

353

H. M. Gilly, Plaintiff.

vs.

In Circuit Court of Baldwin County, Ala.

P. B. Schmeidel, Defendant.

To Any Sheriff of the State of Alabama, Greeting:

You are hereby commanded to notify Beebe, Hall & Beebe, attorneys of record for H. M. Gilly, plaintiff in the above cause, that the defendant, P. B. Schmeidel by his attorney, W. H. Hawkins, has filed an unqualified appearance in the above cause, and the plaintiff is required to file a bond in double the ~~value~~ amount sued for within five days of the service of this notice, or the levy of the attachment shall be discharged.

Witness my hand this the 3rd. day of December 1937.

F. R. Dyer

Clerk.

Duch
RECORDED 8-161

*Sumner Hill
Hall & Beebe*

NOTICE OF FILING UN-
QUALIFIED APPEARANCE,

*Executed this 3rd
day of Dec 1937
By leaving a copy -
of the within writ
on Hubert M. Hall
Member of Law Firm
of Beebe Hall and Beebe*

*M. H. Mulkins - Sheriff
By Taylor Mulkins*

Issued December 3, 1937

R. S. Duch, Clerk

H. M. Gilly, Plaintiff.

In Circuit Court of Baldwin County, Ala.

vs.

P. B. Schmiedel, Defendant.

Interrogatories to be propounded to plaintiff in accordance with Section 7764 et. seq. of the code of Alabama.

First.

Please state whether or not you wrote, signed and mailed to defendant, letters in regard to this transaction and pertinent to this cause and dated as follows, to-wit.:— April 23, 1935; May 7, 1935; June 17, 1935; August 6, 1935; Sept. 7, 1935; Oct. 16, 1935; Dec. 2, 1935; Jan. 7 1936; May 25, 1936 and Sept. 8th. 1936.?

Second.

Please state whether or not you received any letters from defendant in regard to the matter of one M. N. Harris, and in answer to the letters mentioned in interrogatory number one? If so, please produce at the trial the originals of these letters or attach copies to your answers.

Third.

Please state whether or not you ever received from M. N. Harris or any one for him, any money or thing of value in settlement of the amount due by Harris to defendant for timber cut on the land of defendant? Please answer fully.

W. H. Hawkins

Attorney for Defendant.

State of Alabama,

Baldwin County.

Personally appeared before me,
a Notary Public in and for said County in said State, W. H. Hawkins, who on oath states that he is attorney of record for defendant in the case of H. M. Gilly, Plaintiff versus P. B. Schmiedel, Defendant and that the answers to the foregoing interrogatories will be material testimony for defendant in this cause. This the 6th. day of Sept. 1938.

W. H. Hawkins

Sworn to and subscribed before me this the 6th. day of September 1938.

May J. Green

Notary Public, Baldwin County, Ala.

N. M. Silly ~~Pliff~~
Vol
P. B. Schmiedel
Deft

Interrogatories to
Plaintiff

Filed Sept 6, 1938

Filed Sept. 6, 1938

R. S. DUCK

clerk, - register

By Harold H. Hamer
Deputy

H. M. Gilly, Plaintiff.
In Circuit Court of Baldwin County, Alabama.

vs.
P. B. Schmiedel, Defendant.

Comes the defendant in the above entitled cause, and as pleads to each count of the complaint, separately and severally, alleges and states as follows.

First.

That the allegations of the complaint are untrue.

Second.

That defendant was not indebted to plaintiff on the 21st day of September 1936, nor at any other time, and is not now indebted to plaintiff in any sum.

Third.

That on to-wit: April 25, 1935, plaintiff wrote defendant that he had loaned the party that cut the timber on the land of defendant, and had the evidence to convict, and plaintiff volunteered to collect the stumpage and send to defendant, and plaintiff stated in the same letter that he would collect his expenses out of the party that cut the timber.

Defendant, relying on the promise of plaintiff that it would not cost defendant anything, authorized plaintiff to go ahead and collect the money for stumpage from M. N. Harris, who had cut the timber from the land of defendant, and at the request of plaintiff, defendant sent him the original deed to the land, as plaintiff wrote that it was necessary to have the original deed in order to convict the said M. N. Harris.

Fourth.

Defendant for further answer to said complaint alleges that plaintiff has wholly failed to prosecute and bring the said Harris to trial or to collect the money he had agreed to collect, but after Harris had been arrested the cases were continued for nearly a year, and finally on December 7, 1936, the cases were dismissed without ever coming to trial and consequently there was no consideration for the alleged work and labor, which plaintiff claims he did for said defendant of the value of \$109.00, a bill for which was rendered by plaintiff to defendant on September 25, 1936.

Attorney for Defendant.

