



Minnesota District Court (Carver County)
Civil and criminal case files

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No.

1739

Contract

DISTRICT COURT,
CARVER COUNTY, MINN.

Mathias Stauss
Plaintiff.

vs.

Jacob Wirth et al
Defendant.

Ernest Kaundin
Plaintiff's Attorney,

Samuel Fowler
Defendant's Attorney.

Date of Entry Sept. 4, 1879

Register of Actions A Page 66

Term Tried April General 1880

Judgment for Plaintiff

Amount of Judgment \$ 72.00

Date of Judgment March 23, 1886

Judgment Book B Page 283

Default Judgment Book _____ Page _____

Date of Docketing March 23, 1886

Judgment Read Again Page 426

State of Minnesota,

JUSTICE COURT.

County of CarverMeathias Sluts Plaintiff

AGAINST

COMPLAINT.

Jacob Knith and
Gustave Lenn Dylo.

The complaint of the Plaintiff in this action shows to this Court, and states:

That said Plaintiff is the owner and entitled to the immediate possession of that

certain personal property which is described as follows, that is to say:

Set. H.
 One or of Red color about seven years old. Also one or about seven years old of Red color with white spots on face and white on belly and some white on rear hind leg.

That on the 17th day of March A.D. 1879 at Watertown in said County, the Plaintiff and said defendants made and entered into a contract whereby said defendants sold and delivered to plaintiff One (1) horse in consideration whereof and as part of the purchase price thereof plaintiff delivered to said defendants the property above described. That the defendants then and there represented and stated to said plaintiff that said horse was sound. That relying on said representations and statement so made by defendants and believing the same to be true, and not otherwise, said plaintiff was induced to enter into said contract. That said representations were false and fraudulent in every particular. That on the 20th day of March 1879 plaintiff rescinded said contract and demanded said property.

That the same, all and singular, and the possession thereof, are wrongfully and unlawfully detained from said Plaintiff by said Defendants at the County of Carver in the State aforesaid. That said Plaintiff has demanded and caused to be demanded of said Defendant the delivery and possession thereof before the commencement of this action; but said Defendant has refused and still refuse and neglect to deliver the same, or any part of the same to the Plaintiff. And that the same is worth, and of the actual value of

Twenty90

dollars.

that by reason of the premises
aforesaid said plaintiff has been
damaged to the sum of ten
dollars

Wherefore said Plaintiff demand judgment against said Defendant for the immediate
return and possession of the property above described, or the sum of Twenty

Dollars, the value thereof, in case
a delivery thereof cannot be had, and ~~for ten Dollars~~

~~Dollars~~, damages for the detention thereof, besides the costs and disbursements of this action.

Dated Wilmington Minn Nov 31st 1879

Ernest Hamilton

Plaintiff & Attorney.

No 6

Carver County,

JUSTICE COURT.

W. L. Bates Plaintiff

vs.

Jacob W. L. Bates Defendant
Quotum Lessor Defendant

COMPLAINT IN REPLEVIN.

Filed this 31st day
of March A.D. 1879

Walter D. John
Justice of the Peace

Filed this 12th day of April 1879

Lomas P. Arden

Justice of the Peace

Plaintiff Attorney

RANDALL & CUNNINGHAM, PRINCES, St. Paul.

Filed September 4th A.D. 1879
W. L. Bates Plaintiff

State of Minnesota
County of Carver }
I, the undersigned, being
duly sworn, say that he is the plaintiff in
this action, that the within and foregoing complaint
is true of his own knowledge, except as to those matters
therein stated as information and belief and as
to those matters he believes it to be true.

Subscribed and sworn to before
me this 31st day of March 1879
Walter D. John
Justice of the P.

State of Minnesota;
County of Carver

Justice Court
Before H. St. John Secy
Justice of the Peace

Mathias Ståros

- against -

Jacob Wirth and
Gustave Lesen

} Answer of Defendants.
Lesen

The above named Defendant
Gustave Lesen for answer to the Complaint of the
Plaintiff herein denies each and every allegation
in said Complaint contained except as hereinafter
expressly stated and admitted.

And said Defendant Gustave Lesen further
answering said Complaint alleges that the personal
property mentioned in said Complaint is
worth and of the value of ^{seventy} one hundred and five dollars.
And for a further answer to said Complaint said
Defendant Gustave Lesen alleges that he now is and
was at the time of the commencement of this action
the owner and entitled to the immediate possession
of all of said personal property described in said Complaint.

And for a further answer to said Complaint
~~and as a counterclaim thereto~~ said Defendant
alleges that all of said personal property was on the
20th day of March A.D. 1879 wrongfully taken from
the possession of said Defendant Gustave Lesen by
the said Plaintiff and was and is retained by said
Plaintiff and that said Defendant in endeavoring

Set. R.

to recover possession of said personal property
has incurred great expense and damage and
has been damaged thereby in the sum of twenty
five dollars.

Wherefore the Defendant Gustave Loeber
demands judgment against said Plaintiff for
the immediate return and possession of the
property in said complaint described or
the sum of seventy dollars the value thereof in
case a delivery thereof cannot be had and
for twenty five dollars damages for the detention
besides the costs and disbursements of this action.

Attest

Attorney for Defendant Gustave Loeber

Wm. H. Wood,
Notary Public
Filed Sept 1st 1879.

Filed for filing
of March 10 1879
in the Superior
Court of the State

Filed this 12th day of May
1879
James P. Patton
Clerk of the Court

607

Wm. H. Wood
Notary Public

Filed Sept 1st 1879
in the Superior
Court of the State

Wm. H. Wood

Notary Public
I have read the within return and know the return to be true
and correct and I have no objection to its being
filed for filing of the Superior Court in the
County of [] State of []

State of Minnesota }
 County of Cass }
 Neathas Stauss Plff }
 -25- }
 Jacob Wirtz and }
 Gustave Liss Defts }

Reply

The plaintiff in
 this cause for his reply to
 the Counter Claim of the defts. therein
 denies each and every allegation
 in said Counter Claim contained

Dated Mch 31st 1878

Ernest Neandlin
 atty for Plff.

State of Minnesota }
 County of Cass }
 Neathas Stauss

being duly sworn says that
 he is plaintiff in the above
 entitled cause, that the
 foregoing is true of his own
 knowledge except as to those
 matters therein stated as information
 and belief, and as to those matters
 he believes it to be true.

Subscribed and sworn to before me this 31 day of }
 March 1878 }
 Mr. Stauss

Walter L. John
 Justice of the Peace

Ex. A.

No 7

Filed this 31st day
of March A.D. 1879
Walter de John
Justice of the Peace

Filed this 12th day of
April A.D. 1879
Jonas P. Atkins
Justice of the Peace

Filed, September, 4th A.D. 1879.
Wm. Wray, Clerk
Clerk

State of Minnesota } In Justice Court before
County of Carver } Jonas P. Atkins Justice of the Peace

Mathias Stans Plaintiff }
vs- } Return on appeal
Jacob Wirth and }
Eustas Leiser Defendants } To the Hon.
J. L. McDonald
Judge of 8th Judicial Dist.-
Carver County

I Jonas P. Atkins one of
the Justices of the Peace in and for
said County, do hereby certify and
return that the annexed process
and papers lettered from A. to H.
inclusive are all the papers relating
to said Cause filed with me, and that
the paper marked with Letter A is a
true transcript of my Docket entries
in said Cause and also a true record
of all proceedings had before me in
said Cause.

Given under my hand this
the 3rd day of September A.D. 1879

Jonas P. Atkins
Justice of the Peace.

State of Minnesota { In Justice Court before
County of Carver { Jonas P. Perkins Justice of the Peace
Matthias Staas Plaintiff

-VS-

Jacob Wirth and Gustav Leser Defendants

487. A.
April 13th 1879 This cause came before me on an
order of Change of venue made by Walter
St. John Esq. a Justice of the Peace of the
town of Watertown in said County and the stip-
ulations of the parties to this action made and
filed with said Justice now on file in my office

The cause was called at 11 a.m. and the
and the court being then engaged in the trial of
another cause by the consent of the parties
the cause was continued until to morrow
April 16 at 8 a.m. at my office in Watertown
in said County

April 16th A.D. 1879 8 o'clock a.m. Cause
called Plaintiff appeared in person and by
his attorney E. Hainlin Esq. and amended
his complaint. The Defendant Gustav
Leser and his counsel V. Fowler Esq.
came into court and stated that they
would make no further defence in this court

Matthias Staas Jacob Jager and
Ernest Hainlin was then each duly sworn
and testified as witnesses on the part
of the Plaintiff

Jacob Guger was sworn as interpreter for
Mathias Stans. The Plaintiff then stated his cause.

The Defendant offered no evidence, —

After hearing and duly considering the evidence
produced by the Plaintiff I find that all the
allegations of the Complaint are true and
did at once adjudge and determine that the
Plaintiff recover of the Defendant the
property described in the Complaint or this
in this action to wit: one ox of red color
about seven years old ^{about seven years old} also one ox of
red color with white spot in face and
white on belly and some white on each hind
leg, or for the sum of Ninety Dollars the
value thereof in case of a return of said
property cannot be had and for his costs
and disbursements herein taxed at
five Dollars and seventy five cents.

