



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

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No. 1291

DISTRICT COURT,
CARVER COUNTY, MINN.

George E. Warner
Plaintiff.

vs.

Frederick Mielke
Defendant.

L. L. Baxter
Plaintiff's Attorney,

Frank Warner
Defendant's Attorney.

Date of Entry May 10, 1880

Register of Actions A Page 157

Term Tried At. General, 1880

Judgment for Defendant

Amount of Judgment \$ 21.15

Date of Judgment Apr. 9th, 1881

Judgment Book B Page 37

Default Judgment Book Page

Date of Docketing April 9, 1881

Judgment Book A page 324

Herald Pub. Co., Chaska, Minn.

Appeal

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

THE STATE OF MINNESOTA,

To the Sheriff or any Constable of said County:

You are hereby commanded to summons

Frederick Wuelke..... 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 *Eighth*..... day of *April*..... 18 *80*, at *10* o'clock in the *fore*..... noon, at *my office in Chaska*..... in said County, to answer to *Geo. E. Warner and C. M. Fole* as co. partners under the firm name of..... *Warner and Fole*..... in a civil action; and have you then and there this writ.

Given under my hand this *20th*..... day of *March*..... A. D. 18 *80**J. F. Delley*
Justice of the Peace,

STATE OF MINNESOTA

County of *Cornwall*

I hereby certify and return, that at *the village of Chaska* in said County and State, on the *20th* day of *March* 18*80* I served the

within summons upon the within named defendant, by *Reading the same to him and leaving with him at his request a true and correct copy thereof*

And further that *I* that the person so served as aforesaid, is the identical person named as defendant herein.

My fees:—Service

Costs, *25-*

Mileage, *20*

copy *15*

60.

J. E. Du Toit.

Shiff

IN JUSTICE COURT.

Honor & Fote

F. Middle

SUMMONS.

Filed May 10th 1880
Edmund

8th

Returned and filed this
April 1880

J. F. Sill

Weekly Valley Herald.

8-19-79.

Just & Minneth
County & Leavord & \$

George E. Harrow
to my Just as
Co-partner under
the firm name of
Harrow & Just
J. Mink

Leavord County & \$

Frank Warner being first
duly sworn dep. to and
says that the summons
in this action was issued
on the 20th day of March 1880
and was made returnable
the 8th day of April A.D. 1880

that on the 8th day of
April there was no appearance
on the part of the Plaintiffs
at the time for such appearance
mentioned in the summons
or within one hour thereafter
that the defendant by
his Counsel Frank Warner
made a motion before said
Justice J. F. Dille that said

Case be adjourned and
postponed until the third
day of May A.D. 1880 at
10.0 O'clock in the forenoon
but no pleadings on the
part of the plaintiff or
defendant was filed on
the said 3rd day of April
1880 neither was there any
agreement made between
said plaintiff and defendant
or their said attorneys that
any pleadings should be
filed in said action at
any time. neither did the
parties or their attorneys
agree that said Justice
should enter any such
agreement on his Docket
or otherwise. That any
pleadings made previous
to the 3rd day of May A.D. 1880
were so made without
the knowledge or consent of
the defendant or his attorney
herein

Given to seal &
Subscribed before
me this 3rd day of
May A.D. 1880.

J. F. Kelley
Justice of the peace

Frank Warner

Walter D. Munnick
Secretary of Labor

My Dear Sir
Lovers of
No

J. Munk
at 7

Filed May 3rd 1880

J. F. Dilling
Justice of the Peace

Filed May 10th and 1880,
J. F. Dilling
Clerk,

State of Minnesota
County of Carver

George E. Warren
Clerk, & now as
Deputy Clerk under
his former name of
Warren E. Lobb

J. M. Mille

Carver County, Minn.
Frank Warren being first
deputy second deputy and
deputy, that he is attorney
for the defendant in this
above entitled action
that said action is now
pending on for trial before
said Justice that the same
was continued from the
8th day of April 1880 to
this 3^d day of May A.D. 1880
that the defendant has no
knowledge of the time when
said trial was to take place
and does not know when
the said trial was to take
place and is not aware

that any action is pending
against him. That no
one has informed the said
defendant of any time or
place of said trial. That
said defendant has a good
and ~~independent~~ defence
in said action and a
complete defence in said
action. That therefore this
defendant asks that said
Cause be adjourned for
one week or until full
time as said defendant
shall be informed of the
pendency of said action

Subscribed before me this 3d day of
May A.D. 1881

Frank Warner

J. F. Silley
Justice of the Peace

Photo of Minnie's
County of Carrow

Harold G. Loo

J. Smith

et al

Filed May 3rd 1880

J. F. Dillie
Justice of the Peace

Filed May 10th 1880
G. H. Maymunt
Clerk,

State of Minnesota
County of Carver

Let J. Warm and C. M.
be co-partners under
the firm name J. W.
Warm and C. M.

J. Mielke

Carver County

J. Mielke being first-
duly sworn, deposes and
says that he is defendant
in the foregoing Entitled action
that said action was tried
before James J. Dilling Justice
of the Peace for said County
of Carver on the 31 day of
May A.D. 1880 and thereupon
upon the same day a judgment
was rendered by said Justice
in favor of the plaintiffs and
against the defendant for
the sum of \$20⁰⁰ dollars

But this defendant since
defendant desires to appeal
from said judgment, being
averse thereby, to the District
Court of said County and
that said appeal is made

in good faith and not
for the purpose of delay

Given to read } Friedrich Kielke
Subscribed before
me this 6 day of
May A.D. 1880
Just Antonemann
Notary Public

The Minnesota
County of Cass

My Henry, George

F. Kielke
in
against the State

Filed May 10th 1880
J. F. Kelley
Justice of the Peace

And all men by these presents
that Mr. F. Milke as principal
and John Turners surety are
held and firmly bound unto
~~the~~ **E. Towns** and **C. M. Fiske** as
Co-partners under the former ^{of Towns and Fiske} name, the sum
of ~~200~~ **200** dollars lawful money
of the United States to be paid
unto the said Turners and
John Co-partners aforesaid for which
payment well and truly to
be made and done We
ourselves our heirs and
 assigns jointly severally and
firmly by these presents bind
with our seals and hands
this ^{4th} day of May A.D. 1880

The condition of the
above obligation is such
to-wit: That if the said
John Co-partners aforesaid shall
pay to the said F. Milke for
said County due on the
3d day of May A.D. 1880 under
a judgment in favor of
Turners and John Co-partners aforesaid ^{above named} against said F. Milke for
the sum of **200.37** dollars
and whereas said F. Milke

Notice to appear from said
 Judgment, putting against
 the said County, said Plaintiff
 of the said F. Mielke above
 named and defendant in
 said action shall be and
 appear before the District
 Court on the first day
 of the next regular term
 thereof and prosecute his
 action to Judgment, and pay
 all such Judgment and
 costs as shall be awarded
 against him, then this obligation
 to be void, otherwise to be
 and remain in full force

Signed and sealed } Frederick Mielke Plaintiff
 in presence of } John Bruwe Defendant
 Just Lukermann
 George H. Schall

This instrument
 being of force and effect
 Personally appeared
 before the undersigned a Notary
 Public in and for said

Orin H. Mulko and John Truwe
the Himes and Senter of
the foregoing Bond and did
acknowledged that they signed
and sealed the foregoing
Bond freely and voluntarily
for the uses and purposes
therein expressed dated May 6th 1880

John H. Ackerman
Notary Public

State of Minnesota
County of Carver

John Truwe being
first duly sworn deposes
and says that he signed
the foregoing Bond as surety
thereon that he would
pay forty dollars over and
above his exemptions and
liabilities claims or attachments
against him John Truwe

Sworn and subscribed to before me
this 6th day of May A.D. 1880

John H. Ackerman
Notary Public

State of Minnesota
County of Cass

Mrs. Harriet G. Firots
vs

J. Miller
vs
Bones

I hereby approve the within
bond and the sureties

therein.
Dated May 10th 1880.