N. M. Kelly Pltff
vs
P. B. Schmiedel
Def

Interrogatories to
Plaintiff

Filed Sept 6, 1938

Filed Sept. 6, 1938
R. S. DUCK
clerk, - register
By Samuel Thompson
Deputy

RECORDED
H. M. Kelly
Pltff - J

vs
G. B. Schmiedel
Def

Pleas & defenses

353

Filed Mar 3 1938
R. S. Dyer
Clerk

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons P. B. SCHMIEDEL to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, at the place of holding the same, then and there to answer the Complaint of H. M. GILLY.

WITNESS my hand this the 6th day of May, 1937.

R. L. Duck
Register.
Clerk.

H. M. GILLY,
Plaintiff,
VS.
P. B. SCHMIEDEL,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

1. Plaintiff claims of the Defendant ONE HUNDRED AND NINE (\$109.00) DOLLARS due from him by account on to-wit, the 21st day of September, 1936.
2. Plaintiff claims of the Defendant ONE HUNDRED AND NINE (\$109.00) DOLLARS due from him for work and labor done for the Defendant by the Plaintiff, on to-wit, the 21st day of September, 1936, at his request;

Which sums of money, with the interest thereon, are still due and unpaid.

Becher & Becher
Attorneys for the Plaintiff.

Defendant's address: 402 Pearl Street, Pittsburg, Pa.

RECORDED

Dues
8-68SUMMONS AND COMPLAINT

H. M. GILLY,

Plaintiff,

VS.

P. B. SCHMIEDEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.Filed May 6, 1937.
R. L. Duck,
Clerk.

The jury
are in favor of
the plaintiff
receiving \$109.00
and interest of
13.00 - total
of \$122.00

48 Answer
Jury

Circuit Court, Baldwin County

PLAINTIFF

VS.

DEFENDANT

BILL OF COST

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Issuing Summons and Complaint	\$1 25	1	25	Transcript to Supreme Court, 15c per hundred words		12	75
Copies of same, when over 200 words, 15c per 100	30		30	Copies, 5c per hundred words			
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words			
Entering Sheriff's Return on Summons and Complaint	20		20	Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45		45	Witness Certificate	25		
Subpoena for Witness	30	2	70	Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50			Entering Order of Court not above named	30		
Filing	10	1	20	Administering Oath	25		
Trial and Incidents	75		75	Taking Bond for Costs of Non-Resident Plaintiff	75		
Entering Judgment, or copy of same	30		30	Copy of any paper not above named, 15c per hundred words			
Order for Continuance	10		10	Filing Writ of Prohibition and Entering Return	15		
Issuing Execution	50		50	Issuing Writ of Prohibition	75		
Docketing Execution	25		25	Issuing copies of same, 15c per 100 words			
Issuing copy of same	50		50	Filing Mandamus and Entering Return	15		
Entering Sheriff's Return on Execution, 15c per hundred words	20	4	00	Issuing Writ of Mandamus	75		
Final Record, 15c per hundred words	30		30	Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30		30	Total Clerk's Fees			
Order to Dismiss Cause	30		30	SHERIFF'S FEES			
Order to Set Aside Dismissal	30		30	Serving and Returning Summons	\$1 50		
Order Overruling Motion to Set Aside Dismissal	75		75	Serving and Returning Subpoenas	65		
Order Granting New Trial	30	3	00	Collecting Execution for Costs	1 50		
Order Overruling Motion for New Trial	30		30	Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for Continuance	30		30	Executing Writ of Possession	2 50		
Order Overruling Motion to Set Aside Default	30		30	Levying Attachment	3 00		
Order for Notice to Non-Resident Defendant	30		30	Entering and Returning Attachment	25		
Issuing Notice for Publication and Copy 20c per hundred words	30		30	Entering and Returning Execution	25		
Order to Give Security for Costs	30		30	Summoning and Returning Garnishee	1 50		
Order to Give Additional Bond	30		30	Taking and Approving Garnishee Bond	75		
Order to Execute Writ of Inquiry	30		30	Serving and Returning Writs	1 50		
Order of Sale in Attachment	30		30	Serving and Returning Summons on Forcible Entry	1 00		
Order for Leave to Amend Complaint	30		30	Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Pleas	30		30	Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Writ of Process	30		30	Taking and Approving Claim Bond	1 00		
Order for Attachment for Witness	30		30	Taking and Approving Forthcoming Bond	1 00		
Filing Deposition	10		10	Taking and Approving Bail Bond	1 00		
Issuing Commission to Take Deposition	75		75	Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15		15	Taking and Approving Defendant's Detinue Bond	1 00		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50		50	Making Deed	2 50		
Endorsing each Pet. Deposition Opened	10		10	Serving Attachment for Contempt of Court	1 50		
Taking Bond in Garnishment on Summons	75		75	Collecting Money on Execution			
Summons to Garnishee	50		50	Empanelling Jury	75		
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold under Attachment			
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20		20	Seizing Personal Property on Writ of Detinue	3 00		
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50		50	Total Sheriff's Fees			
Filing Attachment	10		10	RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00		1 00	Judgment		12	00
Issuing Copies of Attachment Writ, 15c per hundred words				Interest		12	75
Filing Certiorari and Entering Return	15		15	Clerk's Fees		9	10
Taking Certiorari Bond and Filing Same	75		75	Sheriff's Fees			
Issuing Writ of Certiorari	75		75	Justice's Fees			
Issuing copies of same, 15c per 100 words				Constable's Fees		60	00
Issuing Writ of Scieri Facias, or Notice in Nature of	75		75	Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75		75	Printer's Fees		5	00
Taking Appeal Bond and Filing same	75		75	Stenographer's Fees	5 00		
				Answer of Garnishee		3	00
				Trial Tax	3 00		
TOTAL FORWARDED		12	75	Total	\$	211	85