Jonas P. Allen's

Justice of the Peace

The plaintiff's costs was Taxed by me

as follows Justice fees filing 10 papers 30 ct

Oath 3 witnesses 45 ct int. judgement 25

Oath amend. Complaint 15 taxing cost 15

Oath to interpreter 15 \$ 1.65

Constable fees

serv. writ of replev 50 ct } attend Court 1 day \$ 1.00

Mileage 10 } \$ 2.10

attend Court 2 day 50 }

Witness fees

Jacob Zager 1 day attend court	\$ 1,00
E. Hainlin do "	1,00
	\$ 2,00

April 24th 1877 Defendant filed his affidavit for appeal to the District Court stating it was made in good faith and not for the purpose of delay, also filed his bond in appeal according to statute with sureties justifying in an amount sufficient to secure to the plaintiff his judgments and costs which bond I approved. also filed notice of appeal with proof of service upon Plaintiff's attorney, stating the grounds of appeal to be on questions of both law and fact, also paid me for making the returns appeal allowed

Jonas P. Allen
Justice of the Peace

Filed Sept 4th 1899.
G. W. Gayenbuhl
Clerk.

State of Minnesota,

County of Larver

N. JUSTICE COURT,

Walter St John Esq

Justice of the Peace.

Mathias Slams

Plaintiff

against

Jacob Wirth

Defendant

STATE OF MINNESOTA,

County of Larver

ss.

Mathias Slams

came

before me personally, and being first duly sworn doth say, that he is

_____ said Plaintiff in the above entitled cause; that said Plaintiff

is entitled to the immediate possession of that certain personal property to recover possession of which this suit is brought, and which is described as follows, that is to say: One ox about seven years old of Red color. also one ox about seven years old of Red color with white spot in face and white on belly and some white on back hind leg.

that the same is wrongfully detained from said Plaintiff by said Defendant at the County of Larver and State aforesaid; that it was not taken from him by any process legally and properly issued against him

and that the actual value of the aforesaid property is Twenty (20) Dollars, according to the best knowledge and belief of the affiant, and further saith not.

Subscribed and Sworn to before me,

On this 20 day of March A. D. 1879

M. Staup

Walter St John
Justice of the Peace

Affidavit in Replevin.

No 1

JUSTICE COURT,

Before W. S. Johns Justice,

County of Levee

Mo. Slaves Pkfy

against

Jacob Wirtz Deft

FIDAVIT IN REPLEVIN.

Filed March 20 A. D. 1879

Walter St. John
Justice of the Peace.

Ernest Kaulein
Plaintiff's Attorney.

ST. PAUL DISPATCH PRINT.

*Filed Sept 4th 1879
Wm. H. Smith
Clerk*

*Filed this 12th day of April 1879
Donna P. Harris
Justice of the Peace*

State of Minnesota,

County of Leaon

Philip Meyer and

Charles Zeyer

came before me personally, and being by me first duly sworn, doth say, each for himself, that he is the surety above named; that he is a resident and freeholder of and in this State of Minnesota, and worth the amount of One hundred and eighty Dollars, specified in the foregoing Bond, above his debts and liabilities, and exclusive of his property which is exempt from execution.

Philip Zeyer jr
Zeyer

Subscribed and Sworn to before me, on this

20 day of March

A. D. 1879

Walter L. John

Justice of the Peace

Court.

Justice

County of Leaon

M. Slane

vs.

Jaeger Wente

BOND IN CLAIM AND DELIVERY OR REPLEVIN.

I hereby approve the within bond and the sureties thereon.

Dated 20

A. D. 1879

Walter L. John

Justice of the Peace

Filed March 20 "1879

Walter L. John

Justice of the Peace

Conor Bauder

Plaintiff's Attorney.

Rumalee & Cunningham, Printers, St. Paul.

Filed, Sept 1st 1879
Walter L. John
Justice of the Peace

Filed this 12th day of April 1879
James P. Allen
Justice of the Peace

The State of Minnesota
County of Carver

Justice Court

John Walter DeJohn
Justice of the Peace

M. Staus Plaintiff

against
Jacob Wurth & Gustave Leser Defendants

March 20th A.D. 1879

Plaintiff filed an affidavit in Replevin
also filed Bond in Replevin which with
assurances thereon was approved by me
whereupon I issued a Writ of Replevin
in said action returnable on the 31st day
of March A.D. 1879 at 10 o'clock in the
forenoon of said day at my office in
Watertown in said County and delivered
the same to Constable A Remwang
to serve

March 31st A.D. 1879

Writ of Replevin returned by A Remwang
Constable with his return endorsed thereon
as follows State of Minnesota } ss
County of Carver }

I certify that in obedience to the within
writ on the 20th day of March 1879 I took
the property therein described and delivered
the same to the within named Plaintiff
M. Staus and I further certify that
the within named defendant cannot be
found in said County of Carver

A Remwang
Constable "

The case was then called Plaintiff appeared
in person and by his Attorney E. Hamilton Esq

Ex. D.

Defendant Jacob Wuth appeared specially by S Fowler his Attorney and moved to dismiss this action on the following grounds
"1 that the return made by the writ in said action does not show that the same has ever been served

2 " that the Justice before whom said action is pending is not a qualified Justice in and for said County of Carver

Plaintiff opposed said motion and asked for time in which to make and file an affidavit under the Statutes for the purpose of obtaining the order of the Court to serve the summons herein by publication

Defendants motion to dismiss for the purpose of allowing plaintiff to make and file such affidavit and defendant Excepted

The defendant Gustave Leser then made and filed an affidavit of demand marked "No 4" and asked to be made a co defendant herein

Plaintiff then filed his complaint in writing duly verified herein

The defendant Gustave Leser then appeared generally in person and by his Attorney S Fowler Esq and filed his answer in writing duly verified to the complaint in this action

Plaintiff then a reply duly verified in writing

Filed this 12th day of April
1877 Jonas T. Perkins
Justice of the Peace

Defendant then made and filed an affidavit for a change of Venue

The plaintiff and defendant by their Attorneys E. W. Ainslie and J. F. Fowler then stipulated in writing by stipulation signed by them in open court that this cause ~~should~~ be transferred to J. P. Atkins Esq a Justice of the peace in and for the Town of Watertown in said County of Carver and continued ^{to} and brought on for trial before said Justice at his office in Watertown in said County of Carver on the 16th day of April A.D. 1877 at 11 o'clock in the fore noon of said day which stipulation is on file marked "No 8"

The application for change of venue was then granted in accordance with said stipulation and the cause transferred to the said Justice of the Peace J. P. Atkins Esq

My fees amounting to the sum of \$25.00 were then paid by defendant Gustave Decker

Kellie DeJohn
Justice of the Peace

State of Minnesota } ss
County of Carver }

I hereby certify that the foregoing is a true transcript of my docket and a true record of the proceedings had before me in the above entitled action

and that the enclosed papers ~~numbered~~
1 to 9 ~~are~~ enclosed are all the papers
filed with me in said action

Walter L. John

Justice of the Peace

Filed Sept 4th 1884
G. W. Wagoner
Clerk

State of Minnesota,

STATE OF MINNESOTA,

88.

County of Waver

To the Sheriff or any Constable of said County:

WHEREAS,

Mathias Slans

complains that

Jacob Writ

has taken and does unjustly detain

the following goods and chattels, to wit:

one of about seven years old
of Red color - also one of about seven
years old of Red color with white in face, & white on belly and
some white on hind legs.
and which are of the value of Twenty (90) — Dollars.

THEREFORE, YOU ARE COMMANDED that you cause the same goods and chattels to be replevied without delay; and
if the said Mathias Slans

shall give security, as required by law, that you cause the said goods and chattels to be delivered to the said

Slans

and also that you summon the said

Jacob Writ

to be and appear before me, one of the Justices of the Peace in and for said County, on the

day of

March

189

at

one o'clock in the

after

noon, at

3/rd

in the said County, to answer complaint of

Mathias Slans

20

Ass. of

March

A. D. 1897

Filed this 12th day of April 1879
Jonas P. Atkins
Justice of the Peace

Wm. Humphreys
Sherrill

State of Minnesota, } ss.
County of Cannon

I certify, that in obedience to
the within writ, on the 20 day of March
187 9, I took the property therein described, ~~in~~

and delivered the same to the within named

Mathias Stens and I

further certify that ~~on the~~ day of

187, at the of

in said County.

~~several~~ the within named

fendant cannot be found

the civil Court, of Cannon

A. Penn was

Constable.

Service, \$.50

Copy, .15

Mileage, 10

Fees, 60

Hammaley & Cunningham, Printers, St. Paul.

WRIT OF REPLEVIN.
JUSTICE COURT

No. 8.

No 3

State of Minnesota,
County of Carver }

In Justice's Court
Before Walter St John Esq
Justice of the peace

Mathias Staus

against

~~Julius Kistal~~

Jacob Mirth

Affidavit

County of Carver } ss.

Ex. 10.
St. 10.
Gustave Leser being first duly sworn says
That he is the owner of and entitled to the
possession of all that certain personal property
heretofore, to wit, on the 20th day of March
A.D. 1879 levied upon and taken by one Albert
Remmewitz, a constable of said County under and by virtue of
a writ of Replevin issued in the above entitled
action -

That said personal property is described as
follows, to wit: one ox about seven years old of red color,
also one ox about seven years old of red color with white
spot in face and white on belly and some white on each hind
leg.