J. F. Dille
Justice of the Peace

Filed May 14th 1880

G. Krausentuhl
Clerk

State of Minnesota
County of Carver }

J. E. Warner & C. H. Fogle
Co-partners as warned
and Fogle }

A. Muller }

To L. L. Baxter atty for the Plaintiffs
above named -

You are hereby
notified that the defendant in
the above entitled action hereby
appeals to the district court of
Suix County of Carver from
the judgment entered therein by
J. F. Dilley Justice of the Peace for
Suix County in favor of the
Plaintiffs above named and
against the defendant above
named for the sum of twenty dollars
and 37/100 dollars inclusive of costs
which said judgment was rendered
and entered on the 3d day of
May 1880. That said appeal is taken
upon questions of law alone

Dated Carver
May 10th 1880 }

Frank Warner
attly for defi-
carver
min

State of Minnesota
County of Warren

Narrow Leaf Tote
Copartners &c

vs
J. Millie

Notice of appeal

Filed May 10th 1880

J. F. Dilliey
justice of the peace

Filed May 10th 1880
G. H. H. H. H. H.
Clerk

Due service of
the within notice
by copy is hereby
admitted this 12th
day of May 1880

L. L. Baxter
per Bowler
att'y for Plaintiff

Frank Warner
att'y for
Defendant

State of Minnesota } ss. In Justice Court
County of Carver } Before

J. F. Dilley Justice

Justice fees Geo. E. Warner and O. M. Foote as co.

\$ 3.55

partners under the firm name of
Sheriff 50. Warner and Foote plffs.
against

Transcript of
deed.

Witness fees Frederick Mielke defunct.

G. A. Warner March 20th 1880. Summons issued returnable on
\$ 1.60 8th day of April 1880 at Ten O'clock A.M.

J. F. Hanna and delivered to F. E. DuBois Sheriff.

\$ 1.60

April 8th 1880. Summons returned duly

D. A. McArthur and personally served on the 20th day of March
\$ 1.12 as appears by Officers return enclosed thereon.

Fees for service 50.

Total 8.37 April 8th 1880. Ten O'clock A.M.

Case called and parties present. By
consent of the attorneys for both parties L. L.
Baxter for plaintiffs and Frank Warner for
defendant the case is hereby adjourned
until the 3rd day of May 1880, at Ten O'clock
in the forenoon. Also by consent of ^{the attorneys for} both parties
pleadings to be put in on the adjourned day.

Plaintiffs complain orally as follows
to-wit. The plaintiffs complain of the
defendant and state ^{that} the plaintiffs are and for
one year last past have been co-partners under
the firm name of Warner and Foote. That on

or about the 13th day of January 1880
the said plaintiffs at the special instance
and request of the said defendant
sold and delivered to the said defendant
one map of Coconino County, for the
agreed and stipulated price of
\$12.⁰⁰ Which said sum is now due
and wholly unpaid. Plaintiff therefore
demand judgment against defendant
for the sum of \$12.⁰⁰ and costs and
disbursements of this action.

The above complaint was orally verified
May 1st 1880 by L. L. Potter plaintiffs
attorney. May 3rd 1880, Ten O'
clock A.M., Case called and parties
answered to their names. Defendant
answers orally as follows to wit.

Defendant denies each and every allegation
matter and thing in the complaint contained.

The above answer was orally verified
by Frank Warner defendants attorney on
the 3rd day of May 1880. Defendants
attorney asks for an adjournment until the
4th day of May. By consent of both parties
the case is held open until one o'clock
P.M. of this day. One o'clock P.M.,
Case called and all parties answered to
their names. Defendant offered and filed

a written affidavit for a dismissal of the case
on the grounds that the Justice has
no jurisdiction. Plaintiff attorney S.
Fowler, objects to the reception of the
affidavit. Objection ^{as to the reception of the} overruled ~~and~~
affidavit and affidavit received.
Exceptions taken by plff's. The motion
to dismiss on the affidavit that the
Court had no jurisdiction is overruled
defendant excepts. Plaintiff files
an affidavit for an adjournment
on the grounds that the defendant is not
present and has no knowledge of this
action. Motion overruled for an adjourn-
ment and exceptions taken.
Geo. E. Warner one of the plaintiffs sworn.
D. A. McArthur sworn for plaintiff
Booth containing contracts offered in evidence
marked Exhibit "A". Name with figures
619 opposite identified as the signature of
defendant. J. F. Hanna sworn for
plaintiffs. Copy of the Map of Dorcas
County offered in evidence marked Ex-
hibit "B". After hearing the evidence I hereby
render judgment in favor of plaintiffs
Warner and Foote and against the defendant
F. Mielke for the sum of \$12,⁰⁰
and interest at the rate of 7 per cent

from the 13th day of January 1880,
amounting to 25 cents and costs
of this action taxed at \$8.37
Judgment May 3rd 1880 \$20.62

J. F. Dilley
Justice of the Peace

May 10th 1880. Defendant made and
filed an affidavit for appeal and bond in
the penal sum of \$40, approved by me
together with a notice of appeal with proof
of due service thereof upon the plaintiffs
and paid me the sum of \$2.50 my fee
for the return. Appeal thereupon allowed
May 10th 1880.

Return forwarded to Clerk of the District
Court.

J. F. Dilley
Justice of the Peace

State of Minnesota }
County of Porter }

In Justice Court
J. F. Dilley
Justice

Geo. E. Warner and C. M. Fols
as co-partners under the firm
name of Warner and Fols plffs.
against
Frederick Melke defendant

Return to
Appeal

In pursuance of the notice of
appeal by the defendant in the above
entitled action and of the Statute in such
case made and provided I do hereby certify
and return that the annexed is a true
and correct ~~copy~~ transcript of all the
made in my docket in said action and that
the papers hereto attached are all the process and
other papers relating to said action filed with
me. And I do further certify and return
that my fees for this return were duly paid
by the said defendant at the time of
taking said appeal.

Dated May 10th 1880.