Received payment this _____ day of _____ 193 _____

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

CERTIFICATE OF JUDGMENT

The State of Alabama, }
Baldwin County

Circuit Court, Fall Term, 19 38

H. M. GILLY

PLAINTIFF.

Vs.

P. B. SCHMEIDEL

DEFENDANT.

I, R. S. DUCK, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 13th day of September, 19 38,

a Judgment was rendered by said Court in the above stated cause, wherein

H. M. GILLY

was Plaintiff and

P. B. SCHMEIDEL

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of One hundred and

twenty-two (122.00) DOLLARS,

and for the sum of EIGHTY-NINE & 85/100 (\$89.85) DOLLARS,

the costs in said suit and that

BEEBE, HALL & BEEBE

are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this 13th day of September, 19 38

R. S. DUCK

BY: Clerk, Circuit Court, Baldwin County, Alabama.

Deputy Clerk

Circuit Court, Baldwin County

No. 363

Gilly

VS.

Schmidel

Civil Cost Bill

Paid _____ 193_____

Clerk.

CERTIFICATE OF JUDGMENT

H. M. Gilly

, Plaintiff

Vs.

P. B. Schmeidel

, Defendant

MOORE PRINTING CO., MAY MINETTE, ALA.

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, H. M. GILLY

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,
that P. B. SCHMIEDEL

is justly indebted to the Plaintiff

H. M. GILLY

in the sum of ONE HUNDRED NINE & NO/100 (\$109.00) Dollars, and

H. M. GILLY

having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of
P. B. SCHMIEDEL

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
within 30 days from service

County, on Monday of 1937
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 25th, day of October A. D. 1937

Robert S. Duck Clerk.

Executed this 25th day of October, 1937, by levying on the following described property, as the property of Paul B. Schmiedel: The Southeast quarter of the Northwest quarter of Section 28, Township 7 South of Range 6 East, containing 40 acres, more or less.

M. H. Wilkins Sheriff
By C. W. Anderson R. L.

ORIGINAL

ALIAS.

RECORDED

No. 353

Decl
8-197

ATTACHMENT

H. M. GILLY,
Plaintiff,

Vs. { ATTACHMENT

P. B. SCHMIEDEL,
Defendant.

Issued October 25th, 1937

MOORE PRINTING CO.,

353

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS,

H. M. Gilly

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,

that

P. E. Schmiedel

is justly indebted to the Plaintiff

, H. M. Gilly,

in the sum of

ONE HUNDRED NINE & NO/100 (\$109.00)

Dollars, and

H. M. Gilly

having made affidavit and ~~given bond~~

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

P. E. Schmiedel

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said

County, on Monday of 193

within 30 days from service
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 6th day of May, A. D. 1937

R. S. Duck

Clerk.

copy

No. 353

ATTACHMENT

H. M. Gilly,
Plaintiff

Vs. }

ATTACHMENT

P. B. Schmiechel,
Defendant.

Issued May 6th, 1937

MOORE PRINTING CO.,

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, H. M. Gilly

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,

that P. B. Schmiedel

is justly indebted to the Plaintiff, H. M. Gilly,

in the sum of ONE HUNDRED NINE & NO/100 (\$109.00) - - - - - Dollars, and

H. M. Gilly having made affidavit ~~and given bond~~
as required by law, in such cases, you are hereby commanded to attach so much of the estate of

P. B. Schmiedel

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, Within 30 days from/ ^{service} Monday of 1937

next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 6th day of May, A. D. 1937

R. S. Duck Clerk.

RECORDED

Executed May 6th, 1937 by
levying on the following
described ^{property} as the property
of Paul B. Schmeidel.

SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 28
Township 7 S. Range 6 E.
containing 40 acres more or
less.

M.H. Wilkins
M.H. Wilkins Sheriff.

original

RECORDED

Dueh
8-69

No. *353*

ATTACHMENT

A. M. Gilly,
Plaintiff,

Vs. { ATTACHMENT

P. B. Schmeidel,
Defendant.

Issued *May 6,* 1937

MOORE PRINTING CO.,

STATE OF ALABAMA,)

BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That We, H. M. GILLY, as Principal, and the undersigned, as Sureties, are held and firmly bound unto P. E. SCHMEIDEL in the sum of TWO HUNDRED and FIFTY (\$250.00) DOLLARS to be paid to the said P. E. SCHMEIDEL, his heirs, executors, administrators or assigns, for which payment well and truly to be made we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 8th day of December, 1937.

The condition of the above obligation is such that whereas the above bounden H. M. GILLY has prayed for and obtained an attachment against the estate of P. E. SCHMEIDEL for the sum of One Hundred and Nine (\$109.00) Dollars, returnable to the Circuit Court of Baldwin County, Alabama, as required by law.

Now, if the said H. M. GILLY shall prosecute said attachment to effect and pay the said defendant all such damages as he may obtain from the wrongful or vexatious suing out of said attachment, then this obligation to be void, otherwise to remain in full force and effect.

H. M. Gilly (SEAL)

Frank R. Muller (SEAL)

John Kiefer (SEAL)

Taken and approved this 8th
day of December, 1937.

R. H. H. H.
Clerk.

RECORDED
5-163
GILLY,
vs.

SCHMIDEL;

\ Bond;

(353)

Filed this the 8th day of
December, 1937.

R. S. Duck
Clerk.

H. M. Gilly, Plaintiff

vs.

P. B. Schmeidel, Defendant.

To H. M. Gilly, Plaintiff:

Comes the defendant, P. B. Schmeidel and gives notice that you will be required to produce at the trial all original letters received from P. B. Schmeidel, the defendant and all writings in his possession, custody and control and all documents in any way pertaining to this cause.

This the 7th. day of April 1938.



Attorney for Defendant.

RECORDED *Duch*
7-203

H. M. Gibly
Plaintiff
vs
G. B. Schneidell
Def

Motion to require
Plaintiff to produce
letters, writings, etc.
at trial

Filed April 7, 1938
R. S. Duch, Clerk

Executed by serving a copy
of the within writ on

Hubert M. Hall.

This 7th day of April 1938.

M. H. Wilkins, Sheriff

By *M. H. Wilkins* D.S.

[Faint, mostly illegible text and markings, possibly a ledger or index, spanning the right side of the page.]

H. V. Gilly, Plaintiff.

vs.

In Circuit Court of Baldwin County, Alabama.

P. B. Schmeidel, Defendant.

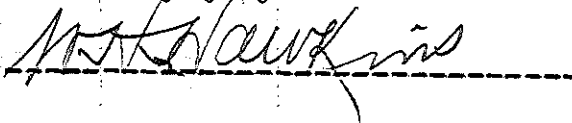
Comes the defendant, P. B. Schmeidel, by attorney and makes an unqualified appearance in this cause and requests the clerk to issue the necessary notice to the plaintiff or his attorneys of record of this unqualified appearance, and requiring the said plaintiff to give bond within five days of the service of this notice, ⁰The levy of the attachment shall be discharged.

This the 3rd. day of December, 1937.



Attorney for Defendant.

Defendant demands a trial by jury.



Attorney for defendant.

353-160
(353) *Recorded*
H. M. Gilly, Plaintiff

vs.

P. B. Schmeidel, Deft.

Unqualified appearance of
defendant. *✓ Jury Demand*

Filed the 3rd. day of Dec.
1937. *R. S. Deuel*

Clerk.

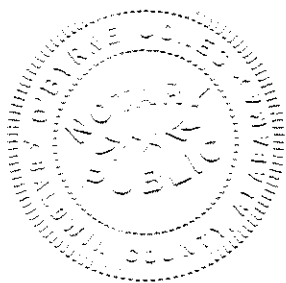
STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said County,
in said State, personally appeared H. M. Gilly, who is known to me and
who having been by me first duly sworn, deposes and says that P. B.
Schmiedel of 402 Pearl Street, Pittsburg, Pennsylvania is justly indebted
to him in the sum of One Hundred and Nine (\$109.00) Dollars, after allow-
ing all just offsets and discounts and that said P. B. Schmiedel is a
non-resident of the State of Alabama, and that this attachment is not
sued out by him for the purpose of vexing or harassing the said P. B.
Schmiedel.