That the value of said personal property is
seventy dollars

That the ground of the title and right of
this affiant is as follows, that said personal
property and each and every portion of it
was on the 17th day of March A.D. 1879 purchased
by this affiant from one Jacob Mirth who was
on said day the owner of said personal property

And was in possession of the same.
Subscribed and sworn to
before me this 31st day of } Gust Liser
March A.D. 1879
Walter S. Johnson
Justice of the Peace

Not
Gave bond
Justice Court
Before W. S. Johnson Esq
J. B.

Saw
Subscribed with
Affidavit by claimant
Filed this 31st day of
March A.D. 1879
Walter S. Johnson
Justice of the Peace
Filed this 12th day of April 1879
Jonas P. Adair
Justice of the Peace
Filed, 4th of April 1879.
Wm. H. Maynard
Attorney
Claimant ~~W. S. Johnson~~ Attorney

State of Minnesota,
County of Carver } ss. Samuel Fowler being first duly sworn deposes
that he is Attorney for the claimant within named and that
on the 31st day of March A.D. 1879 he served a duplicate of the
within named ~~affidavit~~ affidavit upon the within named
Albert Remickway by delivering a ~~the~~ duplicate of the within affidavit.
Subscribed and sworn to before me, a said Albert Remickway
this 31st day of March A.D. 1879 }
Walter S. Johnson
Justice of the Peace

State of Minnesota
County of Carver }

In Justice's Court
Before Walter St John Esq.
Justice of the peace

Mathias Hans

against.

Jacob Smith and
Gustave Leser }

Affidavit.

County of Carver ss

Gustave Leser being first duly sworn says that
he is one of the Defendants in the above entitled
action. That he believes that from prejudice
and bias Walter St John Esq. the justice before
whom said action is pending will not
decide impartially and fairly in said action.
And affiant asks that the venue of said
action may be changed according to law.

Subscribed and sworn to

before me this 31st day of

March A.D. 1879

Walter St John

Justice of the Peace

Gust. Leser

224 B.

Filed this 12th day of
April A.D. 1877
Jonas P. Atkins
Justice of the Peace

No 5
Justice Court
Carter County

Stans
v
North et al.

Affidavit
Filed this 31st day
March A.D. 1877
Walter D. Johnson
Justice of the Peace

Filed, Sept 4th A.D. 1877.
Vickrey & Co. Clerk

Attorney for Defendant
& Case

State of Minnesota
County of Carver }

Matthews & Son

- vs -

Jacob Northland

Gustave Lecer - Defendants }

Stipulation

It is hereby stipulated and agreed by and between the Plaintiff in the above entitled action and the Defendant Gustave Lecer that this cause be continued to and be brought on for trial before Jonas P. Peterson Esq. a justice of the peace in and for the Town of Watertown in the County of Carver and State of Minnesota at his office in Watertown in said County of Carver on the 15th day of April A.D. 1877 at 11 o'clock in the forenoon and it is hereby stipulated and agreed that said Defendant Gustave Lecer may and does file the answer in this action before Walter St John Esq. the justice before whom said action was commenced and that said filing of said answer shall and does have the same effect as if the same were filed before the justice to whom said action is transferred. Also that said Plaintiff shall have the same right to file a reply herein before said justice Walter St John Esq. under the same terms and that the said answer and reply be transferred with the other

J. P. Peterson

No 8
State of Minnesota
County of Cass
In District Court

Meacham Status
— 75 —

Jacob Winters et al

Stipulation

Filed March 31st
A.D. 1879
Walter L. Phelps

Justice of the Peace

filed this 12th day of April
1879

Jonas P. Allen

Justice of the Peace
Filed, Sept. 4th A.D. 1879.
Chas. W. W. W. W. W.

Order in this action
Dated March 31st A.D. 1879

Winters et al
Attys for Plaintiff

Winters
Attorney for Deft. Winters

State of Minnesota,
County of Carter

} ss

JUSTICE COURT,
J. P. Atkins Esq
Justice of the Peace.

Mathias Luns
against
Jacob Smith and Gustave Leser

}

del. d.

STATE OF MINNESOTA,
County of Carter
Gustave Leser

} SJ

came personally before me, and being duly sworn,
he doth depose and say, that he is Gustave Leser named as one of the Defendants
~~said~~ in the above entitled cause; that said Defendant Gustave Leser
appeals to the District Court 8th Judicial District in and for said county, from the
judgment rendered by the said Justice of the Peace, in this cause, on the 15th
day of April A. D. 1879, in favor of said Plaintiff therein; and that
the said appeal is made in good faith, and not for the purpose of delay, and further saith not.

Subscribed and Sworn to before me,
On this 23rd day of April 1879 }
E. A. Sutor
Notary Public

Gust. Leser

In Justice Court,

Camer

County.

Mathias Staus

against

*Jacob Mirt and
Gustave Lezer*

AFFIDAVIT ON APPEAL.

Filed on the *24th* day of

April A. D. 187*9*

Jonas P. Atkins
Justice of the Peace.

5-25-76. Ramaley & Cunningham, Printers, St. Paul. 500.

File with justice

*Filed, Sept 4th 1879.
Wray on hook, W. L. W.*

Stowder
Atty for Deft Lezer

State of Minnesota,

IN JUSTICE COURT,

County of

Camer

Before

J. F. Atkins Justice.

Mathias Staus

against
Jacob Wirth and Gustave Leiser

BOND ON APPEAL.

KNOW ALL MEN BY THESE PRESENTS, That we

Gustave Leiser

as principal, and

John Kerker and

Joseph Franken

as sureties are held and firmly bound unto

Mathias Staus - the Plaintiff

above named

in the sum of One hundred and ninety five
Dollars, to be paid to the said Mathias Stausfor the payment whereof, well and truly to be made, we jointly and severally bind ourselves, our
heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this Twenty third day of April

A. D. 1879

The condition of this obligation is such that, whereas the said Gustave Leiser one of
the Defendants above named appeals to the District Court for said county from that certain
judgment rendered by said Justice of the Peace, in the above entitled action, in favor of said
Mathias Staus

and against said

Jacob Wirth and Gustave Leiser

on the Twentieth

day of April A. D. 1879

NOW THEREFORE, if the said Appellant Gustave Leiser
shall prosecute his appeal with effect and abide the order of the Court therein, then this obligation
shall be null and void, otherwise of force and effect.

In testimony whereof, we have hereunto set our hands and seals the day and year aforesaid.

Signed, Sealed and Delivered in Presence of

Bowls
Ch. CourcierGust Leiser
John Kerker
Jo. Franken

SEAL

SEAL

SEAL

STATE OF MINNESOTA.

County of

Camer

ss.

Be it Known, That on this Twenty third

day of April

A. D. 1879,

came before me personally Gustave Leiser
and John Kerker and Joseph Frankento me well known to be the same persons who executed the foregoing Bond, and they severally
acknowledged the same to be their own free act and deed.Geo. A. D. W. D. L.
Notary Public. Minn.

Det. M.

State of Minnesota,

County of Carter

ss.

John Kester

and

Joseph Franken

came before me personally, and being by me first duly sworn, doth say, each for himself, that he is the surety above named; that he is a resident and freeholder of and in this State of Minnesota, and worth the amount of one hundred and ninety five Dollars, specified in the foregoing Bond, above his debts and liabilities, and exclusive of his property which is exempt from execution.

Subscribed and Sworn to before me, on this

23rd

day of April

A. D. 1879

John Kester
J. Franken
Geo. A. DuBois
Notary Public
Minn

IN JUSTICE COURT

Carter County

BEFORE

J. F. Atkins Justice.

Mathias Shaw

AGAINST

Jacob Smith et al

BOND ON APPEAL.

I hereby approve the within Bond and the sureties thereon.

Dated and filed April 24th

A. D. 1879

Jonas P. Atkins

Justice of the Peace.

Attest

Attorney for Deft Leaser

File with Justice

Filed September 15th 1879.
W. H. Gray

State of Minnesota,
County of Carver }

In Justice's Court
Before J. P. Atkins Esq
Justice of the peace

Mathias Staus

-against-

Jacob Wirth and
Gustave Leser }

Notice of appeal

Take notice that Gustave

Leser one of the Defendants in the above
entitled action appeals to the District Court
of said County of Carver from all that
judgment rendered against said Defendants
and in favor of the above named Plaintiff
in the above entitled action by Jonas P. Atkins
Esq Justice of the peace on the 16th day of
April A.D. 1879 and that said appeal is
taken upon questions of both law and
fact.

of Mathias Staus. Plaintiff
and to E. Hamlin Esq
Attorney for said Plaintiff }

Yours &c

Wm
Attorney for Defendants
Gustave Leser

Not in

Filed the 24th day of
April A.D. 1879
Jonas P. Adair's
Justice of the Peace

Justice Court
Carver County

Filed Sept 4th 1879.
G. W. H. H. H.
Detrol,

Mathias Stans
- against -
Jacob Hirt and
Gustave Lese

Notice of appeal

Due service of a copy of
the within notice is hereby
by me admitted this 24th day
of April A.D. 1879

Ernest Kocoulin

Attorney for Plaintiff

One with just after
having served copy on
defendant.
- Just Kocoulin's admission
to service before filing.

W. H. H.

Atty for Deft Lese

Defendant Gustave Leser requests the Court
to Charge

That inasmuch as the Complaint-
charges that fraudulent representations
were made the jury must find that from
the evidence that the Deft. Leser had full
knowledge of the fraud before its
commission otherwise no verdict can
be found for the Plaintiff -

Refused. - Deft. Leser Excepts.

Ans vs. Wirth & al

State of Minnesota
Dist. Court 8th Dist.
County of Carver
Mathias Staus

vs.