J. F. Dilley
Justice of the peace

State of Minnesota
Justice Court
County of Carver,

McLennan and Foote

^{vs}
Frederick Mielke.

Transcript of Deedlet,

Filed May 10th 1880,
G. Krayenbuhl
Clerk.

May 10th 1880

State of Minnesota,
Dist Court 8th Dist.
County of Carver
George E. Warner and
C. M. Foote copartners
Warner & Foote, Repts
vs.
Frederick Mielke Appt

This case came on for trial, in its order upon the calendar, at the general October ¹⁸⁸² term of said court, upon the appeal herein, upon questions of law alone. The ground relied upon, by appellant, for a reversal of the judgment appealed from is, that the court below had no jurisdiction of the defendant, or subject matter, when it rendered the judgment appealed from, for the reason that the case was continued for more than one week from the return day, without the pleadings having taken

place.

It appears, by the record, that the summons was returnable on the 8th day of April 1880, and that, by consent of parties, the case was continued until the 3^d day of May 1880; and that, by consent of parties, the pleadings were to be put in on that 3^d day of May 1880.

It also appears that on the 3^d day of May 1880 appellant appeared in the forenoon and answered, and the cause was adjourned until the afternoon of that day, when, on the coming in of court, on that afternoon, the defendant moved to dismiss ^{the action} for the want of jurisdiction; which motion was overruled and excepted to, and judgment rendered.

It is urged, by respondents, in answer to appellant, in this court, that the appellant (defendant) in the court below, waived the point of jurisdiction.

by appearing on the 3^d of May
and answering - that thereby
he submitted himself to
the jurisdiction of the
court.

These questions I understand
to have been already settled
by our Supreme Court. In
Holgate vs. Broome, 8 Minn. 248, ^{it is held} that
the statute providing that the
pleadings must take place at
the time mentioned in the
summons for the appear-
= ance of the parties, or at
such time thereafter, not ex-
= ceeding one week as the justice
may appoint, for the conve-
= nience of parties, and by
their consent, is imperative
upon the justice; and that he
could not receive the plead-
= ings of the parties ~~even~~ on
any other than ~~than~~ the
return day, save by consent
of parties; and then not
exceeding one week thereafter.

In this ^{last} case the defendant had
also answered before raising
the question of jurisdiction.

The same question next came up in Matice vs Litcharding, 14 Minn., 142, upon a similar state of facts, and the ruling in Holgate vs. Broome was affirmed. In the case last cited the court says: "This deprives the justice of his jurisdiction to proceed in the action, because his jurisdiction to proceed is limited by the statute to cases where the pleadings are filed within the time specified; which in this instance was not done." "And as it is a jurisdictional question, whether raised in the District court, or not, is immaterial; either party may urge an objection to the jurisdiction, at any stage of the proceeding. Gen. Stat. Chap. 65. Sec. 107."

If there was still a doubt, after reading the above, as to the effect of defendant appearing and answering on the 3d day of May, it is removed by

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

Warner & Foote

vs

Frederick Mielke

Decision

Filed March 29th 1881,
G. Kraayenhuhl
Clerk,

a perusal of the opinion in
Rabilly vs. Lane et al. 15 Min. 447.

In that case the Supreme Court
say: "Appearance and going to
trial will not give jurisdic-
tion where there is none by
law. 8 Johns. 409. Even the
agreement of the parties can-
not confer it. Cowen's Treatise, p. 40.

The doctrine of waiver of objection
by appearance is discussed ^{in Rabilly vs. Lane} and
shown to not apply to a
case of this kind.

It follows from this, that
the judgment appealed from
was rendered without jurisdic-
tion, and must be re-
versed.

Ordered: That the judgment
herein appealed from be,
and the same hereby is,
in all things, reversed and
set aside; and that judgment
be entered herein, in favor
of appellant, for his costs
herein.

March 21st 1881.

J. L. MacDonald
Judge 9th Dist.

State of Minnesota
County of Carson
District Court
8th Judicial District

George E. Warner
vs. M. F. Cook, Executor
as Executor of Estate
of George E. Warner
Defendant
Frederick M. Miller
Appellant

The Defendants Costs and Disbursements

Statute costs ————— \$1.00

Justice J. F. Dillig Costs — \$3.00

Shriffs fees — .50

Costs of return to appeal — \$2.00

Clerks fees & be Taxes — 5.10

Dated April 4th 1881

Total \$11.60

State of Minnesota
County of Carson

Frank Warner being
first-duly sworn deponent and

Says, that he is attorney for
the defendant in the above
entitled action, that the foregoing
bill & costs is just and correct
that the same have necessarily
been incurred in said action
and are such as are allowed
by said decree that no part of the
same have been paid by said
plaintiffs

Done & read
Subscribed before
me this 4th day
of April A.D. 1881
Wm. Mayenbuck
Clerk Dist Court.

Frank Warner

To L. L. Baxter attorney for the
plaintiffs in the above entitled
action. - Take notice that the
within bill of costs will be
presented, to the Clerk of the District
Court for the County of Carroll at
his office at Charlestown in said
County on the 7th day of April
A.D. 1881 at 10 o'clock in the forenoon
of said day for adjustment and to have
the amount in service in the

Judgment then to be entered
Dated April
4th 1881

}

Frank Warner
atty for def-
Carson
Wm

District Court
8th District
— " —

Thomas E. Lortz

(vs)

Fred. Mueller

— " —
Court file

Notice of Exemption
of goods
— " —

Due service of the
within file of court
and notice of Exemption
is hereby admitted
this 14th day of April
A.D. 1881

L. L. Bayles
Ref. atty

Filed, April 15th A.D. 1881.
Ch. Krausmiller, Clerk.

State of Minnesota
County of Carver
District Court
Judicial District

George C. Warner &
L. M. Frole, Copartners
vs Warner & Frole } Respondents
appt-
Frederick Meilke } Appellant-

The defendants costs and disbursements
Statute costs - \$10.00

Justice J. F. Dill's costs \$35.00

Shiffs fees .50

Costs of return & appeal \$2.00

Clerks fees & de Taxes -

Date April 4th 1881

State of Minnesota
County of Carver } \$ \$

Frank Warner being
first-duly sworn deponent and

Says that he is attorney for the
defendant in the above entitled
action. That the foregoing Bill &
Conts is just and correct, that
the same have necessarily been
incurred in said action and
are such as are allowed
by law and that no part of
the same have been paid by said

Plaintiff

Doorn Drence

Frank Warner

Subscribed before

me this 4th day

of April A.D. 1881

J. Krugenthal

Seal

Clerk Dist. Court

To L. L. Baxter attorney for the Plaintiff
in the above entitled action

Take notice that the within Bill
& Conts will be presented to the
Clerk of the District Court for the County
of Carson, at his office at Charaka
in said County, on the 7th day
of April A.D. 1881 at 10 o'clock in the
forenoon of said day, for adjustment
and to have the amount inserted

in the judgment then to be entered
Date April
4th 1881

Frank Warner
att'y for deft-
Carrington

District Court
See District

Barney L. Foster
(M)

Free Milk

Notice of Location
of Cattle

(Copy)

I consent
that the case
as stated within
be taxed.

