that the custody and control of said child Lee Jackson Lovett be given to complainant and that your Honor will permit complainant to marry again, and for such other or further or other and different relief as to your Honor may seem just and mete and as in duty bound, he will ever pray, etc. etc.

*Stone & Stone*  
Solicitors for Complainant.

FOOT NOTE:

Respondent is required to answer each and every allegation of this Bill of Complaint from 1 to 4 inclusive but not under oath, as oath is hereby expressly waived.

*Stone & Stone*

ROBERT E. LOVETT,  
Complainant

vs.

EULA SURRATT LOVETT,  
Respondent

) IN THE CIRCUIT COURT OF BALDWIN  
)  
) COUNTY, ALABAMA.

) IN CHANCERY.  
)  
)

Comes the Respondent, Eula Surratt Lovett, and for answer to Complainant's bill of complaint and to each paragraph thereof, respectfully says:

Respondent admits that she is a resident of Baldwin County, Alabama, over the age of twenty-one years and that she has lived in Baldwin County for more than three years next preceding the filing of this suit.

Respondent admits the allegations of the paragraph 1 of Complainant's bill of complaint, in that she and Robert E. Lovett are husband and wife, having married on June 22, 1920.

Respondent denies the allegations contained in paragraph 2 of the Complainant's bill of complaint, in that she has committed adultery with various people and particularly Charlie Wilson, at any time and demands strict proof thereof.

The Respondent admits the allegations of paragraph 3 of Complainant's bill of complaint, in that there was born to her and Complainant a boy child, Lee Jackson Lovett, now about two years old.

The Respondent denies the allegations contained in paragraph 4 of Complainant's bill of complaint and demands strict proof thereof.

The Respondent for further answer to Complainant's bill of complaint says that the said Robert E. Lovett is an unfit and improper person to have the custody of the said Lee Jackson Lovett, their two year old child, and prays that the court upon a final hearing of this cause, will order and decree that your Respondent is a fit and proper person to have the custody of the said Lee Jackson Lovett, owing to his immature age, and that the court will grant unto the Respondent such other further and different relief as to the court may seem just and proper and as in duty bound the Respondent will ever pray, etc.

*Richard Deane Jones*  
Solicitors for Respondent.

Levett

Filed May 25th 1926  
T. W. Nicholson  
Register

RECORDED

RECORDED



MRS. EMMA BURKART,  
Complainant,

-vs-

FRANK BARCHARD, SR.  
Respondent.

IN THE CIRCUIT COURT, STATE OF  
ALABAMA IN EQUITY.

Comes the defendant Frank Barchard Sr. and files this  
his Demurrer to the original bill of complaint in this cause filed  
and for grounds thereof, says:-

1. That said Bill of Complaint does not contain  
equity.

NORBORNE STONE,  
Solicitor for Defendant.