Jacob Wirth &
Gustave Leseur

We the jury find for
the plaintiff, and that
he is entitled to the
possession of the
property in controversy,
and we find the value
of said property to be
the sum of Five Seventy
dollars. ~~Twenty Dollars~~
~~damages~~

J. H. Staver Foreman

State of Minnesota
District Court
County of Larver,

Matthias Straus
vs
Jacob Wirth and
Eustace Leter.

Verdict.

Filed, October 15th A.D. 1879.
Anthony J. Buhl Clerk.

186

State of Minnesota
County of Carver }

District Court
8th Judicial District

James Perry — Respondent
against
Jacob Wirth and Gustave
Leser — Appellants

Mathias Stens — Respondents
- against -
Jacob Wirth and Gustave
Leser — Appellants

Each of
in the above entitled actions it is
hereby stipulated that the stay of proceedings
heretofore granted be and the same is
hereby extended ~~thirty days~~ until January 1st 1880
Dated this 10th day of November A.D. 1879

Ernest M. Hamilton
Atty for Respondents

Howe
Atty for Appellants

Note, the erasure and change of date in
the above stipulation was made at Chaska
Dec. 1st 1879. by E. M. Hamilton the above named attorney
for depts. with my consent.

Ernest M. Hamilton

Atty for Depts
H

State of Minnesota
District Court
County of Le Sueur,

James Perry
vs
Jacob Witt and Gustave Lerer

Mathias Strauss
vs
Jacob Witt and Gustave Lerer,

Stipulation -

Filed December 1st 1899,
Gustave Lerer
Clerk

State of Minnesota } ss
 County of Carver }
 District Court
 Eighth Judicial District
 Mathias Stans } Plff.
 vs. }
 Jacob Wirth and Gustav Sesser } Defts.

State of Minnesota } ss
 County of Carver }
 F. J. Steidl being first
 duly sworn on his oath deposes and says
 that he is one of the attorneys for Plaintiff in
 the above entitled action, that the places
 of residence of said defendants and of
 Sam. Fowler their Attorney is unknown
 to plaintiff and his attorneys that on
 the 17th day of March 1886 he served a notice
 a copy of which is hereto attached, together with
 a copy of the hereto attached bill of costs and
 disbursements and affidavit verifying the
 same upon G. Krayenbuhl Esq. Clerk
 of said Court, for Sam. Fowler the Defendants
 Attorney in said action, by depositing said
 notice and copy of said bill, and affidavit
 enclosed in an envelope in the Post Office
 at Watertown in said County and State, postage
 prepaid, directed to ~~Chaska~~ G. Krayenbuhl Esq.
 Clerk of said Court at Chaska County of
 Carver and State of Minnesota the same being
 his place of residence, there being a regular communication
 of mail between said said Post office at Watertown and
 said post office at Chaska. }
 Subscribed and sworn to before me } F. J. Steidl
 This 17th day of March 1886.
 C. O. Dean, Justice of the Peace

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*Filed March 29th 1884
 Wm. W. W. W.
 Clerk*

District Court
Eighth Judicial District
Carver County Minnesota

Matthias Staus } Plff
vs
Jacob Wirth and
Gustav Leser } Defs.

Plaintiffs Costs and Disbursements
Statutory costs \$10.00
Disbursements
Clerks fees \$10.70
Jury fee 3.00
Justice of the Peace fees 5.75
Witness fees. Wm. Shuddith travel 40 miles attendance 2 days 4.40
" " Wm. Graf " 40 " " 2 " 4.40
" " Jacob Yager " 40 " " 2 " 4.40
Interpreter fees travel 4 miles attendance 2 " 2.24
Total \$44.89

The above bill of costs and disbursements
taxed and allowed at \$44.89

This 23rd day of March 1886

G. Wraymunkley

Clerk

State of Minnesota } ss.
County of Carver }

Matthias Staus being
duly sworn says that he is the plaintiff in the above
entitled action that the disbursements in the foregoing
bill are just and correct and have been or will be
necessarily paid or incurred therein

Subscribed and sworn to before me this 17th day of March 1886
F. J. Steidl
Notary Public

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Gentlemen: Please take notice that on
the 28th day of March A.D. 1886 at 3 1/2 o'clock
P.M. application will be made to G. Kraegen-
buhl Esq. Clerk of said Court at his office
in the Court House in the Village of Chaska
in the County of Carver and State of Minnesota
to have the foregoing bill of costs and disburse-
ments taxed and inserted in the judgment
there and there to be entered herein.

Dated March 17th 1886.

Yours Respectfully

To G. Kraegenbuhl Esq.
Clerk of District Court
for Sam. Fowler
Defendants Attorney

Mathias Stansen
Plaintiff

Filed March 19th 1886
G. Kraegenbuhl
Clerk

1 District Court

2 Eighth Judicial District

3 Carver County Minnesota

4 Mathias Stans } Plff

5 vs.

6 Jacob Wirth and }
7 Gustav Leser } Defs.

8 ^{and} John Herker ^{and} Joseph Franken, ^{Heirs}

9 The above entitled cause came on for
10 trial by jury at the General Term October
11 1889 of said Court and said jury after trial
12 and deliberation rendered a verdict that
13 said plaintiff is entitled to the property in
14 controversy and found the value of said property
15 to be seventy dollars.

16 Now Therefore on motion of said plaintiff
17 it is hereby adjudged and determined and
18 the judgment of this Court is that said
19 plaintiff is entitled to the possession of
20 said property and that said plaintiff
21 recover of said defendants, and John Herker
22 and Joseph Franken sureties in the appeal
23 bond of defendant Gustav Leser, his costs
24 and disbursements herein necessarily expended
25 and incurred taxed at the sum of Forty
26 Four Dollars and Eighty nine cents and
27 that said plaintiff have his lawful
28 process therefore.

29 Dated March 23rd 1886

30 By the Court

31 G. Wraymuhly Clerk

State of Minnesota
District Court
County of Carver,

Matthias Staus, Plff

vs
Jacob Wirth and Gustav Leber, Defts
and John Kessler and Joseph Franken
Defts.

Judgment Roll.

Judgment \$44.89

Filed, March 23rd A.D. 1886,
G. W. Engenbuhl
Clerk.

66.

J. J. Steidl, atty for Plaintiff
Macona, Minn.,

1 District Court
2 Eighth Judicial District
3 Belver County Minnesota

4 Mathias Stans } Plff.
5 vs.
6 Jacob Wirth and }
7 Gustav Seser } Defs.

9 Plaintiffs Costs and Disbursements
10 Statutory costs \$10.00
11 Disbursements 10.70
12 Clerks fees - - - -
13 Jury fee 3.00
14 Justice of the Peace fees 5.75
15 Witness fees. Wm. Schmitt travel 40 miles attendance 2 days 4.40
16 " " Wm. Graf travel 40 miles attendance 2 days 4.40
17 " " Jacob Yager travel 40 miles " 2 " 4.40
18 Interpretation fees " 4 m. " 2 " 2.24
19 Total \$44.89

20 The above bill of costs taxed and allowed
21 at \$ this day of March 1886
22 Clerk

23 State of Minnesota } ss
24 County of Carver }

25 Mathias Stans being
26 duly sworn says that he is the plaintiff in the
27 above entitled action that the disbursements in the
28 foregoing bill are just and correct and have
29 been or will be necessarily paid or incurred
30 therein.

31 Subscribed and sworn to before } Mathias Stans
me this 17th day of March 1886 }
{ Seal } F.J. Steidl
Notary Public

Gentlemen: - Please take notice that
on the 23rd day of March A.D. 1886 at 3 1/2 o'clock
P.M. application will be made to H. Krayenbuhl Esq.
Clerk of said Court at his office in the Court
House in the Village of Chaska in the County
of Carver and State of Minnesota to have
the foregoing bill of costs and disbursements
taxed and inserted in the judgment there
and there to be entered herein.

Dated March 17th 1886

Yours Respectfully

H. G. Krayenbuhl Esq. Clerk of District Court
for Sam. Fowler
Defendants Attorney

Matthews Starns

District Court
Eighth Judicial Dist.
County of Carver

Matthews Starns

vs.

Jacob Smith and
Gustav Leser

Notice of taxation of
Costs

H. G. Krayenbuhl Esq.
Clerk of said Court
for Sam. Fowler
Defendants Atty

H. G. Krayenbuhl Esq.
Clerk of said Court

Mundick 70.00
Interns from Oct 15/49
\$

Hotel & Lunch \$ 10.00 -
in Jent's account 11 5.45 -
Schulz & Co 11.40 26.45
Total \$

Machis, Stamp to Jacob Witt & Anton
Hesse -

Know all Men by these Presents, That

Jacob Wirth
of the County of *Milwaukee* and State of *Wisconsin*
in consideration of *Seventy* Dollars,
to *me* in hand well and truly paid, by

Gustav Leser
of the County of *Milwaukee* and State of *Wisconsin*
the receipt whereof is hereby acknowledged, have Bargained and Sold, and
by these presents do Grant, Sell and Convey unto the said

Gustav Leser
heirs or assigns, forever, the following described Goods, Chattels, and
Personal Property, to-wit:

*One Yoke of Cattle known
as Matias Stars Cattle 70.00*

And *J* do hereby agree to warrant and defend the title to the
same, unto the said *Gustav Leser* his
heirs and assigns, against all lawful claims; and have delivered the same
to the said *Gustav Leser* at *Watertown Minn*
by delivery hereof.