L. D. Bayne
Ref. City

Filed April 9th 1884
Claytonville, Tenn.

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

George E. Warner & C. M. Foote
Complainants as
Warner & Foote, Repts
Against
Frederick Milke, Appellant.

This cause came on for Trial in its
order upon the Calendar at the General Term of said Court,
October 11th A.D. 1880. upon an appeal by the Defendant
upon questions of law alone and the Decision of said
Court having been duly filed reverting in all things the
judgment rendered in the Court below and ordering
judgment for costs for the Defendant.

Now therefore, on motion of Frank Warner
Attorney for the Defendant, it is hereby adjudged and
determined and the judgment of this Court is that said
Defendant recover of said Plaintiffs, his costs and
disbursements in said action taxed at the sum of
Twenty one dollar and fifteen cents and that said
Defendant have execution therefor.

Dated April 9th A.D. 1881.

By the Court:

J. Kreyenbuhl
Clerk.

State of Minnesota
District Court
County of Carver,

George C. Warner and
W. M. Foote, Complainers vs
Warner and Foote, Resp'ts,
vs
Frederick Middle. app't.

Judgment Roll.

Judgment for Respondant
for costs \$ 21.15,

Filed, April 28th ad 1881.
Guttenberg
Clerk,

= 154. =

Frank Warner atty for
Respondant,

State of Minnesota,
County of Carr

DISTRICT COURT,

Eighth Judicial District.

Geo I Warner and C M Foat
Copartners as Warner & Foat
against Plaintiff

Fredrick Mulke
Defendant

You will please take notice, that the plaintiffs
appeal to the Supreme Court of the State of Minnesota, from the
judgment of this Court in this action, entered on the
ninth day of April 1881 in favor of the
above named defendant and against the
above named plaintiffs

Dated Oct 5th 1881

To

Frank WarnerAttorney for Plaintiff

and

Attorney for DefendantJ. H. S. S. S. S. S.

Clerk of the District Court.

DISTRICT COURT,

County of Carnum

Warner & Foot

Plaintiff

against

Fredrick Muller

Defendant

NOTICE OF APPEAL TO SUPREME COURT.

Served of writen notice 22nd of Oct 1884

L. A. Roemer

Filed 157

L. A. Roemer

Attorney for

Filed, October 15th 1884, L. A. Roemer

State of Minnesota, I A Roemer being duly sworn on oath says
County of Carnum, I A Roemer being duly sworn on oath says
that on the 8th day of October A.D. 1884 between the hour of five o'clock
in the morning and nine o'clock in the evening of said day at
Carnum in the County of Carnum, in the State of Minnesota this appeal
for said on behalf of the within named Plaintiff duly served the
within notice of Appeal on Frank Warner Attorney for the within
named defendant by handing to and leaving with the
wife of said Warner, a Person of suitable age and discretion
at the residence of said Warner in Carnum a true
and correct copy of said notice of Appeal, and that
at the time of such service said Warner was absent from Carnum
apparently, and his office which is at that place was not
open, and no service of said notice of said appeal, except
the one made could be had.
Subscribed and sworn to before me
this 8th day of October A.D. 1884
J. A. Roemer
Justice of the peace

State of Minnesota,
County of Carver

DISTRICT COURT,

Eighth Judicial District.

Geo L Warner and C M Foot
Co partners as Warner & Foot
vs. *resp*

Frederick Mielke
defts

WHEREAS, the *plaintiffs* in the above entitled action *have*
appealed to the Supreme Court of the State of Minnesota from the

Judgment *undried* made
and entered herein on the *ninth* day of *April* 18 *81*

NOW, THEREFORE, we *John E. Bell and*
and *C. H. Smith* do

undertake, promise and agree to and with said *defendant*
that said *plaintiff* shall pay all costs and charges, that
may be awarded against *them* on such appeal, *And also to pay*
the amount directed to be paid by said
judgment, or the part of such amount as
to which the said judgment is affirmed if it
is affirmed only in part, and all damages
which are awarded against said Appellant upon
such appeal, if said judgment or any part thereof is
affirmed
Conditioned however, that our liability hereunder shall not exceed the sum of
three hundred Dollars,

Dated this *fifth* day of *October* 18 *81*

Signed, Sealed and Delivered in presence of

L L J. Dwyer
R L Penney

Geo L Warner

John E. Bell
C. H. Smith

STATE OF MINNESOTA,
County of *Annequin* ss. Be it Known, That on this *fifth*
day of *October* A. D. 18 *81* before me personally appeared

John E. Bell and C. H. Smith
to me known to be the same persons described in and who executed the foregoing
undertaking, and each for himself acknowledged the same to be his own free act
and deed.

R L Penney
Notary Public
Annequin Co Minn

STATE OF MINNESOTA,
County of Memphis } ss.
C. H. Smith

John E. Bell and

the persons named in and who executed the foregoing undertaking, being first duly sworn, doth, each for himself, depose and say, that he is a resident and freeholder of the State of Minnesota, and worth the amount of three hundred Dollars above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and Sworn to before me,
this 5th day of October A. D. 1881

John E. Bell
C. H. Smith.

R. L. Finney
Notary Public
Memphis Co
Minn

6.15
25
15
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\$6.55

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No. 1292

DISTRICT COURT,
CARVER COUNTY, MINN.

State of Minnesota
Plaintiff.

vs.
Albert Kosloski
Defendant.

W. L. Odell
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry May 10 1880
Cause
Register of Actions A Page 252
Term Tried Oct 1880
Judgment for State
Amount of Judgment \$ 4722.
Date of Judgment 22 2 2 1880
Judgment Book Page
Default Judgment Book Page
Date of Docketing 1

Herald Pub. Co., Chaska, Minn.

Assault

State of Minnesota
County of Carver. *W* District Court
Eighth Judicial District.

October General Term, A.D. 1880.

The State of Minnesota
against
Albert Koslowski. *W* Indictment for the Crime
of Assault with a
Dangerous Weapon

Oct 22, 1880

Prisoner appeared in Court in person and by
his Attorney H. H. Baxter and the Court proceeded to pass
Judgment and Sentence upon the defendant, as follows—

Therefore it is Considered and Adjudged that you,
Albert Koslowski, defendant be punished by confinement
at hard labor in the State Prison at Stittwater in this
State, for the period of Four years, and the Sheriff
is directed to have this judgment promptly carried
into effect.

Attest. True Copy: *W* Graymull
Clerk.

State of Minnesota
Dist. Court & Dist.
County of Carver

State of Minnesota }
vs. }
Albert Kosloski }

We the jury in
the above entitled
action find the
defendant guilty

Petr. A. Johnson
Clerk

State of Minnesota
District Court
County of Leavenworth,

The State of Minnesota
vs
Albert Haslam

Verdict.

Judge, October 18th 1880
Guthrie, Nebraska
Judge,

252

State of Minnesota
County of Carver }

District Court.
Eighth Judicial District.

