

STATE OF NEW YORK
IN SENATE
JANUARY 11, 1956

REPORT OF THE
COMMISSIONERS OF THE
DEPARTMENT OF SOCIAL SERVICES

REPORT OF THE COMMISSIONERS OF THE DEPARTMENT OF SOCIAL SERVICES
ON THE PROCEEDINGS OF THE SENATE SUBCOMMITTEE ON THE DEPARTMENT OF SOCIAL SERVICES
HELD AT ALBANY, NEW YORK, ON JANUARY 11, 1956

MOTION

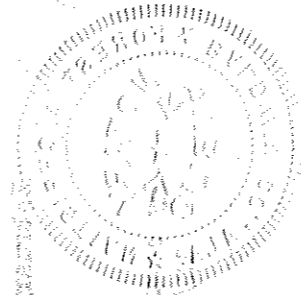
EMIL RITTY,
Complainant

v s.

JOE SCHOEN,
Respondent

STATE OF NEW YORK
IN SENATE
JANUARY 11, 1956

IN SENATE
JANUARY 11, 1956



STATE OF NEW YORK
IN SENATE
JANUARY 11, 1956

THE STATE OF ALABAMA, }
BALDWIN COUNTY

No. _____ Circuit Court, In Equity.

EMIL RITTY

Complainant

Vs.

JOE SCHONE

Defendant

Motion is hereby made for a Decree Pro Confesso against _____

JOE SCHOEN

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant _____; and that said summons was duly served according to law, and that said Defendant _____ has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 4th day of October 1945



Solicitor.

No. 1390

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

EMIL RITTY

Vs.

JOE SCHOEN

Motion for Decree Pro Confesso on
Personal Service

Filed 10-4 1945

[Handwritten Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

No. _____ CIRCUIT COURT IN EQUITY.

EMIL RITTY

Complainant

vs.

JOE SCHOEN

Defendant

In this cause it appears to the Register, R. S. Duck,
that a summons requiring the Defendant Joe Schoen

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon Joe Schoen
was served upon him by the Sheriff of Baldwin County, Alabama, on the
24th day of August 1945.

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Forest A. Christian, Solicitor for the
Complainant
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said Joe Schoen

Defendant aforesaid.

This 4th day of October 1945

R. S. Duck

Register.

No. 1390

Page.....

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

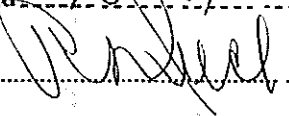
EMIL RITTY

vs.

JOE SCHOEN

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued 10-14 1945



Register.

EMIL RITTY,
Complainant
vs.
JOE SCHOEN,
Respondent

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

MOTION

Comes Emil Ritty, the Complainant in the above styled case and states under oath that the Respondent has failed to comply with the Final Decree of this Honorable Court and moves the Court to have the Respondent appear and show cause why he should not be cited for contempt of Court.

MOTION

EMIL RITTY,

vs.

JOE SCHOEN,

Complainant

Respondent

Emil Ritty
Emil Ritty, Complainant

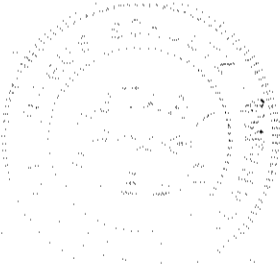
Forest A. Christian
Forest A. Christian, Foley, Alabama
Solicitor for Complainant

Sworn to and subscribed before me by Emil Ritty, this the 14th day of December, 1945.

My commission expires:

3-25-49

Em Schmitt
Notary Public



EMIL RITTY,
Complainant
vs.
JOE SCHOEN,
Respondent

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

MOTION

Comes Emil Ritty, the Complainant in the above styled case and states under oath that the Respondent has failed to comply with the Final Decree of this Honorable Court and moves the Court to have the Respondent appear and show cause why he should not be cited for contempt of Court.

MOTION

EMIL RITTY,

vs.

JOE SCHOEN,

Complainant

Respondent

Emil Ritty

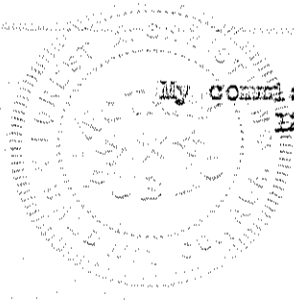
Emil Ritty, Complainant

Forest A. Christian

Forest A. Christian, Foley, Alabama
Solicitor for Complainant

Sworn to and subscribed before me by Emil Ritty, this the 4th day of January, 1946.