Witness *J* hand and seal *March 17th* day of
March A. D. 187 *9*

Jacob Wirth

Sept 16/84.

GEO. W. WALSH,
ATTORNEY AT LAW,

53 East Third Street,

WITH THE
Erie Telephone and Telegraph Co.

ST. PAUL, MINN.

October 24th 1849.

Mathias Staus
for
Jacob Smith and
Mortimer Letter

James Lebreon
John Hallgren
Bernhard Hauptfeld
Joseph Williamson
Jacob Schaefer

William Larver
John Dietrich Junr
Richard Hermann
Mathias Schmidt
Bernard Walter
Henry Gabelher
Jacob Ebinger
Merritt Melvin

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State of Minnesota
District Court
County of Carver,

Mathias Staud

Jacob Wirth And
Anton Heber,

Shirley of Carver,

John Detrich 155 as my
Co. Krugenhohl
Heber,

No. 1240

labor
performed

DISTRICT COURT,
CARVER COUNTY, MINN.

Marta & Melius
Plaintiff.

vs.

Louis Stein
Defendant.

Ernest Hainlin
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry *Sept. 4, 1879*

Register of Actions *A* Page *80*

Term Tried *1*

Judgment for

Amount of Judgment \$

Date of Judgment *1*

Judgment Book Page

Default Judgment Book Page

Date of Docketing *1*

State of Minnesota } In Justice Court before
County of Carver } Jonas P. Atkins Justice of the Peace

Joseph Warta and August Moebin's
Co. partners as Warta and Moebin Plaintiffs
- vs -

Levi Stein Defendant.

Return on appeal
To the Hon J. L. McDonald Judge
of 8th Judicial District Carver County
I Jonas P. Atkins one of
the Justices of the Peace in and for said
County do hereby certify and return
that the annexed process and papers lettered
from A. to P. inclusive are all the
papers relating to said Cause filed with
me, and that the papers marked with the
letters A. and B. are a true transcript of
my Docket Entries in said Cause and
also a true record of all the proceedings
had before me in said Cause.

Given under my hand this
the 3^d day of September A. D. 1879
Jonas P. Atkins
Justice of the Peace

State of Minnesota { In Justice Court before
County of Carver } Jonas P. Atkins Justice of the Peace

Joseph Warta and August Mosbiers
co partners as Warta and Mosbiers Plaintiffs

- vs -

Lewis Utine Defendant

July 5th A.D. 1879 This cause came before
me on a Change of venue from Water St. John
Esg, a Justice of the Peace in and for the town
of Watertown in the County and State aforesaid.

The transcript of docket certificate of
said Justice and the summons complaint
answer reply subpoena and affidavit
for Change of venue herein was delivered
to me by A.P. Oberg Esq Constable and by
me duly filed.

At 2 o'clock P.M. at Kohlers Hall in said
town of Watertown I called the cause the
Plaintiffs appeared in person and by E.
Kainlin Esq, their attorney, the Defendant
appeared in person and by F.C. Kebie his
attorney. The Defendant called for
a jury whereupon I directed A.P. Oberg
Esq the Constable in attendance on the
court to make out a list of the names

Let. A.

of twenty four persons qualified to serve
as jurors in the District Court. The list
was made by the officer as directed each
party then struck therefrom six names
I then issued a venire for a jury
containing the names of the twelve persons
remaining on the said list returnable at
3 o'clock P.M. this day and delivered the
same to A.P. Oberg Constable to serve.

The venire was returned at 3 o'clock P.M.,
some of the jurors named in the venire
could not be found and some of those summoned
did not appear and one being excused, I
ordered the constable to summon six talismen
which he did, Then the following named
persons was sworn in as jurors to try the
cause ~~with~~ John Crowford Geo. T. Mulford
Peter Campbell Andrew Johnson Wm. Skaff
A.J. Brown E.R. Clear S.M. Rogers
F.X. Kohler O.M. Ahlstrom J.F. Concoran
and Austin Sexton. The cause was then
opened on the part of the plaintiff by
E. Hainlin Esq. -

Joseph Varta was then sworn and testified
on the part of the Plaintiffs.

On cross examination he testified amongst
other things, Before I delivered the wagon
there was a contract made

Ques. what was that contract?

Objected to by Plaintiff's attorney on the ground ~~1st~~ it is not a proper Cross examination 2nd it does not tend to prove or disprove any facts Alledged or stated in the pleadings,

Objection sustained and the Defendant took Exception to the ruling.

The plaintiff rested.

Lewis Stine sworn on the part of the Defendant

The Plaintiffs Counsel objected to any evidence being received on the part of the Defendant for the reason that the answer here in state no defence to the cause of action alledged in the Complaint.

Objection overruled and the plaintiffs Counsel took exception to the ruling.

John Crambery sworn on the part of Defendant.

The Plaintiffs Counsel objected to Crambery testifying on the same ground that he objected to Lewis Stine testifying.

Objection overruled and exception taken Milton Jadwin sworn on the part of the Defendant.

The plaintiffs Counsel Objected to Jadwin testifying on the same ground as before

Objection overruled and exception taken

The Plaintiffs Counsel moved to strike out all the testimony given by M. Jadwin as being incompetent.

The motion was overruled and exception taken

The Defendant then rested.—

Joseph Warta was recalled.—

The cause was then argued by the attorneys on both sides and submitted to the jury who then retired under the charge of A. H. Oberg Constable sworn for that purpose.

At 10 o'clock P. M., the jury returned into Court and rendered the following verdict.—

State of Minnesota }
County of Carver }

Warta and Moebius Plaintiffs
against

Levis Stone Defendant

We the undersigned jurors in the above entitled action do hereby find a verdict in favor of the Plaintiffs and against the Defendant for the sum of forty cents (40cts) and the costs of this action signed by John Crawford Foreman

Geo. T. Mulford, Peter Campbell, And, Johnson
Wm Graf, A. J. Brown, E. R. Clear
S. M. Rogers. F. X. Kohler. D. M. Ahlstrom
J. F. Concoran and Austin Sexton

Thereupon I did adjudge and determine that the Plaintiffs recover of the defendant the sum of forty (40) cents and for their costs and disbursements

here in taxed at eight Dollars and
sixty five cents

Jonas P. Atkins
Justice of the Peace

Ex. B.

July 11th 1879 The Defendant filed his
affidavit for appeal to the District Court
stating that it was made in good faith and
not for the purpose of delay, also filed
his bond in appeal according to Statute
with sureties justifying in an amount
sufficient to secure to the Plaintiff
their judgement and costs which bond
I approved also paid me my fees for
making out the returns

July 21st A.D. 1879 The Defendant filed
notice of appeal with proof of service
stating the grounds of appeal to be on
questions of law alone

Jonas P. Atkins
Justice of the Peace

The Plaintiff's Costs and disbursements
was by me taxed as follows Justice fees

venire	25 ^{cts}	Cost of officer to take charge	
Swearing jury	25	of jury	15 ^{cts}
Cost to & witnesses	50	filing 11 papers	50
Ex & S rulings & except.	75	& judgment	25
writing 2 folios of testimony	50	taxing cost	15

Constable fees

serv. summons	15 [¢]	}	jury list	15 [¢]
copy & milage 2 miles	25		serv. venire	1 ⁰⁰
June 28 one day attend court	1 ⁰⁰		milage 3 miles	30
serv 4 subpoenas	60		taking charge of jury	50
milage	10		attending court	1 ⁰⁰
3 miles traveling in convey				\$ 5.55
ing transcript & papers	30		Justia (only 5.55)	3.30
				\$ 8.65

STATE OF MINNESOTA, }
County of *Cass* } ss.

THE STATE OF MINNESOTA,

To the Sheriff or any Constable of said County:

You are hereby commanded to summon *Louis Stein*

Let C.
if he shall be found in your County, to be and appear before the undersigned, one of the Justices of the Peace
in and for said County, on the *28th* day of *June* A.D. 18*79* at *ten*
o'clock in the *fore* noon, at my office in the *Village* of *Melton*
in said County, to answer to *Joseph Wanta and August Macbuis*
Co-partners as Wanta & Macbuis

in a civil action; and have you then and there this writ.

Given under my hand this *19th* day of *June* A.D. 18*79*
Walter S. John
Justice of the Peace.

No 1

SUMMONS.

Jos. Wanta et al

AGAINST.

Louis Stier

Filed this 28 day of
June A.D. 1877

Walter St John
Justice of the Peace.

Filed this 5. day of July
A.D. 1877 Jonas P. Allen

Justice of the Peace

Filed Sept 4th A.D. 1877
G. W. Graymuhl
Clerk,

Deaver County, ss. I hereby certify that I personally served the within summons by read-
ing the same to the within named defendant in his hearing, and at his request, delivered to him a true copy
thereof, in said County, on the 19th day of June 1877

Fees--- Mileage 2 Miles.
Service,
Copy,

15
15
30
Constable.

State of Minnesota, In Justice Court before
County of Carver

vs. Walter St John Dry F. I.