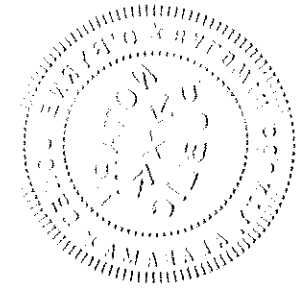
H. M. Gilly

Sworn to and subscribed before
me this 3rd day of May, 1937.

O. Byrme Jones
Notary Public, Baldwin County,
Alabama.



Duck
RECORDED
8.69



AFFIDAVIT OF H. M. GILLY

Filed May 6, 1937.
R. S. Duck, clerk.

I wrote at the same time, Jan. 1935 a letter to the Court of Bay Minette, and your letters advised me that no suit had been entered against a Mr. Harris by Mr. Gilby, Elberta. I complained in May 1936 in a second letter, requesting a full report of the case. In September 1935 I wrote to Mr. Gilby a fourth letter. Without any explanation, he returned my deed with a short note, asking me that I own him \$109.00. Mr. Gilby is employed by Mr. Porter Foely, Ala. and this man Mr. Porter sent me since the past five years, every year letters asking me to lease my timber. I wrote this Man very briefly that I do not care to lease my timber for Turpentine Purpose. These two Gentlemen object is to force, or to take my Real-Estate and their complain by the court is sued out for the purpose of vexing and harassing my property. I hope I have not to appear before the Court. I am living and working 1500 Miles from Bay Minette. I have to support a family of 3 heads. Have only 6 Months Work, and during the depression lost all my savings in a Pittsburgh Bank. Hoping the Court of Baldwin County will consider my plea, Respectfully
P. B. Schmiedel

May, 12th 1937

Mr. R. S. Duck
Clerk of the Court,
Baldwin County, Bay Minette, Ala.

Dear Sir: I received your registered letter with the complain of a Mr. H. M. Gilly, that I own to this said gentleman the sum of \$109.⁰⁰ for which he claims for work and labor done to the 21st day ^{Sept} 1936. I do not know this man personally and he acted some time ago as a agent to sell my property in Elberta district.

It hapned in February 1935 a lumbee thief that was well known to Mr. Gilly, cut off all my valuable timber.

Mr. Porter and Mr. Gilly wrote me a letter and advised to get the man who cut my timber, arrested by the sheriff.

I permitted Mr. Gilly to get out a warrant, in order to get this bold man under arrest.

In Jan 1935, or 10 Months after Mr. Gilly promised me to send my deed back with a full report of the case, he refused to do so and told me in his letter, that he does not know why the sheriff did not arrested the thief and will advise me later on. (I have all his letters on file)

402 Pearl St
Pittsburgh Pa

Filed May 15-1937
Rsd Duch
Curt

Duplicate of Mr. Gilly letters.

Elberta, April 23, 1935

Mr. P. B. Schmiedel: In reply
to your letter April 8th
I have made investigation at
the timber cut on your land.
We scaled same and got the
amount of 23. We located the
party that cut your timber;
and have the edurance to convict
them. If you will give me
power of attorney to act for you
I will collect the stumpage
and send it to you. Also I
will collect my expenses out
of the party that cut the timber.
Let me hear from you by mail.

Yours truly
H. M. Gilly
Elberta, Ala.
R. 1

over/

(Attention: His promise is clear
and don't need any explanation.
Up to date he still holds my
permission to arrest persons of
trespassing and Attorney of Power.
and refuses to hand it back?)

Duplicate of Mr. Gilly letters.

Elberta, June 17, 1935

Mr. P. B. Schmiedel: Upon receipt of May 19th I called on Mr. Harris and offered to compromise for the sum of \$45.00. Mr. Harris ask for a little time and after two weeks refused to pay the damage of \$45.00. I went to Bay Minette and consult with my attorney. He tells me we have a good case against Mr. Harris, but before entering suit I will need your deed. It will cost you only a few dollars to get Harris convicted, and you should get justice. If you will send me your deed, I will get this case settled as quick as possible.

Hoping to hear from you,
H. M. Gilly.

over/

(Attention: On August the 20th
Mr. Gilly send me another letter,
asking me to send at once the
original deed to the land,
in order to make a conviction.)

Aug. 24¹⁹³⁵ I sent him the deed.
and returned it Sept 12th 1936

Mr. R. S. Duck
Clerk of the Court, Baldwin County,
Bay Minette, Ala.

May 27th, 1937

Dear Sir: Enclosed you will please
find two more letters, duplicates from
Mr. H. M. Gilby, Elberta.
Kindly enclose these two letters in my
registered letter of May the 25th.