My commission expires:
12/27/49



Forest A. Christian
Notary Public

EMIL RITTY, Complainant
vs.
JOE SCHOEN, Respondent

IN THE CIRCUIT COURT OF
THE FIRST JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF
HAWAII

MOTION

EMIL RITTY,
Complainant

vs.

JOE SCHOEN,
Respondent

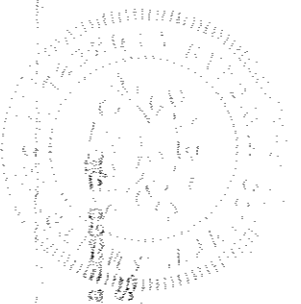
AND NOW COME AND BE APPEARED for and in behalf of the Complainant of this Honorable Court and make and give the Respondent notice of such and that the Respondent has failed to comply with the Court's order to show cause why the Respondent should not be held in contempt of court.

EMIL RITTY, Complainant
[Signature]

JOHN J. HARRIS, Attorney
[Signature]

To you and all who shall see hereof, I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in my files.

[Signature]
JAMES H. HARRIS, Clerk



1890

MOTION

EMIL RITTY,
Complainant

vs.

JOE SCHOEN,
Respondent

Comes Emil Ritty, the Complainant in the above styled case and states under oath that the Respondent has failed to comply with the Final Decree of this Honorable Court and moves the Court to have the Respondent removed from office and the Respondent not be allowed to conduct any business until such time as he would not be a threat to the conduct of Court.

Emil Ritty
Joe Schoen
19-1940
Emil Ritty, Complainant
Joe Schoen, Respondent
Dated and signed at New York City, New York, this 19th day of July, 1940.

To be read with and without Emil Ritty before the Court on the 19th day of July, 1940.



Joseph A. ...
Joseph A. ...
Dated and signed at New York City, New York, this 19th day of July, 1940.

EMIL RITTY
Complainant
JOE SCHOEN
Respondent

JOE SCHOEN
Respondent
EMIL RITTY
Complainant

1945

1945

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1945

1945

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1945

EMIL RITTY, Complainant vs. JOE SCHOEN, Respondent

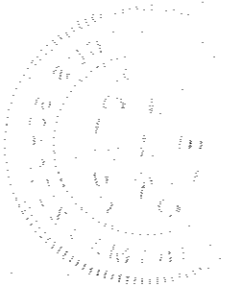
MOTION

EMIL RITTY, Complainant

vs.

JOE SCHOEN, Respondent

Handwritten signature and date: 10/19/45



MOTION

EMIL RITTY,
Complainant

vs.

JOE SCHOEN,
Respondent



Filed January 7, 1946
Emil Ritty

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

WE COMMAND YOU, that you summon Joe Schoen, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Emil Ritty, against the said Joe Schoen, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereof.

WITNESS, R. S. Duck, Register of said Court, this 23 day of August, 1945.

R. S. Duck
Register

EMIL RITTY,
Complainant

vs.

JOE SCHOEN,
Respondent

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

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant, Emil Ritty, respectfully shows unto your Honor that the Respondent, Joe Schoen, is in possession and control of certain lands, to wit: the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-one (21), Township Seven (7) South, Range Five (5) East, in Baldwin County, Alabama, through which a certain stream or streams of water flow; that your Complainant owns lands adjacent thereto, to wit: the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-one (21), Township Seven (7) South, Range Five (5) East, Baldwin County, Alabama, which lands are more elevated than the Respondent's lands and that the natural flow of the water in times of rains, ordinary and extraordinary, is from your Complainant's land unto the Respondent's land; that Respondent has constructed just inside his land, immediately adjacent to your Complainant's land, embankments and dams which bank up the water so as to cause the water to stop in its natural flow and accumulate and overflow your Complainant's land. That on account of said obstruction the water which accumulates upon your Complainant's land in time of rain is obstructed and turned back upon your Complainant's land and caused to accumulate thereon, thus causing continuous and substantial injury to your Complaint.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Joe Schoen party Respondent to this cause of action, requiring him 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;

PRAYER FOR RELIEF

Your Complainant further prays that upon the hearing of this cause that your Honor will forever enjoin the Respondent from maintaining, or from again further obstructing the natural flow of the water or maintaining embankments

and dams which obstruct the flow of the water from said lands of the said Respondent as it has naturally flowed, or again further obstructing water channels or constructing or creating any further embankments or dykes for the obstruction of the flow of water from the said lands of your Complainant unto the said lands of the Respondent as it has naturally flowed; and Complainant further prays for such other, further, different and general relief as in equity as may seem just and meet and Complainant will ever pray.

