

271.04221922.1	<p>5x8.5 COPY</p> <p>E. D. Marshall: dealer in Real Estate and Railroad Cross ties</p> <p>From: E. D. Marshall</p> <p>To: E. H. Simmons</p> <p>I would like to have your best cash price on the DeGraffenriede tract of land. I would like to have you price the land and timber only. I would prefer buying the timber only.</p> <p>Noted in upper corner: "(Copied) ejz. 4-28-22</p> <p>Stamped "Received Apr 29 1922"</p>
271.04281922.2	<p>From: E. H. Simmons</p> <p>To: Mr. E. D. Marshall</p> <p>This is to answer yours of the 22nd. Just at present, for reasons that would not interest you, we do not care to name you a price on the land or the timber on the De Graffenried. Would consider any offer you may make. Am going away and referring matter to our Secretary Mr. J. N. Esselstyn.</p> <p>PS: Above letter was transcribed after Mr. Simmons had left the city.</p>
271.04281922.3	<p>Hillman Land Company letterhead</p> <p>From: E. H. Simmons</p> <p>To: Esselstyn</p> <p>Attached copy of letter from E. D. Marshall [271.04221922.1] and copy of my reply [271.04281922.2]. Might be something in regard to taxes on this so thought best not to name a price and think best if you do not either. In meantime, tell me what you know about this. Whether Mr. Marshall has had any talk with you. If you care to, drop him a line and tell him you will talk this matter over. If he means business, the De Graffenried tract is for sale and the timber is for sale. If you think we should act, tell me and suggest your asking price. Give me also your estimate of the timber and its value.</p>
271.05111922.4	<p>From: Esselstyn</p> <p>To: E. H. Simmons</p> <p>In reply to your letter of April 27th regarding the De Graffenried Tract and Mr. E. D. Marshall. I have delayed answering this letter because I wanted to look over the transcript of testimony in the 1920 Tax Case and Judge Gordon just returned it to me on Tuesday. I believe Mr. Marshall has a double intent in asking a price on timber and land separately. First he would prefer to buy only the timber as then he would not have to pay taxes on worthless land after timber is cut off and 2nd, think in behalf of Molloy he would like to get some idea of what the Company considers the timber worth in order that their next attack may be on the timber for taxation purposes. Discussion of various calculations of land based on people's testimonies and using Mr. Marshall's testimony to calculate De Graffenried rate of \$107,227.00 (2 pages)</p>
271.05111922.5	<p>From: Esselstyn</p> <p>To: E. H. Simmons</p> <p>A few days ago in talking over the tax case with Senator Utlely I stated that I would recommend the sale of all the Company's land in Lyon county on the basis of the present assessment valuation. He said "What will the Company take for the De Graffenried Tract? If we can agree on the price, I can sell it in 48 hours". He assured that he was not talking for Mr. Marshall. You will remember Mr. Marshall got busy on the Anderson Land when he found out that Judge</p>

	Nunn and others were after the same tract. Shall say nothing to him about it until I hear from you. I believe the De Graffenried Tract out to bring \$100,000 when timber business picks up.
271.05131922.6	<p>From: Esselstyn To: E. H. Simmons</p> <p>This morning at Eddyville, Senator Utley brought up the subject of the sale of the De Graffenried tract again. I was there to return the transcript of evidence in the 1920 tax case and I told him how the witness different in valuations of the De Graffenried tract from \$150,000 to \$200,000 and if assessment value was on a 60% basis that the tract would be worth about \$107,000. He remarked that he believed that "his party" would give \$90,000. Told him I wrote you about previous conversation. If he really has prospective purchaser, we should settle if he would expect the Company to pay him a commission</p>
271.05151922.7	<p>Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn</p> <p>Answering yours of 5/11 in regard to taxes and land valuation, you say on second page that Mr. Marshall testified in the 1919 tax case and as you remember valued the De Graffenried tract well about \$100,000. Is this a matter of record – can you get a copy of the testimony. Answering last paragraph of your letter, unless we can get a "bid" out of Mr. Marshall, I would recommend you say you recommend we sell the De Graffenried tract to him at the price he valued it in his testimony but would want to be sure of testimony before we made the statement.</p>
271.05151922.8	<p>Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn</p> <p>Answering your letter of 5/11 in regard to your talk to Senator Utley and he asking what we would take for the De Graffenried Tract. I am ready to have you name a price on this if you think it is a good thing and not liable to affect our taxes in the future. Discussion of each paragraph. Glad you said we would sell all Company's land in Lyon County on basis of present assessment valuation. Plan we should stick to. (2 pages)</p>
271.05161922.9	<p>From: Esselstyn To: E. H. Simmons</p> <p>In reply to yours of the 15th regarding the De Graffenried Tract. I do not think it advisable to name a price on the Tract. I do not think it advisable to consider the sale of the timber separately from the land. My idea is that both Senator Utley and Mr. Marshall's "feelers" are "broadcasted from one central station" – maybe big tie companies or for taxation purposes or combination of both.</p>
271.05161922.10	<p>Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn</p> <p>Acknowledge receipt and thank you for your letter of May 13th in regard to the De Graffenried tract. It would seem that Senator Utley's offer (for some one else) of \$90,000 is evidence that the tax valuation, put on the property, is not fair or if valuation is fair, his offer is not reasonable. Just at present I would not</p>