The State of Minnesota
- against -
Albert Kosloski }

State of Minnesota
County of Carver }

ss. Albert Kosloski being
first duly sworn says that
he is the Defendant in the above entitled
action which is now pending and on trial
in said Court and that he is unable to engage
Counsel to assist him in his defence in said
action on account of poverty.

That he has no means with which to pay his
Counsel for his defence in said action
And deponent prays that Counsel may be
assigned to him for his defence according to law
Subscribed and sworn to
before me this 12th day of
October A.D. 1889

Howler
Justice of the peace

Albert Kosloski

State of Minnesota
County of Carver }

District Court
Eighth Judicial District

The State of Minnesota
- against -
Albert Kosloski }

Order

On reading and filing the affidavit of
Albert Kosloski within.

It is hereby ordered that L. L. Baxter be and he
hereby is appointed as Counsel for the Defendant
above named.

Dated October 15th A. D. 1880

J. L. MacDonald
Judge of the District

State of Minnesota
District Court
County of Carver,

The State of Minnesota

vs.
Albert Kosloski,

Superior Appointing Attorney.

John L. Baxter 1st appo.
C. H. Thompson 2nd
Wm. R.

Wm. R.

State of Minnesota,
District Court
Eighth Judicial District
County of Carver.

The State of Minnesota }
against } Indictment
Albert Kasloeki.

Albert Kasloeki is accused by
the Grand Jury of the County of Carver
in the State of Minnesota, by this
Indictment, of the crime of assault
with a dangerous weapon with intent
to do great bodily harm, committed as
follows.

The said Albert Kasloeki, on the Eleventh
day of April A.D. 1880, at the Village of
Chaska, in the County of Carver, in
the State of Minnesota, he the said
Albert Kasloeki being then and there
armed with a dangerous weapon,
to wit a large knife, commonly called
"pocket knife", did unlawfully and
feloniously assault one Ignatius
Matejai, then and there being, with
the intent then and there, to do great
bodily harm to him the said Ignatius
Matejai, against the form of the
Statute in such case made and
provided, and against the peace and
dignity of the State of Minnesota.

Dated at Chaska, in the County of Carver
and State of Minnesota this 12th day of
October A.D. 1880

Ebenzer Bray
Foreman of the Grand Jury.

Names of witnesses
Examined before the
Grand Jury.

1 Belle Stoughton
2 Mary Burkhardt,
3 Joseph Burkhardt,
4 Dr E. H. Lewis,
5 Anna Rocco,
6 Ignatius Matigke.
7
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District Court
8th Judicial District
County of Cass
Mo.

The State of Missouri

against

Albert Korlocki.

Indictment.

A true bill.

Emory Bray

Foreman of the
Grand Jury.

State of Missouri
County of Cass.

The within indictment was duly
presented to the Grand Jury the term on of the
Grand Jury in session of the Grand Jury in
open court and duly filed with the
day of October, A.D. 1880.

Wm. C. Odell

County Attorney.

Testimony in Examination

State of Minnesota } In Justice Court-
County of Carver } Before J. F. Dilley
April 22nd 1880. } Justice.

Belle Sloughton sworn for the State.

I am 17 years old. live in Chaska this county. lived here on the 11th day of April last know the defendant. He lives near where I do. I was at Burkharts house. there is one house between Burkharts and defendant I saw defendant on the 11th of April.

I saw J. Mathiaski slouching near ^{about 10 o'clock in the evening.} Kusloskis door. Saw some trouble between J Mathiaski and defendant It was about eight o'clock. On the street. I was in Burkharts house when I first heard the trouble. Was attracted to the door by the noise I heard outside. When I first came out I saw defendant knock Mathiaski down. defendant had a stick or paddle in his hand. And struck Mathiaski with that stick. They were about the middle of the street. After defendant knocked Mathiaski down ^{Mathiaski} he got up and went towards Grubers house. Grubers house stands opposite defendants house. defendant followed Mathiaski still striking at him with

State vs Albert Mathiaski,

filed May 1st 1880

Wm. H. H. H. H.

1880

the stick or puelle. When they were near
Gaulus house defendant again ^{defendant} ~~knocked~~
Mathetaki down, after he ^{defendant} ~~knocked~~
Mathetaki down defendant jumped
on Mathetaki I saw Jas. Burtchost-
and Mary Burtchost on the Street after
defendant knocked Mathetaki down.
There was a good deal of talk going
on in Polish

* The noise they were making brought
me first out of the house. The fuss
commenced in Kasloski's house. I
did not see it until they got on the
Street. Don't know how long the fuss
had been going on before they came on
the Street. When I opened the door the parties
were in front of defendant's door. They
appeared to both be fighting. The man
who was boxing the row with defendant
had nothing in his hand. did not
see Mathetaki strike at Kasloski.

When I first went out they were about three or
four feet from defendant's door. They were
fighting near the door. about the middle of the
Street when Mathetaki was first knocked
down. I did not pay much attention when
they first came out. Mathetaki came in
to the middle of the road first followed by

Defendant. After being knocked down the first time Mathetaki went across the street. No men crossed the street with Defendant and Mathetaki as I saw. It was dark at that time. I was across the street from where Mathetaki was knocked down. Jo Burckhart went across the street.

Recrossed. During all the time I saw this row Mathetaki was retreating.

Recrossed. ~~said he had~~ He had his back to Defendant ^{both times} ~~at the time~~ when he was knocked down. I can't tell whether he fell on his face or back when he was knocked down. Don't know whether he was struck on the body or head.

Belle Stoughton.

Mary Burckhart sworn for the State
Am 22 years old. Live in Chaska
lived here on the 11th of April last.
Live near Defendants house. Know
Defendant. Don't know Mathetaki.
Heard the testimony of Belle Stoughton
did not see much of the trouble on
that night. Was attracted to the door
by the noise. Saw ^{Mathetaki} Defendant just-

7
across the gutter in front of his house.
Amine Kustassli was standing in the
gutter pointing to Mathetaki talking in
Polish. There was some other persons
standing near Defendents door. could not
tell who they were. I saw Mathetaki
just on the outside of the gutter and
he was just striking Defendents daughter
on the hand. I was watching my brother
more than anything else because I was
afraid they might strike him. I did
not see any of the striking. I went after
my brother. Did not see Mathetaki
down.

8
+ Ex. I came to the door just as
they were over the gutter. I came to
the door after Belle Stoughton Hill.
Don't know who was near Defendents
daughter when Mathetaki struck her.
The girl was in the gutter and Mathetaki
was on the outside of the gutter. She
did not make any noise about it.
did not see Mathetaki make an attempt
to go in the house. There he had an
oar of a boat or something in his hand
at that time. Mary Burkhart

2
Theo. Pitling sworn as Interpreter
Annie Raus sworn for State
Linn in Chaska our Kuslowski's
house. I am 40 years old. Known
Defendant. I know Mathetaki. Saw
both of the parties on the 11th of April
last. It was just getting dark.
Saw some trouble between them.