Emil Ritty

Emil Ritty, Complainant

By:

Forest A. Christian

Forest A. Christian, Foley, Alabama
Solicitor for Complainant

Commission To Take Depositions.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Alice A. Christian

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 Emil Ritty and Joe Ritty

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

and Joe Schoen Complainant
Defendant,

on oath to be by you administered, upon Emil Ritty and Joe Ritty 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 28 day of Sept 19 45

[Signature]
[Signature]

REGISTER

Commissioner's Fee \$ _____

Witness' Fees. \$ _____

NO. 1890

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EMIL RITTY

Complainant

VS.

JOE SCHOEN

Defendant

Commission To Take Deposition

COMMISSIONER:

Alica A. Christian

Witnesses:

Emil Ritty

Joe Ritty

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

EMIL RITTY

Complainant

VS.

JOE SCHOEN

Respondent

I, Alica A. Christian

as ~~Register and~~ Commissioner

have called and caused to come before me
Joe Ritty and Emil Ritty

witnesses named in the Requirement for Oral Examination, on the 29 day of September 1945, 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 Joe Ritty and Emil Ritty doth depose and say as follows:

My name is Joe Ritty. I am 32 years of age. I live at Elberta, Alabama, with my father, the Complainant in this case. Joe Schoen, the Respondent owns the 40 acres of land across the fence from out land. Our land is higher than Joe Schoen's land and drained unto his (Schoen's) land long before we ever lived there. Joe Schoen constructed a dam just across the fence on his land to block the water from entering his property. By doing so at times water backs up and accumulates on our land making a pond and damages whatever crops are then growing. We lose about 2 to 3 acres every year when we plant Irish Potatoes from this accumulation of water. Occasionally it damages other crops because this area where the water stands because of the dam, is wet and when the ground is cultivated, it cakes up and the cultivator throws lumps of soil upon the crops.

Joe Ritty
Joe Ritty

My name is Emil Ritty. I am 65 years of age. I have lived at Elberta, Alabama, for about 20 years. I owned this 40 acres of land, part of which is being damaged, in 1908, and sold it once and bought it back again about 20 years ago.

About March 1944, my neighbor, Joe Schoen, the Respondent, put up a dam about 3 feet high, all along the line fence where the rain water used to drain from my land to his land, now the dam has settled so that it is about 18 inches high. But it is high enough so that it interrupts the natural flowage or drainage of water from my land to the Respondent's land. It causes damages to my crops because the water stands in ~~my~~ part of my 40 acres after each rain. My land is "sour" from the dampness. I have asked Joe Schoen to remove this dam for the past year so that the rain water may drain from my land but he has refused to remove the dam. Joe Schoen rented this land for 5 or 6 years before he purchased it, so he knew about the rain water. As soon as he purchased the land he put up the dam.

Emil Ritty
Emil Ritty

ORAL EXAMINATION.

I, Alica A. Christian, 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 29th day of September, 1945.

Alica A. Christian
(L. S.)

NO. 1390 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

EMIL RILEY

vs. Complainant

JOE SCHORN

Respondent.

Oral Deposition

Filed [Signature], 1945

Recorded in

Record

Vol. _____

Page _____

, Register.

COPY

FOREST A. CHRISTIAN
ATTORNEY AT LAW
FOLEY, ALABAMA

January 18, 1946

Mr. H. M. Hall
Attorney at Law
Bay Minette, Alabama

Re: Ritty vs. Schoen

Dear Hubert:

Reference is made to a copy of a letter addressed to Mr. Joe Schoen, Elberta, Alabama, dated January 16, 1946, concerning the matter mentioned above.

In this letter you state that Schoen "had not only removed the dirt from the bank of the ditch, but had dug a ditch so as to take care of all the water." Mr. Ritty and I inspected the ditch on January 16, and we found that the dam had not been sufficiently removed to permit the natural flow of the water. I went out to see the dam and ditch in order to assure myself that the Complainant was not too critical. Accordingly, Mr. Joe Schoen has misinformed you.

Whether the ditch has been dug so as to drain away all of the water remains to be seen. In the event that Mr. Ritty finds that the ditch does not drain the water sufficiently, the Complainant will again file his motion to show cause why the Respondent is not in contempt of court.