Thanking you,

Respectfully,
P. B. Schmiedel

May 31 1937
Edward
Allen,

The State of Alabama,
Baldwin County

CIRCUIT COURT,

No. 353

Fall TERM, 1938

To Any Sheriff of the State of Alabama—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of

P. B. Schneider

which were levied on by you, on the 6 day of May 1937, by virtue of a writ of attachment issued

out of Circuit Court of Baldwin County, Alabama, to-wit: SE 1/4 of NW 1/4

of Section 28, Township 7 S. Range 6 E., containing 40
acres more or less.

you cause to be made the sum of One Hundred Twenty-Two (\$122.00) Dollars, which

H. M. Lilly

recovered of P. B. Schneider

on the 12 day of September 1938, by the judg-

ment of the Circuit Court of Baldwin County, besides costs of suit, and said property ordered

to be sold in satisfaction thereof \$92.20 and have the

same to render to the said R. S. Duck,
and make return of this writ, and the execution thereof, according to law.

Witness my hand, this 12 day of October 1938

R. S. Duck Clerk.

BILL OF COSTS

CLERK'S FEES	Dollars	Cts.	AMOUNT BROUGHT FORWARD	\$
Issuing Summons and Complaint.....	\$1	25	Transcript to Supreme Court, 15c per hundred words	
Copies of same, when over 200 words, 15c per 100.....	30	30	Copies, 5c per hundred words.....	
Issuing Alias Summons and Complaint.....	1	25	Citation to Appellee in Appeal, 20c per hundred words	
Entering Sheriff's Return on Summons and Complaint.....	20	20	Certificate with Seal, 50c. Without Seal.....	25
Docketing Cause, 25c. Ent. Appearance, 20c.....	45	45	Witness Certificate.....	25
Subpoena for Witness.....	30	70	Taking Bond Not Above Mentioned.....	75
Making Certificate of Judgment.....	50	50	Entering Order of Court not above named.....	30
Filing.....	10	20	Administering Oath.....	25
Trial and Incidents.....	75	75	Taking Bond for Costs of Non-Resident Plaintiff.....	75
Entering Judgment, or copy of same.....	30	75	Copy of any paper not above named, 15c per 100 words	
Order for Continuance.....	10	20	Filing Writ of Prohibition and Entering Return.....	15
Issuing Execution.....	50	50	Issuing Writ of Prohibition.....	75
Docketing Execution.....	25		Issuing copies of same, 15c per hundred words.....	
Issuing copy of same.....	50		Filing Mandamus and Entering Return.....	15
Entering Sheriff's Return on Execution, 15c per 100 words	20	20	Issuing Writ of Mandamus.....	75
Final Record, 15c per 100 words.....	30	400	Issuing copies of same, 15c per hundred words.....	
Order for Alias Summons and Complaint.....	30		Total Clerk's Fees.....	
Order to Dismiss Cause.....	30		SHERIFF'S FEES	
Order to Set Aside Dismissal.....	30		Serving and Returning Summons.....	\$1 50
Order Overruling Motion to Set Aside Dismissal.....	75		Serving and Returning Subpoenas.....	65
Order Granting New Trial.....	30	30	Collecting Execution for Costs.....	1 50
Order Overruling Motion for New Trial.....	30		Serving and Returning Sci. Fa. Notice, etc.....	65
Order Overruling Motion for Continuance.....	30		Executing Writ of Possession.....	2 50
Order Overruling Motion to Set Aside Default.....	30		Levying Attachment.....	3 00
Order for Notice to Non-Resident Defendant.....	30		Entering and Returning Attachment.....	25
Issuing Notice for Publication and Copy, 20c per 100 words	30		Entering and Returning Execution.....	25
Order to Give Security for Costs.....	30		Summoning and Returning Garnishee.....	1 50
Order to Give Additional Bond.....	30		Taking and Approving Garnishee Bond.....	75
Order to Execute Writ of Inquiry.....	30		Serving and Returning Writs.....	1 50
Order of Sale in Attachment.....	30		Serving and Returning Summons on Forcible Entry.....	1 00
Order for Leave to Amend Complaint.....	30		Executing Writ of Restitution in such cases.....	2 00
Order for Leave to Amend Pleadings.....	30		Taking and Approving Bonds of Every Kind.....	1 00
Order for Leave to Amend Writ of Process.....	30		Taking and Approving Claim Bond.....	1 00
Order for Attachment for Witness.....	30		Taking and Approving Forthcoming Bond.....	1 00
Filing Deposition.....	10		Taking and Approving Bail Bond.....	1 00
Issuing Commission to Take Deposition.....	75		Taking and Approving Plaintiff's Detinue Bond.....	1 00
Issuing copy of same, 15c per 100 words.....	50		Taking and Approving Defendant's Detinue Bond.....	1 00
Issuing Copy of Interrogatories, 15c per 100 words, but not less than.....	10		Making Deed.....	2 50
Endorsing each Pet. Deposition Opened.....	75		Serving Attachment for Contempt of Court.....	1 50
Taking Bond in Garnishment on Summons.....	50		Collecting Money on Execution.....	
Summons to Garnishee.....	50		Empanneling Jury.....	75
Copies of same, 20c per 100 words.....	10		Sheriff's Commission for Property Sold under Attachment.....	
Notice to Defendant in Garnishee on Summons, and copy, 20c per hundred words.....	50		Seizing Personal Property on Writ of Detinue.....	3 00
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than.....	10		Total Sheriff's Fees.....	10 36
Filing Attachment.....	10		RECAPITULATION	
Issuing Attachment Writ and Taking Bond.....	1 00	1 50	Judgment.....	122 00
Issuing copies of Attachment Writ, 15c per 100 words	15		Interest.....	13 95
Filing Certiorari and Entering Return.....	75		Clerk's Fees.....	10 55
Taking Certiorari Bond and Filing Same.....	75		Sheriff's Fees.....	60 00
Issuing Writ of Certiorari.....	75		Justice's Fees.....	
Issuing copies of same, 15c per hundred words.....	75		Constable's Fees.....	
Issuing Writ of Scire Facias or Notice in Nature of.....	75		Witnesses' Fees.....	
Issuing Copies of same, 15c per hundred words.....	75		Commissioner's Fees.....	
Taking Supersedeas Bond and Filing same.....	75		Printer's Fees.....	
Taking Appeal Bond and Filing same.....	75		Stenographer's Fees.....	5 00
TOTAL FORWARDED	13	75	Answer of Garnishee.....	3 00
			Trial Tax.....	
			Total.....	5 00