It was on the street in front of
the house. I was in the window in our
room upstairs. I heard a noise inside
of Defendant's house. and saw Mathetaki
come outside. Kuslowski's two girls came
out and defendant with them.

The girls tried to hold Defendant.
Kuslowski pulled himself loose ^{from his girls} and went
in the house and got a paddle. Defendant
came out with a paddle and struck.

Mathetaki as he fell down. Mathetaki
jumped up and went onto the street and
the girls tried to hold ~~him~~ ^{him} Defendant and
he pulled himself loose ^{from them} and Mathetaki
across the street near Gruber's house.
where he laid down. Do not know whether
Defendant knocked him down or whether
he fell down. Gruber's house stands
across the street.

Ex. I saw Mathetaki and Defendant

all the time after they come out. did not see Mathetaski have a stick. did not see Mathetaski strike either of the Kestowski girls. I could have seen it if ~~either~~ had struck any of them.

I don't understand the language further of the parties. Defendant knocked Mathetaski down three times.

Once in front of the house and twice in the middle of the road. I am sure of that. did not see defendant knock Mathetaski down in front of Graham's

Mathetaski did not try to defend himself at all. don't know whether

Mathetaski had his face or back to defendant when he knocked him down in front of Kestowski's house. I was about 8 or 10 feet from

them when defendant knocked Mathetaski down. The whole street was full at the time. I saw defendant knock Mathetaski down the second time.

Both parties had their backs towards John at the time of the second knocking down. The girls were trying to fort them and I could not see very well. Mathetaski did not run away. defendant was striking Mathetaski but Mathetaski

14 did not strike defendant, don't
know Simon Katsafka. There were
more men in the road but I don't
know who they were. They were close to
the two that were fighting. Don't know
how many there were in the street. Don't
know where defendant struck Mathiaski
whether it was on the head or back.
15 didn't see defendant strike Mathiaski
near Grubers. Mathiaski was laying
in the gutter in front of Grubers.
Defendant was there to, don't know
what they were doing. They were down to-
gether. There was some people there when
they were laying ^{down} ~~there~~ and after
Mathiaski got up there was more people
16 come. I could see Kaslaski on top
in front of Grubers. Was not very dark.
I saw Jas. Burkhardt that night. He
came out of the house when they were in
front of Grubers. I first saw Jas.
Burkhardt when they were in front of
Grubers. Didn't see Belle Planghton
nor Mary Burkhardt nor Mrs. Burkhardt.
Saw Jas. Burkhardt ^{come out of the house} when defendant and
Mathiaski were in front of Grubers.
17 didn't see Mathiaski try to get the paddle from
defendant. I could have seen it if he had
tried to take it from him. Annie ^{her} Raus
moore

Joseph Burkhart, Sworn
in in Chaska. Have defended
and Mathetaki. Saw them on the
night of the 11th of April. It was
just getting dark between 7 & 8 o'clock
I heard a noise, was in my stocking
feet, jumped up and went out and
saw scuffling between Defendant &
Mathetaki on the Street. Saw Mathetaki
have a paddle in his hand about four
or five feet long and struck Defendant
across the back. Defendant was
in or near the gutter and Mathetaki
was out side of the gutter. Kostaski
then went back and Annie Kostaski
went towards Mathetaki and pointed
her hand at him. Mathetaki
struck the girl on the arm with the
paddle. Mathetaki still had the paddle
and talking. I could not understand
him. Defendant then started for
Mathetaki and they both had hold
of the paddle and fell in the gutter.
I was then going towards them.
I saw Belle Stoughton and my sister
and Mary Mother. Then I saw
Simon Katskyka standing near the
woodpile. I saw others after they

3

got up. After that Rustasi started
for his horse and Mathetaki started
for Grubus saying he was stretched.
I saw Jas. Franken, afterwards.
Just as Mathetaki walked up the bench
Grubus came out. Mathetaki stood
awhile in front of Grubus and
sunk down.

19
+ E. The facade was about 4 or 5 feet
long. Mathetaki struck horse at
defendant and also at defendant's
daughter as near as I could tell.
Annie Rustasi was not fighting.
She pointed her hand towards Folers house.

20
Dr. E. H. Lewis sworn. for State
~~then~~ I am a practicing physician
& Surgeon, know defendant. I know
Mathetaki. Have known him since the
11th of April. Saw him first on
the sidewalk near my office. He was
taken into my office to be cared for.
I made an examination at that time.
I found on the right side between the
3rd & 4th ribs a wound parallel
with the ribs passing between the ribs
and the right lung. I probed it.
It was 3 1/2 inches as far as I could

21
probe. The wound had penetrated the lung
and the hemorrhage was between the lung
and the covering of the lung. There
had been some hemorrhage before I saw
him. From the character of that
wound it was caused by a sharp
instrument, a clear cut or incised
wound. I found no other wounds on
Matthias. It was just after dark
when I was first called. We
had to light a lamp to examine him.
Examination then closed and on motion of
W. C. Odell County attorney the examination
was adjourned until the 26th day of April
1880 at Ten O'clock A.M.

22
April 26th 1880. Ten O'clock A.M. case
called, and on motion of the county
attorney the case was adjourned until
the 3rd day of May at Ten O'clock A.M.
New commitment made out and delivered
to J. E. DuBois Sheriff.

May 3rd 1880. Ten O'clock A.M.

Case called and on motion of County
attorney the justice fixed the bail at
Four Hundred dollars for the
appearance of Albert Kosloski
at the next term of the District Court
to be held in and for the County

23
of Cass and State of Minnesota.
The amount of bail as fixed above,
not being given the defendant
was committed to jail until the
meeting of the District Court in
the month of October 1880.

24
J. T. Willey
Justice of the Peace

State of Minnesota,
County of Carver } ss.

W. C. Ouel. of said county, being first duly sworn and examined on oath by the undersigned James F. Dillay.

one of the justices of the peace of said county, on his oath complains and says that on the 11th day of April 1880 at the Village of Chaska

in said county Albert Kosloski did commit the crime

of assault with a dangerous weapon ~~as follows~~: with intent to do great bodily harm committed as follows.

The said Albert Kosloski on the 11th day of April A.D. 1880. at the Village of Chaska in the County of Carver and State of Minnesota. he the said Albert Kosloski being then and there armed with a dangerous weapon, to wit a large knife, did unlawfully and feloniously assault one Ignatius Matecki then and there being with intent then and there to do great bodily harm to him the said Ignatius Matecki.

Against the peace and dignity of the State of Minnesota, and contrary to the Statute in such case made and provided, and complainant asks that said Albert Kosloski may be arrested and dealt with according to law.

Subscribed and sworn to before me on }
this 12th day of April 1880 } W. C. Ouel.

J. F. Dillay
Justice of the Peace.

JUSTICE COURT.
THE STATE OF MINNESOTA

vs.

Albert Kosloski

COMPLAINT.

Filed this *12th* day of *April*
18 *80*

J. F. Dilley
Justice of the Peace.

Ramaley & Cunningham, Printers, St. Paul.

State of Minnesota,

County of Carr

ss.