Yours very truly,

Forest A. Christian

FOREST A. CHRISTIAN

ATTORNEY-AT-LAW

Foley, Alabama

January 4, 1946

Honorable F. W. Hare
Judge of Circuit Court
Monroeville, Alabama

Re: Ritty vs. Schoen

Dear Judge Hare:

I showed your letter dated January 1, 1946, to Mr. Schoen the day that you were here and the next day Mr. Schoen came to see me. He advised me that he did not intend to comply with your order and that he was ready to take his punishment. This morning I received a letter dated January 3, 1946, from Hubert Hall, in which he states as follows:

"Sometime ago you secured a decree from the Circuit Court directing Mr. Schoen to remove some dirt and permit water from Mr. Ritty's land, to run across Mr. Schoen's land, thereby damaging him.

"Mr. Schoen has made arrangements to dig a ditch so as to take care of all the water coming off of Mr. Ritty's land and at the same time protecting his land. I can see no reason why you should insist that Mr. Schoen permit the water to run across his land, if it is amply taken care of by ditch.

"I would like to hear from you on this."

A copy of my reply to this letter is attached.

Also I am enclosing an original and copy of a sworn motion, which I hope will meet with your approval and that you will be able to take prompt action in this matter.

I have instructed Mr. Ritty to closely watch the dam and advise me immediately when it is removed so that I will be able to advise you and the Clerk of that fact in order that the Respondent will not needlessly suffer any penalty that you may give him after he has complied with the Court's order.

I am sorry that we have to go to such extremes in this matter but it seems that if the Court's orders are to have the force and effect of law in South Baldwin County it will be necessary to enforce the order in this case.

Thank you for visiting me while in Foley,

Respectfully yours,

Forest A. Christian

COPY

FOREST A. CHRISTIAN
ATTORNEY AT LAW
FOLEY, ALABAMA

January 4, 1946

Mr. Hubert M. Hall
Attorney at Law
Bay Minette, Alabama

Re: Ritty vs. Schoen

Dear Mr. Hall:

Reference is made to your letter dated January 3, 1946, concerning the subject mentioned above.

I have discussed your letter with my client, Mr. Ritty, and he states that if Mr. Schoen digs the ditch as he proposes and the water drains from Mr. Ritty's land, there will be no need for the dam or embankment. Accordingly, we see no reason why the dam should not be removed immediately in accordance with the Final Decree of the Judge, so that Mr. Ritty will not suffer any more damage.

Mr. Ritty states that if the embankment is removed then his land will be protected from any possible damage in the event that the ditch is not properly constructed or clogs up with debris.

Mr. Schoen, of course, can, after removing the dam, construct any type of drainage he sees fit in order to drain the water from his land.

Accordingly, we are filing a petition for the Respondent to appear and show cause why he should not be cited for contempt.

Yours very truly,

Forest A. Christian

January 8, 1946.

Hon. Hubert M. Hall,
Bay Minette, Alabama.

IN RE: Emil Ritty vs. Joe Schoen.

Dear Hubert:-

Mr. Christian has filed a sworn petition asking that the Respondent, Joe Schoen, be cited for contempt to court.

It appears that he is willfully violating the decree of the Court, and to my surprise he seems to be acting under advice from you. I hope there is some mistake as to this, however.

I have today sent an order to the Sheriff directing him to have Mr. Schoen before me at 2 P. M. on Friday, January 18th., 1946, at the Court house in Bay Minette. Unless Mr. Schoen shows that he has not in fact been in contempt of court, it will be my duty to punish him to the limit.

I am sending a copy of this letter to Mr. Christian.

Yours very truly,

F. W. HARE

January 8, 1945.

Mr. C. E. Garrett,
Bay Minette, Alabama.

Dear Mr. Garrett:-

I am enclosing order which explains
itself.

I will be down on Friday, January 18th
at 2 o'clock P. M. to hear the matter, and I hope that
you will spare no pains to have Mr. Schoen present
on the date named in the order.

With regards, I am

Your friend,

F. W. HARE

EMILE RITTY,
Complainant,
VS.
JOE SCHOEN,
Respondent.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to arrest Joe Schoen and have him before me at the Courthouse in Bay Minette, Alabama, on Friday, the 18th day of January, 1946, at 2 o'clock P. M. to show cause why he should not be adjudged in contempt to Court.

This 8th day of January, 1946.