Received Payment this day of 19

ATTEST

Clerk of Circuit Court, Baldwin County, Ala.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

H. M. Selly,

VS PLAINTIFFS.

P. B. Schaefer,

DEFENDANTS.

CIVIL EXECUTION, VENDITION
EXPONAS IN ATTACHMENT

Judgment for plaintiff for \$122.00

Interest from 19

to 19 \$

Damages \$

Costs \$92.20

Total - \$214.20

Civil Fee Book Page

Execution Docket Page 353

Filed October 12, 1938

R. S. Duck

CLERK

H. M. Selly

PLAINTIFF'S ATTORNEY

P. B. Schaefer

DEFENDANT'S ATTORNEY

COLLECT COSTS FROM

THE STATE OF ALABAMA,
BALDWIN COUNTY

I hereby certify that the within Judgment and Costs in this case are correct, and there was a waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This day of 19

CLERK

RECEIVED IN OFFICE

SHERIFF

Sheriff's Execution Docket, Page

Sheriff's Fee Book, Page

The State of Alabama,
Baldwin County

By virtue of the within execution, I have, at this 26th day of October 1938, levied on the Southeast Quarter of the Northwest Quarter of Section 28, Township 7 South Range 6 East, containing 40 acres - as the property of P. B. Schaefer and adv. same for sale for three consecutive weeks in the Baldwin Times and sold same on the 12th day of Dec 1938 to H. M. Selly who being the highest bidder for \$2,378.20 of which \$122.00 was paid to H. M. Selly the plaintiff and \$8.42 for Pub to the Baldwin Times and \$92.20 was turned over to R. S. Duck the Clerk of Court as part Cost and the balance retained as my fees

M. H. Jenkins - Sheriff

SHERIFF

Duplicate of Mr. Gilly letters.

Elberta, Ala. Sept. 7th
1935.

Mr. P. B. Schmiedel :

This is to let you know that I received your deed in good shape. I have entered suit against Harris to the full extent of law. The trial will be the first Monday in October. After the trial I will return your deed by registered mail.

Yours very truly
H. M. Gilly.

Duplicate of Mr. Gilly letters.

What he told me after the
first trial?

Elberta, Oct. 16th 1935.

Mr. P. B. Schmiedel:

Your letter of Oct. 9th received.
I have wrote you two letters since
I received your deed and I have
also got a warrant for Harris arrest.
If you wish to sell a turpentine
lease on your timber, I will look
after it for you and will see that
you get a square deal.

I don't think Harris has been
arrested yet, but I am not sure,
he will be soon and as soon as
the trial is over I will send you
deed to you.

As for Mr. Groman he is ab-
solutely innocent, we had
witness, to prove him not
over %

guilty.