THE STATE OF MINNESOTA,

To the Sheriff or any Constable of said County:

Whereas, W. C. Odell has this daycomplained in writing to me, on oath, that Albert Kaskaski
did on the 11th day of April 1880, at the Village
of Chaska in said County commit the crime of assault with adangerous weapon with intent to do great bodily harm as follows.
The said Albert Kaskaski on the 11th day of April 1880 at the village of Chaska in
the county of Carr & State of Minn. he the said Albert Kaskaski being then and there
assaulted one Ignatius Matoski. then and there being with intent then and there to
arm with a dangerous weapon to wit: A large knife, did unlawfully and feloniously
do great bodily harm to him the said Ignatius Matoski
and prayed that the said Albert Kaskaski might be arrestedand dealt with according to law; now, therefore, you are commanded forthwith to apprehend the said Albert Kaskaski and bring him before me to be dealt with according to law.Given under my hand this 12th day of April 1880J. F. Dille
Justice of the Peace.

Justice Court.

THE STATE OF MINNESOTA,

VS.

WARRANT.

STATE OF MINNESOTA,

County of

Carver }

I certify that by virtue of the
within warrant, I have arrested the
within named *Abel Koslosky*

and have *him* now in my custody.

Dated

April 12th 1888

F. E. Dwyer

Shiff
Service, 100
25c.

Travel, *20*

Shiff
Amro
Win

State of Minnesota,
County of Conner } 88.

THE STATE OF MINNESOTA,

To Amie Ruers, Dr E H Lewis,

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said County, at my office in Chaska in said County, on the 22nd day of April at 2 o'clock in the after noon

of said day, to give evidence in a certain case then and there to be tried between

The State of Minnesota plaintiff, and

Albert Kaslaski defendant

on the part of the State

Given under my hand, this

22nd day of April A. D. 1880

J. F. Dille

Justice of the Peace.

STATE OF MINNESOTA,
County of *Carver* }

I certify that I served the within Subpœna
on the within named *Anna Rose*
and Dr. E. H. Lewis.
at the town of *Chaska* in said County
on the *22nd* day of *April* 1880

Service, \$ *30*

Mileage, *20*

Fees, *60*

J. E. Du Toit
Dated *Apr 22nd* 1880 *Shiff*

6-26-79. Ramsey & Cunningham, Printers, St. Paul. 500.

A. Shick
On the part of *Minnesota*
The State of
SUBPœNA

State of Minnesota,
County of Coconino } ss.

THE STATE OF MINNESOTA,
Burkhardt To Simon Kutzalke & Fred Jas.

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said County, at Chaska in said County, on the 22^d day of April at 2 o'clock in the after noon of said day, to give evidence in a certain case then and there to be tried between The State of Minnesota plaintiff, and Albert Hostawski defendant on the part of the State

Given under my hand, this 22^d day of April A. D. 18 80

J. F. Diller
Justice of the Peace.

STATE OF MINNESOTA,
County of Leaves }

I certify that I served the within Subpoena
on the within named Joseph
Burkhart
at the town of Chaska in said County
on the 22nd day of April 1880.
Couldnt find Kataraka

Service, \$.15.

Mileage, 20

Fees, 35

J. E. DuSart

Dated April 22nd Shiriff 1880
Wm

6-26-79. Ramsey & Cunningham, Printers, St. Paul. 501

A. Kataraka
us.

On the part of J. Minnesota
The State
SUBPOENA

State of Minnesota,
County of Cosue } 88.

THE STATE OF MINNESOTA,

To

L. Humbert G. Schaefer

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said County, at Chaska in said County, on the 22nd day of April, at 2 o'clock in the after noon

of said day, to give evidence in a certain case then and there to be tried between The State of Minnesota plaintiff, and

Albert Kestowski defendant

on the part of the State

Given under my hand, this

22nd

day of

April A. D. 18 80

J. F. Dillay

Justice of the Peace.

SUBPCENA

On the part of *The State*
of Minnesota

vs.

Albert Karloski

6-26-79.

Ramaley & Cunningham, Printers, St. Paul.

500.

Dated

Apr 22

1880

Fees,

35-

Mileage,

20

Service, \$.15.

on the

22nd

day of

April

1880

at the town of

Chaska

in said county

on the within named

A. Knicker

I certify that I served the within Subpcena

County of

STATE OF MINNESOTA,

Carver

State of Minnesota,
County of Carver } 88.

THE STATE OF MINNESOTA,

X
Merry

Burlingame To Belle Stoughton and ~~Loua~~

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said County, at Chaska in said County, on the 22nd day of April at 2 o'clock in the afternoon of said day, to give evidence in a certain case then and there to be tried between

The State of Minnesota plaintiff, and

Albert Kautzki defendant

on the part of the State

Given under my hand, this 22nd day of April A. D. 18 80

J. F. Selby
Justice of the Peace.

STATE OF MINNESOTA, }
County of Cann

I certify that I served the within Subpoena
on the within named Belle Stoughton
and Mary Burkhardt
at the town of Chaska in said County
on the 22nd day of April 1880.

2 30
Service, \$ 45.

Mileage, 20

Fees, 50.

J. E. DuToit
Dated April 22nd 1880, Shiff.

6-26-79. Kautsky & Cunningham, Printers, St. Paul. 500.

G. Markham
vs.

Minnesota
On the part of The State
SUBPOENA

No. 1293

DISTRICT COURT,
CARVER COUNTY, MINN.

John Kosloski
Plaintiff.

vs.

Martin Kosloski
Defendant.

W. C. Bell
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry *May 12th, 1880*

Register of Actions *"A"* Page *104*

Term Tried *19*

Judgment for *Plaintiff*

Amount of Judgment \$ *75.70*

Date of Judgment *Sept 29th, 1882*

Judgment Book *"B"* Page *107*

Default Judgment Book Page

Date of Docketing *Sept 29th, 1882*

Judgment Record A Reg-348-

Herald Publishing Co., Chaska, Minn.

Promissory Note

State of Minnesota.

DISTRICT COURT.

Eighth

Judicial District.

County of

Carr

John Kosloski, Plaintiff

vs
Martin Kosloski, Defendant

SUMMONS.

The State of Minnesota, TO THE ABOVE NAMED DEFENDANT

You _____ are hereby summoned and required to answer the Complaint in this action, which has been filed with the Clerk of said Court, and to serve a copy of your Answer to the said Complaint on the subscriber, at *his* office in *the Village*

of Chaska, Carr County, Minnesota.

within twenty days after the service of this Summons upon you, exclusive of the day of such service, and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff in this action will

take judgment against you for the sum of Fifty and 40/100 Dollars and interest on said sum since May 1st 1880. together with costs of suit

Dated _____

A.D. 188

W. B. Odell

Plaintiff's Attorney,

Chaska

Minn.

DISTRICT COURT,

Wm. L. Wallace

Judicial District.

County of

Carver

vs. Wallace

3

Wm. L. Wallace

SUMMONS.