Joseph Harta and
August Morbin
Co-partners as
Harta & Morbin
Plaintiffs

Complaint

vs.
Lauris St John Dry

Now comes the above
named plaintiffs, and complaining
of the defendant alleging -

I. That they now are and all
the time for more than (5) years
last past they have been ~~and~~
~~yet are~~ co-partners doing business
as Blacksmiths and Wagon makers
at Wolverson in said County under
the firm name and style of
Harta & Morbin

II That between the 17th day of
November A.D. 1874 and the 14th day
of August A.D. 1876 plaintiffs did and
performed for the defendant certain
work and labor at his request
and sold and delivered to him certain
articles of their manufacture, all
of which amounted to and were
worth and of the value of ninety two

Let 8.

dollars. That defendant has paid
thereon the sum of twenty one $\frac{4}{100}$
dollars and no more. That there
is now due and owing plaintiffs
thereon the sum of twenty $\frac{4}{100}$ dollars
and interest from the 14th day of
August A.D. 1876, amounting to the
sum of four $\frac{41}{100}$ dollars.

Wherefore plaintiffs ask
judgment against the defendant
for the sum of twenty four $\frac{41}{100}$
dollars and this costs herein.

State of Minnesota,
County of Leaver } SS

Joseph Martin came before me
personally, and being duly sworn, doth say that he is one of the plaintiffs
in the above entitled action; that the foregoing Complaint is true to
his own knowledge, except as to the matters which are therein stated on his informa-
tion and belief; and as to those matters that he believes it to be true.

Subscribed and sworn to before me

On this 28 day of June A. D. 1879

Walter S. Johnson
Notary Public, Minn.
Justice of the Peace

J. Martin

94 00
71 60
23 00

Filed this 5th day of July 1879

Jonas P. Atkins
Justice of the Peace

No 2

Justice Court,
County of Leavenworth

Narta & Mobius

AGAINST

Lewis Stein

Complaint and

Verification by Party.

Attorney

Minn.

EAGLE Job Print. Delano, Minn.

Filed in my office
June 28th 1879

Walter D. Johnson
Justice of the Peace

Filed Sept 15th 1879
G. W. Wenzel
Clerk

State of Minnesota } In Circuit Court
County of Cass } vs. Before W. B. John

Attorney of the Plaintiff

Martha W. W. and
Augusta W. W. as
Co-plaintiffs vs
Martha W. W. and
Augusta W. W.

Defendants

by
Luis Stern

The Defendant for

answer to the complaint of the
Plaintiffs in the above entitled action
shams and shams Court,

first, That he denies each and every
allegation in said complaint contained
and each and every part thereof.

Except what is hereby expressly admitted
and justified.

Second Defendant admits that on
the 19th day of April 1876 he bargained
with one of the above named ~~Martha~~
Martha W. W. for a new lumber wagon
for and at the agreed price of Eighty
Dollars, said Lumber wagon should
be a No 4 Wagon made in good stile
and good material, and said Plaintiff
then and there agreed to warrant the
said Wagon from the time of the
delivery of the same for and for

to be of good material and in good running gear, that in the month of May 1876 the Defendant returned the said Lumber Wagon as a horse mentioned, to their shop at Watertown Centre Co. N.H., told the Plaintiffs said wagon was not such as he had ordered, and the Plaintiffs then and there agreed to make the Defendant another Wagon, but the Plaintiffs have refused and refused to make the said above mentioned Wagon in good running order,

3 Defendant shows that he has for the last four years past asked the said Plaintiffs to make him another wagon but no answer has been given by the said Plaintiffs.

4 Defendant shows that he has paid on said Wagon as aforesaid the sum of \$44 Dollars, and withholds the sum of \$20 Dollars from said Plaintiffs, for the fulfillment of their contract,

5. That the Defendant was and now is willing to pay to the Plaintiffs above executed the said sum of Twenty Dollars, as soon as

the said Plaintiffs fullfill their contract
6th. That by the wrongfull and unjust
act on the part of the Plaintiffs
above named, This Defendant
has been greatly injured and has
suffered damage by not fullfilling
their contract, as per agreement
in the sum of Fifty-Dollars
Wherefore Defendant demands
Judgment against the said Plaintiffs
in the sum of Fifty-Dollars with
cost of this action

F. W. Kiebr
Att for Def

State of Minnesota, }
County of Leavenworth } ss

L. Stein came before me
personally, and being duly sworn, doth say that he is the Defendant
in the above entitled action; that the foregoing Bill of Complaint is true to
his own knowledge, except as to the matters which are therein stated on his informa-
tion and belief; and as to those matters that he believes it to be true.

Subscribed and sworn to before me

On this 28th day of June A. D. 1878

Walter B. Jordan
Notary Public, Minn.

Justice of the Peace

L. Stein

No 3

Cum gratia

Filed this 5th day of July

A.D. 1879

Jonas Pakine

Justice of the Peace

In Sudder Court,

County of Cass

Martin X. Packman

AGAINST

L. L. Smith

Verification by Party.

Filed, Rept 4th day of July
G. W. Weymuth, Clerk

Attorney

Minn.

EAGLE Job Print. Delano, Minn.

Filed this 28th day of
June A.D. 1879

Walter D. John
Justice of the Peace

State of Minnesota } In Justice Court Region
County of Leavenworth } State, St John say J.P.

Joseph Martin and
August Macbain }

Co-partners as Martin
and Macbain Plffs }

Reply

-vs-

Lewis & Co Dist }

The plaintiffs for
reply to the answer of the defendant
herein, respectfully deny each and
every allegation in said answer
contained, except as herein after
expressly admitted or qualified -

Plaintiffs expressly admit that
on the 19th day of April A.D. 1876 they
sold and delivered to the defendant
thereupon in said answer mentioned
and described, at the agreed price
of eighty dollars.

Emmet Macbain

Attor for P & Co

State of Minnesota }
County of Leavenworth }

Joseph Martin
being duly sworn says that he
is one of the plaintiffs in the
above entitled action, that

Set. 5.

Expressly

the foregoing reply is true of his own
 knowledge except as to those matters
 therein stated in information and
 belief and as to those matters he
 believes it to be true.

Subscribed and sworn
 to before me this 28th day
 of June A.D. 1879

Walter D. Atkins
 Justice of the Peace

W.D. 4
 Justice Court
 Leavenworth County

Joseph W. W. 1879
 - vs -

Levin S. S. 1879

Reply

Filed June 28th A.D. 1879
 Walter D. Atkins
 Justice of the Peace

Filed June
 28th A.D. 1879

Walter D. Atkins
 Justice of the Peace

Filed this 30th day of July
 A.D. 1879

James L. Atkins
 Justice of the Peace

State of Minnesota } An Indian Court
County of Carver } Before W. St John
Justice of the Peace

Martin & Martin }
partners as Martin Martin }
against }
Luis St John }

County of Carver &c

Luis St John the Defendant in the above
enrolled action, being duly sworn, says that
from prejudice and bias, he believes that
W. St John Esq, the Justice of the Peace
before whom the said action is pending,
will not decide impartially in the matter.
and that he cannot safely proceed to the trial
thereof

Subscribed and sworn to Louis Stein
before me this 5th day of
July 1872

Walter L. John
Justice of the Peace

30. 10. 72

Filed this 5th day
of July A.D. 1879

Walter S. John
Justice of the Peace

No 5

Filed this 5th day of
July A.D. 1879

Jonas P. Allen
Justice of the Peace

Filed Sept. 4th A.D. 1879.
W. Mayenbuhl
Clerk

State of Minnesota }
County of Leavenworth }

The State of Minnesota
To Milton Jackson, John Brinkman,
Frank Stutz, Emil Mueseler, Fritz
Linders, You and each of you
are hereby commanded to appear
forthwith at my office in Kohlenstein
in Malinta in the County of Leavenworth
and State of Minnesota to give
evidence in a certain cause
then and there to be tried between
Warta and Madsen plaintiffs
and Louis Stein Defendant in
the suit of the defendant.

Given under my hand this
5th day of July A.D. 1874

Milton S. Johnson
Justice of the Peace

Det. H.

State of Minnesota
 County of Carver } as I hereby certify and
 return that on the 5th day of July A.D. 1879
 I served the within subpoena on the
 within named witnesses M. Jackson John
 Thrinton. Fred Mueslin and
 Fritz Linders by reading the same
 them each of them in his hearing, in
 Watertown in said County.

Fees

Mileage 1 mile	10
Service	60
	<u>70</u>

A. P. Oberg Constable

No 6

Filed this 5th day of
 July A.D. 1879

Jonas P. Arns
 Justice of the Peace

Filed Sept 4th 1879
 C. W. Arns
 Clerk

State of Minnesota In Justice Court Before
County of Leavenworth } Matthew St John J. P.
Joseph Wanta and
Agnes Moebius
Co. partners as
Wanta & Moebius
Plffs }

- vs -

Louis Sten Dept.

June 19th 1879 I issued
a summons in this action by
request of the plaintiffs and caused
the same to be delivered to Asst. City
Constable to serve. The summons
was made returnable on the 28th
day of June ad 1879 at ten a.m.
at my office in the Village of
Wilton in said County.

June 28th ad 1879. The summons
was returned by the officer with
his return endorsed thereon as
follows.

"Leavenworth County 300 I hereby certify
that I personally served the within
summons by reaching the same to
the within named defendant in
his hearing and at his request
delivered to him a true copy thereof in
said county on the 19th day of June ad 1879

Ex. V.

Fees

C.P. O'Leary, Constable

Mileage 2 miles 20

Service 15

Copy 15
50

June 28th 1879. The cause was called and both parties appeared, in person and by Attorney.

The plaintiff made & filed a complaint herein in writing duly verified. The defendant made and filed an answer in writing duly verified. The plaintiff then made and filed a reply in writing duly verified.