	<p>be willing to have Senator Utley represent the Hillman Land company in this or any other deal until we know more about it. My own personal idea is we should not name a definite price but if your idea is different, be glad to have you name a price verbally of from \$180,000 to \$200,000.</p>
271.05171922.11	<p>From: Esselstyn To: E. H. Simmons</p> <p>This is to reply to your letter of the 16th regarding the De Graffenried Tract. The assessed valuation of the De Graffenried Tract is <listed>. This valuation of \$64,420.00 is the value fixed by the Board of Supervisors for taxation purposes and is supposed to represent 69% of its fair cash value.</p>
271.05181922.12	<p>Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn</p> <p>This is to acknowledge yours of May 16th in regard to the De Graffenried tract – your idea and mine are the same. Your idea in regard to taking up the timber with two different men is a very good one.</p>
271.05191922.13	<p>Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn</p> <p>Yours of the 17th in regard to the De Graffenried tract is received. This is just the information I wanted. It would seem to me if Senator Utley or anyone else offers you less than \$107,000.00, it is definite evidence that they think or their principals think that the tax valuation is too high. If you can get them to say “yes”, it might help in the future</p>
271.06261922.14	<p>COPY From: E. D. Marshall To: E. H. Simmons</p> <p>As suggested in your letter, I had a talk with Messrs. Esselstyn and Layton with reference to purchase timber on De Graffenried Tract but as these gentlemen refused to consider a sale, I am taking matter up with you again. I will give your company \$45,000 for a good and sufficient title to all the merchantable timber, 10” inches and over at the stump, located on that certain tract. I would have five years to remove same and also have all necessary and property mill sites and roads and right of way to manufacture and remove said timber, provided you accept this offer on or before August 1st. I am also to have all necessary and proper tie and lumber yards.</p>
271.07051922.15	<p>Hillman Land Company letterhead From: A. S. Hartt, Secretary to Mr. E. H. Simmons To: Esselstyn</p> <p>Please note attached copy of letter addressed to Mr. E. H. Simmons under date of June 26th signed by Mr. Marshall [271.06261922.14]. Mr. Simmons left word with me that if anything of this kind came up, to send a copy of it to you as he wanted to get your views before making any decision. Please write a letter by return mail, addressed to him as to whether you recommend the sale at all and if so, at this price or if at some higher price if you think Mr. Marshall will pay more. I think it is Mr. Simmons intention after getting all the information he can from you to turn the matter back into your hands.</p>