Harris is the guilty party.
I will post your land
and will watch for any
trespassing.

Yours very truly

H. M. Gilly.

(Attention: I did not receive
two letters, as explained in
Mr. Gillys writing.)

Duplicate of Mr. Gilly letters.
What he wrote me, Dec. 2nd. 1935.

Mr. P. B. Schmiedel:

In reply to yours of Nov. 18th I wish to inform you that I have done every thing that I can do. I went to Bay Minette and made a warrant for Harris and made the warrant over to the high Sheriff. So far I have not learned if Harris have been arrested and. The best thing is for you, to sell Mr. L. W. Porter a turpentine lease for a period of time then sell all saw log timber and your land then will be of the same value.

I am going to Bay Minette in a few days, I will find out why Harris have not been arrested and will you ^{wife} again over,

as soon as I get any information.
As your deed I have it in safe
keeping you need not worry
about it. I will return it
any time you wish me to
do so.

Yours very truly
H. M. Gilby

(Attention: He did not send
my deed untill Sept 12th 1936.
Why did he hold it back so
long?)

Duplicate of Mr. Wiley letter.
His excuse in Germany, why he
did not send my check.

Elberta, Jan. 7th 1936
Mr. P. B. Schmiedel:

Your letter of Jan. 3rd at hand. I wish to advise
you, that if you doubt me having
a warrant made for Harris in Bay
Winette write the Sheriff, or the
Court of Baldwin County.
Mr. W. Harris has moved from Stillman
and is past time in Florida and
past time in Alabama.

The Sheriff informed me a couple
days ago, that he would have
Harris under arrest as soon as
he could catch up with him.

My attorney advises me we
will need your check at the
trial of Mr. W. Harris and as the
Sheriff promises to arrest him
over %.

in the near future. I think it
is advisable to hold your deed
for a short while and if the
Sheriff fails to get Harris I
will send you your deed and
a bill for my time and expenses
and drop the case.

Yours truly
H. M. Gilley.

(Attention: I wrote to Mr. Gilley
in May 1936 again, and he sent
me a similar letter, like above.
I mailed a letter, like above,
and failed to receive an answer.
In September, I told him if
he don't make me a report and
send my deed, I hand the case
over to the court of Bay Minette.
Then he sent me a report and
wanted \$109.00 for his
expenses without any explai

(353)

May 24, 1937

Robert S. Duck
Clerk of Court, Baldwin County,
Bay Minette, Ala.

Dear Sir: In regard to your registered letter of May the 8th, I would like to be informed, if there has been a case filed a year ago, against a Mr. Harris, from a Mr. H. M. Gilly, Elberta.

If so, please let me know when the trial was in the Circuit Court Baldwin County, as Mr. Gilly claims that he had \$469.00 expenses to get this said Mr. Harris arrested by the Sheriff.

Please let me know if the man was really arrested by the Sheriff and what the outcome of this trial was.

I received in Dec. 7th 1935 from you a letter, in which you informed me, that no case has been filed against Mr. Harris and I wrote by that time to Mr. H. M. Gilly to make a true report to me and requested this man to return all my papers and the deed of my property. Without my permission he hold my deed back, till September the 12th 1936.

I enclose herewith four letters of Mr. Gilly and hope that the court will reject his suit against me. Thanking you for a reply,

Respectfully,
P. B. Schmiedel

Ends June 4/1937
R. S. Allen

United States Department of the Interior
 OFFICIAL BUSINESS
 REGISTERED ARTICLE
 NO. 653
 INSURED PARCEL
 NO. 1
 RETURN TO: R. S. Guck, Circleville, Ohio
 NAME OF SENDER
 Post Office at: Dayton, Ohio
 State: Ohio

POSTAGE PAID FOR REGISTERED ARTICLE No. 653
 paid. 1 class postage paid. 5 - 8 - , 1937
 (Date)
 red value \$ 10.00 surcharge paid \$ 0.00
 From R. S. Guck a City & Range
 (Sender)
 Addressed to Mr. J. P. Schumacher
 (Post office and State)
 402 Pearl St. Columbus, Ohio
 (Street and number)
 Accepting employee will place initials in space below, indicating restricted delivery
 Return receipt fee 3 { in person _____ or order _____
 Delivery restricted to addressee { Special delivery fee _____
 Fee paid 10 Postmaster, per L



RETURN RECEIPT

Received from the Postmaster the enclosed and signed check for the amount of \$10.00 for the expenses of the trip of the school.

POSTMASTER: RETURN TO THE POSTMASTER

POST OFFICE BOX 1000

Post Office Box 1000
Washington, D.C. 20540

1-10-70

10 5

W. B. King

10

1

W. B. King
a pastor
+ his