The defendant moved to dismiss the action on the ground that the complaint does not state facts sufficient to constitute a cause of action. The motion was denied and the defendant excepted.

On motion of the defendant the cause was continued until July 5th A.D. 1879 at ten o'clock A.M. at my office in the Village of Watertown.

July 5th A.D. 1879. The cause was called at 10 o'clock A.M. both parties appeared.

The defendant made and filed
an affidavit for a change of
venue, whereupon I did order
that this cause and all papers
pertaining to it be transferred to
James Perkins Esq. a Justice of the
peace of the Town of Watertown in
said County.

My fees amounting to the sum
of Two Dollars were there paid
by the defendant.

Walter St. John Justice of the Peace

Filed July 5, 1879

James V. Atkins

Justice of the Peace

Filed Sept 1st 1879
Wm. Graymire
Clerk

State of Minnesota }
County of Leavenworth }

I hereby certify that
the within is a true transcript of my docket in
the within entitled action, and that the within
papers numbered 1 to 6 inclusive are
all the papers appertaining to said
cause filed with me.

Given under my hand this 5th
day of July A.D. 1879

Walter D. Johnson
Justice of the Peace

Det. J.

- 1 W. Bledawn -
- 2 A. Tawer. S 2
- 3 J. Gager L 3 1
- 4 A. J. Brown -
- 5 ~~W. Japer~~ L 6
- 6 C. Mares -
- 7 ~~John Hill~~ L 3 2
- 8 J. W. Brown -
- 9 ~~Geo. Gitterman~~ P 1
- 10 F. Drexler -
- 11 Al. Alstrom -
- 12 A. Johnson -
- 13 M. Canble Jr -
- 14 Peter Canble -
- 15 F. Z. Kehler -
- 16 C. P. Swanson D 5
- 17 J. B. Boyle L 4
- 18 H. Wogard -
- 19 C. Chapard P 2
- 20 ~~W. B. McBlair~~ P 6
- 21 Frank Barth L 5
- 22 J. G. Kustrom P 4
- 23 Paul Barnick
- 24 J. P. Kanski P 3

State of Minnesota
City of Carver

Joseph Martin
and Legg Mobius

-25-

Levin Stone

Jury list

Filed this 5th day
of July A.D. 1878

Jonas P. Atkins
Justice of the Peace

Filed Sept 14th A.D. 1879,
G. W. Wenzel
Clerk,

State of Minnesota }
County of Carver }

The State of Minnesota to the Sheriff
or any Constable of said County

You are hereby commanded
to summon H⁴ Bleedorn, A. J. Brown
E Moers, J W Craven, F Dresler &
A. M. Allstrom, A Johnson, M Campbell,
Peter Campbell F J Kohler W Waggard
and Fred Barnick, to be and appear
before the undersigned one of the Justices
of the Peace in and for said County on
the 5th day of July 1879 at 3 o'clock in the
afternoon of said day at Kohler's Hall
in the Village of Watertown to make a
jury for the trial of a civil action between
Joseph Warta and August Moebius Co.
partners as Warta & Moebius plaintiffs
and Louis Stein defendant, and have
you then and there this writ.

Given under my hand this 5th day
of July 1879

Jonas P. Atkins
Justice of the Peace

Let. K.

State of Minnesota

County of Carver

Joseph Warren &

Aug. Mcowan

- vs -

Louis More

Defence

Filed July 5th 1879

Jonas P. Atkins

Justice of the Peace

Filed Sept 14th 1879.
G. W. W. W. W.

W. W. W.

State of Minnesota,
County of Carver 3rd I hereby certify and
return that I served the within writ on
the following persons therein named, viz:
A. J. Brown, J. M. Leason, F. Dressler (All
Abraham A. Johnson, Michael Campbell,
Peter Campbell, F. F. Kohler, and
Fred Barrick by reading the same to
them in their hearing in testimony in
said County. I further certify and return
that I have made due search and
enquiry & but am unable to find the other
named in said writ, and that they
cannot be found. N. P. Oberg Constable

Set. 6.

Lewis Stone testified
I met Mr Waria at Kohlers
Saloon he was standing
with his back towards the door
I said I want a ~~new~~ ^{full} wagon
he asked me \$92 for such
wagon and then he came
down to \$90 I told him no
I did not know where I
could get so much money
than he said the lowest
he could make it for was
\$85 I said no than he
said I could not do any
better anywhere else

When we met again I told
him I could do 7 dollars
better he liked to know where
I said right here in this place
than he said it is them up here
they want to take you away
from our custom damn it
if they can do it we can
I said no go before I leave
you I give you \$2 more I
give you \$80, than he took
me right over to the shop he
wanted to show me some

Walter A. McBain

VS-

Louis Stine

Part of Louis Stine's
testimony

Filed July 5th 1879

Jonas P. Arline

Juror of the Peace

Filed September 4th 1879.
C. H. Graymire
Clerk

timber, I told him I don't
care you make me a wagon
the way I order it, I told
him if I had \$80 dollars in
my pocket I would not pay
it all down till I knew it
suited me, he said it is
all right.

State of Minnesota }
County of Carver }

Marta & Moebius "Plfs."
against
Louis Stein "Def."

We the undersigned jurors in the
above entitled action do hereby find
a verdict in favor of the Plaintiffs
and against the Defendant for the
sum of forty cents (40.cts.) and the
costs of this action

Signed

John Crawford Foreman
Geo. T. Mulford
Peter Campbell
And Johnson
Wm. Graf
A. Brown
E. R. Glear
G. M. Rogers
F. X. Kohler
O. H. Akstun
J. F. Corcoran
Austin Sexton

Let. 101.

Warta & Moebus
-vs-
Lewis Stein

Verdict of jury

Filed July 5th 1879

Jonas P. Atkins
Justice of the Peace

Filed Sept 14th 1879
G. Wraymuhl
Clerk,

State of Minnesota,

County of *Carver*

} ss.

JUSTICE COURT,

Before *L. P. Quinn* Justice of the Peace.

Warren & Mahon vs. Hartman

Against

Affidavit on Appeal.

State of Minnesota.

COUNTY OF *Carver*

} ss.

Louis Stein the *Defendant*

in this action, being duly sworn says, that he Appeals to the District Court, in and for said County, from the judgment rendered by said justice of the Peace, in this cause, on the *5th* day of *July* 187*8*, in favor of said *Plaintiffs* and against said *Defendant* therein; and that the said appeal is made in good faith, and not for the purpose of delay.

Louis Stein

Subscribed and sworn to before me, this *11th* day of *July* A. D. 187*8*

F. C. Riecke

Notary Public

See A. N.

In Justice Court.

County of *Carver*

Walter A. Hubert

AGAINST

Levi S. Squire

Affidavit of Appeal

Filed this *11th* day of *July*

1879

Jonas F. Atkins

Justice of the Peace.

F. C. Richter

Att'y for *D. S. Squire*

EAGLE Job Print. Delano, Minn.

*Filed, Sept 4th 1879,
Gedrayentuhl
Clerk,*

STATE OF MINNESOTA,

County of *Carver*

IN JUSTICE COURT,

Before *J. F. Akins*

Justice.

Warro & Mahine Leo
Jardner as Warro & Mahine

Ag
Luis Stein

Whereas the above mentioned

Luis Stein Defendant

has appealed to the

Justice

for said County, from

that certain judgment rendered by said Justice of the Peace in the above entitled action in favor of

said *Plaintiffs*

and against said

Defendant

on

the *5th* day of *July*

A. D. 187*9*

Now, therefore, we

Luis Stein *J. Heck*

of

in said County and State, do jointly and severally undertake that said appellant shall prosecute his appeal with effect, and abide the order of the Court therein, not exceeding the sum of

Sixty

Dollars.

Louis Stein
V. Heck

STATE OF MINNESOTA,

County of *Carver*

ss.

Personally came before me

J. Heck

named in the foregoing undertaking, who after being duly and severally sworn, each for himself, doth depose and say, that he is a resident freeholder of said County and State, and that he is worth the sum of *Sixty* dollars above his debts and liabilities, and exclusive of his property exempt from execution.

in presence of

Z. C. Wick

M. Mueller

V. Heck

Subscribed and sworn to before me, this

11th

day of

July

A. D. 187*9*

Z. C. Wick

Notary Public

No. 61.

**UNDERTAKING ON APPEAL,
FROM JUSTICE COURT.**

■ I approve the within Undertaking.

Jonas P. Atkins
Justice of the Peace.

Filed this 11 day of July
A.D. 1879

Jonas P. Atkins
Justice of the Peace.

*John, Sept 4th and 1879,
Geddrayenbuhl
Chlor.*

State of Minnesota,
County of Carver

IN JUSTICE COURT,

ss. Before V. P. C. Kim
Justice of the Peace.

Warta & Probians to Parents,
as Warta & Probians

at
Luis Stine

Sir: Please to take Notice, That the above named Defendant
appeals to the District Court in and for said County, from
the judgment rendered by said Justice of the Peace, in the above entitled
action, on the 5th day of July A. D. 1879, against said
Defendant therein; and that the said appeal is taken
upon questions of Laws alone

Dated at Dehusken July 14th 1879

Yours Respectfully,

F. C. Kieck
Att'y for Def

To the above named Plaintiffs
and E. Henlin
Att'y for said Plaintiffs

Let P.

In Justice Court,

Carver County.