J. W. Hare

Judge

RECORDED

JAN 10 1946

JAN 10 1946

[Faint handwritten notes and signatures in the bottom left corner]

Original

*Executed this 14th
day of Jan. 1946 by
arresting Joe Schoen
and placing him under
bonds.*

*C. E. Garrett
Sheriff
WRD DS*

EMIL RITTY,
VS.
JOE SCHOEN

WRIT OF ARREST

Handwritten signature

THE STATE OF CALIFORNIA
COUNTY OF ...
I, the undersigned, a Justice of the Peace for and in and for the County of ...
do hereby certify that the within and foregoing is a true and correct copy of the original
of the within and foregoing as the same appears from the records of the County of ...
at this date, to-wit: ...

THE STATE OF ALABAMA,
Baldwin County

We, Joe Schoen, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Five Hundred & ^{no}~~100~~ DOLLARS

unless the said Joe Schoen appear at the

Jan. 18, Term, 1946 of the Circuit Court of Baldwin County, Alabama,

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of Contempt to Court

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

Joe Frank Schaur (SEAL)

_____ day of _____, 194_____

Russell Hillis (SEAL)

_____ (SEAL)

_____, Baldwin County, Ala.

_____ (SEAL)

Taken and approved this the 14th day of Jan, 1946

L. E. Barrett, Sheriff

By [Signature], Deputy Sheriff

W. R. Duckworth
Robertsdale
Ala

NO. _____

The State of Alabama
BALDWIN COUNTY

COURT

SHERIFF'S OFFICE

The State

VS.

Joe Schoen

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 194

Clerk

EMIL RITTY

vs.

JOE SCHOEN

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, _____
 Motion for Decree Pro Confesso, Decree Pro Confesso, Commission to take
 Testimony, Depositions of Emil Ritty and Joe Ritty

and in behalf of Defendant upon _____
 Motion for and Decree Pro Confesso on personal service

George H. Choate

R. DeLoach

Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

EMIL RIPPY

VS.

JOE SCHOEN

NOTE OF TESTIMONY

Filed in Open Court this 5

day of Oct, 1945

R. DeLoach

Register.

ALABAMA REGISTER OF DEEDS
Baldwin County, Alabama
Recorder of Deeds
Baldwin County, Alabama

Register

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

EMIL RITTY,
Complainant
vs.
JOE SCHOEN,
Respondent

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

FINAL DECREE

This cause coming on to be heard and submitted for Final Decree upon the Bill of Complaint, Decree Pro Confesso on personal service and the Testimony as noted. And it appearing to the Court that Joe Schoen, the Respondent, is in possession and control of certain lands, to wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
Section Twenty-one (21), Township Seven (7) South, Range
Five (5) East, in Baldwin County, Alabama,

through which a certain stream or streams of water flow and that Emil Ritty, the Complainant, owns certain lands adjacent thereto, to wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$)
Section Twenty-one (21), Township Seven (7) South, Range
Five (5) East, in Baldwin County, Alabama,

which lands are more elevated than the Respondent's lands, and that the natural flow of water in times of rains, ordinary or extraordinary, is from the Complainant's land unto the Respondent's land; that the Respondent has constructed, just inside his land, immediately adjacent to the Complainant's land, embankments and dams which bank up the water so as to cause the water to stop in its natural flow and accumulate and overflow the Complainant's land.

And it appearing to the Court that on account of said obstruction the water which accumulates upon the Complainant's land, in time of rain, is obstructed and turned back upon the Complainant's land and caused to accumulate thereon, thus causing continuous and substantial injury to the Complainant.

And it appearing to the Court that the said Joe Schoen, party Respondent to this cause of action, has been duly served with proper process, and the Court understanding the same, is of the opinion that the Complainant is entitled to the relief prayed for in this Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Joe Schoen shall remove the said embankments or dams within the next thirty days and shall forever be enjoined from again maintaining, erecting, constructing dams, dykes, or embankments which obstruct the natural flow of water from the lands of said Emil Ritty as it has naturally flowed unto and over the lands of said Joe Schoen, or causing others to erect or maintain any embankments, dams, dykes or obstructions which prevent the natural flow of water from the said lands of Emil Ritty unto the lands of said Joe Schoen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court shall continue to have jurisdiction of this matter for such other additional and further orders as shall seem just in order to give the said Emil Ritty such complete relief as he may in equity be entitled to receive.

Dated at Monroeville, Alabama, this the 6th day of October, 1945.

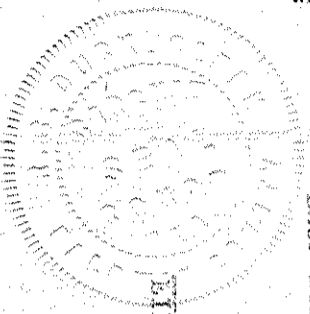
F. W. Hare
Judge of Circuit Court, in Equity.