271.07061922.16	<p>From: Esselstyn To: E. H. Simmons Acknowledge receipt of your letter of the 5th enclosing copy of Mr. Marshall's letter under date of June 26th regarding the sale of the timber on the De Graffenried Tract. Background on Mr. Marshall's claim Mr. Layton and Esselstyn refused to consider a sale. Met Mr. Marshall on April 22nd and we turned down price offered just for timber. Tax assessed value. Cannot recommend sale of timber on such a large area and giving 5 years to remove it. This would lock land use. Another possible reason why Mr. Marshall writing now is he recently met and made offer with present owner of Ewald land and may not be ready for such large project. Second point is assessment roll for 1923 is taken as of July 1st and Mr. Molloy has contended timber on De Graffenried was worth as much or more than the timber on Ewald land. (2 pages)</p>
271.07101922.17	<p>From: [E. H. Simmons] To: Mr. E. D. Marshall This is to answer your letter of June 26th. I am not willing to recommend to the Board a sale of the timber on the De Graffenried Tract where FIVE YEARS was left to the purchaser to cut off the timber – the time is too long.</p>
271.07101922.18	<p>Hillman Land Company letterhead From: E. H. Simmons (initialed in ink) To: Esselstyn Acknowledge receipt of your letter of July 6th in regard to Marshall's offer on timber on the De Graffenried tract. Please write me as to the basis on which you would arrange the sale of the timber on this tract. If we have a reasonable prospect to sell the De Graffenried tract as a whole, that is preferable. If not possible, please outline what basis we think would be fair for sale of timber alone. At same time, state any objections to it.</p>
271.07101922.19	<p>COPY From: [E. H. Simmons] To: Mr. Charles C. Grassham / Paducah, Ky Noting attached, please give me your opinion as to this sale. Personally, I don't agree with Mr. Esselstyn and the conclusions he has reached. In addition we are anxious to sell all of this timber in order to pay off some of our notes, provided it does not do any great injury to the property. Mr. Esselstyn does not give reasons why he thinks five years cutting timber would make them owners of the property. Opinion? Also, would be glad to get opinion on "too many things can happen in five years to be caught with such a sale". As you know Mr. Esselstyn is in some ways an unusual man, in some ways he has unusual abilities, in other ways, he has his shortcomings just the same as you and I have ours. I want your views on this both legally and as common everyday practical man. It seems he has more or less made a Destructive criticism without a CONstructive suggestion. Could Mr. Molloy use Mr. Marshall's offer in boosting the tax valuation on the timber. (2 pages)</p>
271.07131922.20	<p>From: Esselstyn To: E. H. Simmons Acknowledge receipt of your letter of the 10th regarding sale of timber on the De Graffenried tract. I do not consider Mr. Marshall's offer worthy but I suppose he will come back and make time less than 5 years but price is still too</p>

	<p>small. Sometime you authorized me to sell the Cottonwood and Sycamore on this tract but on account of high water, it has been impossible to do so until present. Have one offer for \$5.00 per thousand board measure (BM). Also have offer from E. C. Artman Lumber Co. for 200,000 feet of Cherry Bark Oak at \$12.00 per thousand stumpage. In talking with prospective purchasers, they understand we reserve right to terminate contract at any time. I believe we can sell from \$2000 to \$5000 worth of timber in logs within next few months without a dollars additional expense.</p>
271.07151922.21	<p>Hillman Land Company letterhead From: E.H.S. (E. H. Simmons) To: Esselstyn This is to answer yours of July 13th. We have offer of \$45,000 and you say offer is not worthy of consideration. Why? Main point I want to bring out is that I cannot see that you have made any CONstructive suggestions to offset your DEstructive criticism. If you can get more money from him or anyone else, that is all right but up to now, on evidence of any other offers. You say you have an offer of \$5.00 per thousand of Cottonwood and Sycamore. I did not know this. You did not tell me about it before. In regard to offer for Cherry Bark Oak, this is another thing that is new to me. We are after action. Please write me. Please give me idea as to amount of Cottonwood and Sycamore on River Banks so I can get idea amount of money it will run to. (2 pages)</p>
271.07151922.22	<p>COPY From: C. C. Grassham To: E. H. Simmons Replying to your favor of July 10, 1922 beg to advise that a contract for sale of timber on the De Graffenried land can be so drawn to allow only rights if ingress and egress, mill sites, roadways, etc. Feature of proposition for timber cutting should specify height of stump from ground on high side. Five years is not unusual length of time for as large a body of land as this is. I do not understand the "many things can happen in five years" I think Marshall and Molloy are good friends but do not think Marshall would permit himself to be used for purpose of increasing the assessed value of property. Appreciate the opportunity to serve you in any way possible. I am still General Counsel for Ayer & Lord Tie Company with which Company I have been more than a quarter of a century.(2 pages)</p>
271.07191922.23	<p>From: Esselstyn To: E. H. Simmons Acknowledge receipt of your letter of the 15th regarding Mr. Marshall's offer for the timber on the De Graffenried tract. Information on Cottonwood and Sycamore deals. Cherry Bark Oak offer also. Cottonwood and Sycamore will bring in from \$1000 to \$1500 and Cherry Bark Oak will bring \$2400 or more if you want to sell more than 200,000 feet.</p>
271.07191922.24	<p>COPY From: [E. H. Simmons] To: Mr. Charles C. Grassham / 909-910 City National Bank Bldg., / Paducah, Ky Thank you very much for your letter of July 15th, in regard to the possible sale to Mr. Marshall. This is just what I wanted, and I am quite sure will be of service to us. I am going away for about ten days, but if anything develops, may take this</p>