Marshall Hanson
vs *Leo Hansen*

Against

Luis Stine

Notice of Grounds of Appeal

the service of the within notice is hereby

mitted at *Wadena*

Minnesota, on this *14th* day of

July A. D. 1879

Printed and for sale at the St. Paul Pioneer Office.

Filed Sept 4th 1879.
Geo. W. W. W. W. W.
Edw. R.

State of Minnesota
County of Carver } 00

Gorge Seitzmann
being duly sworn an oath says
that on the 14th day of July A.D. 1879
at Watertown in said County of
Carver and State aforesaid this affair
for and on behalf of the within named
Defendants - did serve the within Notice
of appeal on the within named Plaintiff
by leaving at the dwelling house of
Emma Hansen Attorney for said
Plaintiff, in the hands of the wife
of said Emma, a person of
sensible age and discretion to whom
I explained its contents, a true copy
of said notice of appeal
subscribed and sworn to - G. Seitzmann
before me this 21st day
of July A.D. 1879

L. H. Kiehn

Notary Public

Carver County Minn

Notice & appearance
of defendant

State of Minnesota
In Justice Court
County of Carver,

Filed this 21st day of
July A.D. 1879

Jonas P. Atkins
Justice of the Peace

Joseph Wanta & August Macbius
Co-partners ps
Wanta & Macbius
ps
Louis Stein,

Transcript of docket.

Filed Sept 4th A.D. 1879.
Guthrayenbuhl
debt.

89, =

Filed Sept 4th A.D. 1879.
Guthrayenbuhl
debt.

No. 1241

Land Title

DISTRICT COURT,
CARVER COUNTY, MINN.

Matthias Schmidt
Plaintiff.

vs.

Henry Moser
Defendant.

J. Fowler
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry Sept 8 1879
Court A Page 6
Register of Actions
Term Tried 1
Judgment for
Amount of Judgment \$
Date of Judgment 1
Judgment Book Page
Default Judgment Book Page
Date of Docketing 1

Fol 1

State of Minnesota
District Court - Eighth Judicial District
County of Carver

Mathias Schmidt
- against -
Henry Moser and
Anna Moser

The Plaintiff in the above
entitled action for complaint against the
Defendants therein respectfully states and shows
to the Court-

That on the 23rd day of December A.D. 1876 the
above named Defendants were the owners seized
in fee of the following described land and
real property situate lying and being in the
County of Carver and State of Minnesota
to wit: The North West quarter ($\frac{1}{4}$) of the
North West quarter ($\frac{1}{4}$) and the West half ($\frac{1}{2}$)
of the North East quarter ($\frac{1}{4}$) of the North West
quarter ($\frac{1}{4}$) of Section five (5) Also the East
Eleven and ~~Eighty~~ hundredths ($11\frac{80}{100}$) acres
of the North East quarter ($\frac{1}{4}$) of the North East
quarter ($\frac{1}{4}$) of Section Six (6) all in
Township one hundred and fifteen (115)
of Range Twenty three (23) containing
Seventy-two (72) acres.

That ~~thereafter~~ on the day and year aforesaid
the said Defendants were indebted to said

Fol 2

Fol 3

704

Plaintiff in the sum of five hundred and sixty five and $\frac{45}{100}$ dollars to secure the payment of which said sum and the interest thereon the said Defendants then and there made and executed in writing and delivered to the said Plaintiff a certain promissory note signed ~~made~~ by the said Defendant Henry Moser whereby for value received he promised to pay to the said Plaintiff in one year after the date thereof the sum of five hundred and sixty five and $\frac{45}{100}$ dollars with interest thereon at the ⁴rate of twelve per cent per annum which said promissory note was executed and bears date on the 23rd day of December A.D. 1876 -

705

That thereafter and on the day and year aforesaid the said Defendants to secure the payment of said promissory note and the interest thereon made executed and duly acknowledged and delivered to the said Plaintiff a good and sufficient deed of conveyance of the above described premises conveying thereby to the Plaintiff said premises in fee ⁵which said Deed was duly recorded in the office of the Register of Deeds of said Carver County in Book "R" of Deeds on page 318

That thereafter and on the day and year

Henry Moses

Fol 6

aforesaid said Plaintiff made and executed under his hand and seal and ~~and~~ delivered to said Defendants ^{Henry Moses} his Bond conditioned for the reconveyance to said Defendants of said premises upon the terms and conditions in said Bond stated and specified which Bond was duly acknowledged and delivered to said Defendants and was thereafter, to wit: on the 27th day of December A.D. 1876 duly recorded in the office of the Register of Deeds of said Carter County in Book "A" of Bonds for Deed a copy of which said Bond is hereto attached marked Exhibit "A" and made a part of this Complaint.

27

Fol 7

And the Plaintiff further says that the said Defendants although often requested so to do have not paid the said sum of five hundred and sixty five and $\frac{45}{100}$ dollars or the interest thereon or any part of said principal or interest except the sum of fifty two and $\frac{68}{100}$ dollars paid by said Defendants thereon on the 28th day of February A.D. 1879 but ever have and still do refuse to pay the same or any part thereof.

That no proceedings at law or otherwise have been instituted to collect the said sum of five hundred and sixty five and $\frac{45}{100}$ dollars

or the interest thereon or any part thereof
although the same became due and
payable on the 27th day of December
A.D. 1877.

That the full amount now due on said
promissory note as principal and interest
is Six hundred and ninety nine and $\frac{36}{100}$ dollars

708

Wherefore the Plaintiff demands judgment
that the said Bond be delivered up to the
said Plaintiff for cancellation and that
the same and the said record thereof be
cancelled and that the said Bond be
declared to be void and of no force or
effect whatever. And that the said Defendants
be each and both barred and foreclosed
of and from all equity of redemption
or any interest right or title whatever in
or to said premises

709

And for such further and other
relief as to the Court may seem just.

[Signature]

Plaintiff's Attorney
Chaska Minnesota

Know all Men by these Presents, That, *Mathias Schmitt*

of *Chaska* in the County of *Carter* and State of Minnesota,
do hereby held and firmly bound unto *Henry Moser of same place*

in the sum of *one thousand* **DOLLARS,**
lawful money of the United States, to be paid unto *Henry Moser*

his heirs, executors, administrators, or assigns; for which payment well and truly to be made
I bind myself my heirs, executors, and administrators, firmly by these presents:

Whereas, The said *Mathias Schmitt*
this day bargained and sold unto the said *Henry Moser*

his heirs, executors, administrators, and assigns, certain lot or parcel of land
situate, lying and being in the County of *Carter* and State of Minnesota, designated
and described as follows, to-wit:

*The North West quarter of North West quarter and the West
half of North East quarter of North West quarter of Section
five (5) Also the East 11⁰⁰/₁₀₀ Acres of North East quarter
of North East quarter of Section No. Six (6) all in
Township one hundred and fifteen (115) of Range Twenty-
three (23) Containing about 72 acres more or less*

Now Therefore, The condition of this obligation is such, that if the said *Mathias
Schmitt* his heirs, executors, administrators, or assigns, make, execute, and deliver a good and sufficient

R.C. Warranted Deed, with full covenants, except as to such incumbrances as may arise by virtue of
any tax assessed subsequent to the execution of this instrument, of the above described premises,
and to a certain Mortgage of \$200⁰⁰ given by Moser to *Rich Brown* prior to this date,
upon being paid the full sum of *five hundred and sixty five* ⁵⁰/₁₀₀ *dollars* ~~at~~
according to the conditions of *one promissory note* of the amount of *\$565⁴⁵/₁₀₀*
*payable in one year from date with twelve per cent interest per
annum until paid and*
bearing even date herewith, then this obligation to be null and void, otherwise to remain in full
force and virtue.

In Testimony Whereof, *He* has hereunto set *their* hands and seals
this *23rd* day of *December* A. D. 1876

Signed, Sealed and Delivered in Presence of

H. Greiner
L. Steudens

Mathias Schmitt
Mathias Schmitt

State of Minnesota,
County of *Lawson* } ss. I, *Fr Greiner* *Reg. of Deeds*
within and for said County, do hereby certify, that on this *23rd* day of *December*
A. D. 187*6* before the undersigned personally came *Matthias Schmidt*

to me well known to be the identical person described in and who executed the foregoing Bond,
and *he* acknowledged that *he* executed the same freely and voluntarily.

Fr Greiner
Reg. of Deeds (L.S.)

BOND FOR DEED.

Matthias Schmidt

TO

Harry Moser

Office of Register of Deeds,

County of

STATE OF MINNESOTA.

I HEREBY CERTIFY, that the within
Bond was filed in this office for record on the
27th day of *December*
A. D. 187*6* at *10* o'clock *A.* M.
and was duly recorded in Book *"A"* of
Bonds, on pages *262 & 263*

Fr Greiner

Register of Deeds.

By

Deputy.

Minnesota,

County of

Carver

ss:

Matthias Schmidt

came before me personally, and being duly sworn, doth say that he is the Plaintiff in the above entitled action; that the foregoing pleading is true to his own knowledge, except as to the matters which are therein stated on his information and belief, and as to those matters that he believes it to be true.

Subscribed and Sworn to before me

On this 8th day of September

A. D. 1879

J. A. Sweeney

Justice of the Peace

Matthias Schmidt

Notary Public, Minnesota.

County of Carver
District Court

Matthias Schmidt
against
Henry Moser et al

Complaint

Filed this 8th day of Sept
1899.

W. A. Raymunt
Clerk.

6
S. Fowler
Plffs. Atty.