I, R. S. Duck, 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 3th day of October, 1945.

R. S. Duck

Register of Circuit Court, in Equity.



CLERK OF COURT

EMIL HENRY

Commissioner

as

WALTON

Register

1000-10-8-1945
W. S. Duck

1250

Handwritten notes and signatures in the top right corner, including '2' and '1000-10-8-1945'.

FINAL DECREE

EMIL RITTY,
Complainant

vs.

JOE SCHOEN,
Respondent



Witness my hand and seal this _____ day of _____ 1944.

Register of Circuit Court, District of Columbia

Joseph

Filed Oct 8 - 1944
Wm. B. Beach
Register

Executed this 18th
day of Oct 1944
by leaving a copy of
with me with

C. E. Harntz
Mr. Harntz

Joe Schoen

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

EMIL RITTY,
Complainant
vs.
JOE SCHOEN,
Respondent

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

FINAL DECREE

This cause coming on to be heard and submitted for Final Decree upon the Bill of Complaint, Decree Pro Confesso on personal service and the Testimony as noted. And it appearing to the Court that Joe Schoen, the Respondent, is in possession and control of certain lands, to wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
Section Twenty-one (21), Township Seven (7) South, Range
Five (5) East, in Baldwin County, Alabama,

through which a certain stream or streams of water flow and that Emil Ritty, the Complainant, owns certain lands adjacent thereto, to wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$)
- Section Twenty-one (21), Township Seven (7) South, Range
F Five (5) East, in Baldwin County, Alabama,

which lands are more elevated than the Respondent's lands, and that the natural flow of water in times of rains, ordinary or extraordinary, is from the Complainant's land unto the Respondent's land; that the Respondent has constructed, just inside his land, immediately adjacent to the Complainant's land, embankments and dams which bank up the water so as to cause the water to stop in its natural flow and accumulate and overflow the Complainant's land.

And it appearing to the Court that on account of said obstruction the water which accumulates upon the Complainant's land, in time of rain, is obstructed and turned back upon the Complainant's land and caused to accumulate thereon, thus causing continuous and substantial injury to the Complainant.

And it appearing to the Court that the said Joe Schoen, party Respondent to this cause of action, has been duly served with proper process, and the Court understanding the same, is of the opinion that the Complainant is entitled to the relief prayed for in this Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Joe Schoen shall remove the said embankments or dams within the next thirty days and shall forever be enjoined from again maintaining, erecting, constructing dams, dykes, or embankments which obstruct the natural flow of water from the lands of said Emil Ritty as it has naturally flowed unto and over the lands of said Joe Schoen, or causing others to erect or maintain any embankments, dams, dykes or obstructions which prevent the natural flow of water from the said lands of Emil Ritty unto the lands of said Joe Schoen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court shall continue to have jurisdiction of this matter for such other additional and further orders as shall seem just in order to give the said Emil Ritty such complete relief as he may in equity be entitled to receive.

Dated at Monroeville, Alabama, this the 6th day of October, 1945.

F. W. Hare
Judge of Circuit Court, in Equity.

FINAL DECREE

EMIL RITTY,

Complainant

JOE SCHOEN,

Respondent

Final Decree 8-1945
[Signature]

vs.

[Faint, mostly illegible text follows, appearing to be a legal document or court record.]

[Faint text at the bottom of the page, possibly a signature or official stamp.]

COPY

FOREST A. CHRISTIAN
ATTORNEY AT LAW
FOLEY, ALABAMA

OPEN

January 18, 1946

Mr. H. M. Hall
Attorney at Law
Ray Minette, Alabama

Re: Kitty vs. Schoen

Dear Hubert:

Reference is made to a copy of a letter addressed to Mr. Joe Schoen, Elberta, Alabama, dated January 16, 1946, concerning the matter mentioned above.

In this letter you state that Schoen "had not only removed the dirt from the bank of the ditch, but had dug a ditch so as to take care of all the water." Mr. Ritty and I inspected the ditch on January 16, and we found that the dam had not been sufficiently removed to permit the natural flow of the water. I went out to see the dam and ditch in order to assure myself that the Complainant was not too critical. Accordingly, Mr. Joe Schoen has misinformed you.

Whether the ditch has been dug so as to drain away all of the water remains to be seen. In the event that Mr. Ritty finds that the ditch does not drain the water sufficiently, the Complainant will again file his motion to show cause why the Respondent is not in contempt of court.

Yours very truly,

For G of Clew 4/1/46