	up with you again a little later, or possible Mr. Esselstyn may take it up with you.
271.07191922.25	Hillman Land Company letterhead From: E.H.S. To: Esselstyn Attached, I hand you, as a matter of information, copy of my letter of July 10 th [271.07101922.19] to Mr. Grassham, a copy of his answer of July 15 th [271.07151922.22], and a copy of my acknowledgement [271.07191922.23].
271.07221922.26	COPY From: E. D. Marshall To: E. H. Simmons Replying to yours of 10 th in where you state FIVE YEARS is too long to allow the purchaser, while if you will still consider the conditions of the timber business, you will see this is a very short time to move this lot of timber. In other words I don't think the timber could be worked on the present market it being a tie proposition. I am willing to release the land just as fast as I can move the timber, and if the tie business should pick up in price enough to work this timber I will turn back the entire tract in TWO YEARS instead of FIVE YEARS.
271.07231922.27	From: Esselstyn To: E. H. Simmons This is to acknowledge receipt of your letter of the 19 th enclosing copies of correspondence with Mr. Grassham in regard to the proposed sale of the De Graffenried Timber to Mr. Marshall. Mr. Grassham states that he has been General Counsel for the Ayer & Lord Tie Company for "more than a quarter of a Century" The Ayer & Lord Tie Company have financed Mr. Marshall in all of his other timber and land deals and it is fair to assume that they are financing him in this deal.
271.07261922.28	COPY From: A. S. Hartt, Secretary to Mr. E. H. Simmons To: E. D. Marshall Yours of July 22 nd addressed to Mr. E. H. Simmons received in his absence and will be held for his return.
271.08091922.29	Hillman Land Company letterhead From: E. H. Simmons To: Esselstyn Note the attached as a matter of information. This was acknowledged by my Secretary while I was out of the city and I thought best not to make any further answer to Mr. Marshall at present.
271.08131922.30	From: [Esselstyn] To: Mr. H[arve]. Edmondson This is to advise you that you may begin cutting Cottonwood, Sycamore, Birch, and White Gum on the property of this company along the Cumberland River and creeks upon the following conditions. Deposit \$200 as a matter of good faith. Price of above timber to be \$6.50 per thousand feet of board measure. Timber cut must not measure less than 20 inches in diameter on the stump at 1 foot about the ground. Due regard must be had for Company property and

	especially tenant farms. Company reserves the right to terminate or cancel this agreement at any time.
271.08141922.31	From: Esselstyn To: Mr. C. B. Vick Yesterday I agreed with Harve Edmondson and Joe Mitchell that they could go ahead with the cutting of Cottonwood, Sycamore, Birch and White Gum along the general lines we have talked about. They can go to cutting as soon as they deposit \$200.00 which I think will be this morning.
271.08161922.32	From: Esselstyn To: E. H. Simmons Acknowledge receipt of your letter of the 9 th enclosing copies of correspondence with Mr. Marshall regarding the timber on the De Graffenried Tract. I concluded from this correspondence that there would be no sale of this timber just at present so I entered into an agreement with H. Edmondson and Joe Mitchell for the cottonwood and other soft box timber along the river and creeks in accordance with the enclosed letter. You will note that the agreement can be terminated at any time and this class of timber is not considered in the real timber value of the property.
271.08181922.33	From: E. H. Simmons To: Esselstyn Answering yours of August 16 th indicating you are selling all cottonwood and other soft box timber along the river to H. Edmondson and Joe Mitchell which arrangements can be terminated at any time. This is a very good arrangement and I am quite sure the price is as good as we can expect to get at any time.
271.09231922.34	From: [E. H. Simmons] To: Mr. W. J. Cagle Thank you very much for your letter of 9/9 (received during my absence from the city) in regard to Mr. E. C. Artman of the Artman Lumber Company, Metropolis, Ill. I am the President of the Hillman Land Company and we have a tract of land just up the Cumberland River from the town Kuttawa. The Secretary and Engineer of our Company lives in Kuttawa and he would be glad to host Mr. Artman anytime he wants to go down and look at the property. We own about forty-thousand acres mostly in Lyon and Trigg counties. The particular piece of land I think Mr. Artman refers to is known as the De Graffenried Tract; we also have other tracts of land you might be interested in. (2 pages) Noted in upper left corner: "Mr. J. N. Esselstyn – For your information"
271.10011922.35	5x2.5 scrap paper (22 pages) Calculations for De Graffenried and Wells tracts of land for lumber? Stamped "Received Oct 1 1922"
271.10301922.36	5x 2.5 scrap paper (23 pages) Calculations for De Graffenried and Wells tracts of land for lumber? Stamped "Received Oct 30 1922"
271.01121923.37	9x4 scrap paper (13 pages) Calculations for timber cut by Mitchell & Edmondson 12/25/22 Stamped "Received Jan 12 1923"