Wm. L. Wallace

vs. Thompson

10/10/82

W. L. Wallace

Plaintiff's Attorney.

Pioneer Press.

State of Minnesota, ss I hereby certify and return
County of McLeod that at the Court House
and State of Minnesota on the 30th day of August
A.D. 1882 I personally served the within summons
upon the within named Defendant Martin
Kashoski by handing to and leaving
with him a true and correct copy of the
same at said time and place

Andrew Hopper
Sheriff of McLeod County
By George Hopland
His Deputy

Fee Surri 100
Mileage 400
\$500

State of Minnesota
District Court,
Eighth Judicial District
County of Carver.

John Korloski
Plaintiff.

vs
Martin Korloski.
Defendant.

The above named Plaintiff complains
alleges and avers.

That heretofore to wit on the
18th day of April 1898. this Plaintiff and
said Defendant became jointly indebted
to one Joseph Schindler for money had
and received in the sum of One Hundred
dollars. That being so indebted. they this
Plaintiff and said Defendant made and
delivered to said Joseph Schindler. their
certain promissory note in writing. Dated
on said day. and thereby promised to pay
to said Joseph Schindler. in one year after
the date of said note. said sum of One Hund.
red dollars. together with interest thereon
at the rate of ten per cent per annum;
That thereafter. and after said note by its
terms became due and payable. this
Plaintiff at the special instance and
request of said Defendant. paid to said
Joseph Schindler. the full amount of
said note for principal and interest.
and thereupon said Defendant promised

1 and agreed to pay to this Plaintiff his
2 just proportion of such indebtedness
3 to wit one half thereof. whenever hereafter
4 requested so to do. that this Plaintiff has
5 repeatedly requested payment thereof.
6 but said Defendant has neglected and
7 refused to pay the same or any part
8 thereof.

9 Wherefore Plaintiff demands judg-
10 ment against said Defendant for
11 the sum of fifty dollars and forty cents.
12 together with interest thereon at the rate
13 of five per cent per annum. based on
14 costs of suit.

Dated Chaska May 1880

W. C. Odell

Atty for Plff.

18 State of Minnesota } ss.
19 County of Carver. }

20 John Kosloski being first duly
21 sworn says that he is Defendant in the
22 foregoing Complaint named and that
23 said Complaint is true.

24 Subscribed and sworn to
25 Before me this 24 day
26 of May AD 1880

\$ 100 ⁰⁰/₁₀₀



No.

Phas Ka April 18th 1878
One Year After Date, I promise to
pay to the order of Joseph Schindler
the sum of One Hundred (\$100) Dollars,
at two per cent Int. per Annum
Value Received of John Koslosky Martin Koslosky
Due Elizabeth Koslosky & Martin Koslosky

In Peter's copy of
Bene Crystal 1848 and
April 1879
H. O. Gallows and Dr.
H. O. Gallows copy of June 18 April
1879 Joseph D. D. D.

Filed May 28th AD 1880
C. H. Krenzenbach
Munk

District Court
8th Judicial District
County of Carson

John Kosloski,

vs

Martin Kosloski

Compt

filed May 28 5 a m 1884,
C. Graymuhl
Clerk

104

107-348,

W. B. Odell.

atly for Plff.

State of Minnesota,
County of Carver.

District Court of Judicial District

John Kosloski Plaintiff

AGAINST

AFFIDAVIT FOR ATTACHMENT.

Martin Kosloski Defendant.

State of Minnesota,
County of Carver

John Kosloski

came

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

said Plaintiff in the above entitled action which is brought for the recovery of money, and a summons has been issued therein.

That a cause of action exists against the Defendant, and in favor of said Plaintiff therein, and the amount of said Plaintiff's claim therein is Twenty and 40/100

Dollars, and the ground

thereof is as follows, that is to say:

That on the 15th day of April 1878 the Plaintiff herein and said Defendant made and delivered to one Joseph Schindler their promissory note in writing, and thereby promised to pay to said Schindler One Hundred dollars together with interest thereon at the rate of ten per cent per annum for one year from the date of said note. That thereafter this Plaintiff paid to said Schindler the full amount of said note

And that for principal and interest, and thereupon said Defendant became indebted to this Plaintiff for his proportion thereof. That said Plaintiff has requested payment of said sum and payment thereof has been refused. and that said Defendant is about to dispose of his property with intent to delay his creditors and especially the Plaintiff

And said affiant doth depose and say, that said Plaintiff is in danger of losing his

said claim by reason of the facts aforesaid, unless a Writ of Attachment issue; and prays that such Writ of Attachment may be allowed and issued against the property of said Defendant therein, according to the Statute in such case provided; and said affiant says that no previous application has been made therein for such order, and further saith not.

Subscribed and Sworn to before me,
On this 17th day of May A.D. 1880 } Johan Kosloski
J. F. Dilley
Justice of the Peace

Dist Court 8th Dist
County of Carver

Johan Kosloski.

AGAINST

Martin Kosloski.

Affidavit for Attachment.

To the Clerk of said Court:

On filing the within affidavit and a bond approved by me in the within entitled cause, let a Writ of Attachment issue as within prayed.

Dated May 17th 1880

J. L. MacDonald
Judge of said Court.

Filed May 17th A.D. 1880,

W. B. Cull
Clerk of said Court.

W. B. Cull.

Plaintiff Attorney.

ST. PAUL PRESS PRINT.

T. H. 2

State of Minnesota,

DISTRICT COURT,

County of Carver,

Eighth Judicial District.

John Kosloski
Plaintiff.vs
Martin Kosloski.
Defendant

Bond in Attachment.

Know all Men by these Presents, That John Kosloski
Frederick W. Humming and Herman
Brumshaw

are held and firmly bound unto

Martin Kosloski

defendant in the above entitled action, in the sum of Two Hundred fifty
Dollars, lawful money of the United States, to be paid unto the said

Martin Kosloski, his

heirs, executors, administrators or assigns, for which payment well and truly to be made,
we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by
these presents.Sealed with our seals and dated this 17th day of May
A. D. 1880The Condition of this obligation is such that, whereas, the above named plaintiff has
applied to the proper officer for a writ of attachment against the property of

Martin Kosloski,

defendant in said action, and has filed an affidavit pursuant to the statute in such case
provided. Now therefore, if the said plaintiff shall pay all costs that may be awarded to
said defendant (if he recover judgment in said action,) and all damages which he may
sustain by reason of the attachment, not exceeding the sum of Two Hundred
and fifty dollars, then this obligation shall be void,
otherwise of force.IN TESTIMONY WHEREOF, We have hereunto set our hands and seals on this
Seventeenth day of May A. D. 1880

Signed, Sealed and Delivered in presence of

J. F. Dilley
W. C. OrellJohn Kosloski [SEAL.]
F. W. Humming [SEAL.]
H. Brumshaw [SEAL.]

State of Minnesota,

County of Carver

ss.

Be it Known, That on this

Seventeenth
day of May A. D. 1880, came before me personally John Kosloski
Frederick W. Humming and Herman Brumshaw
to me well known to be the same persons who executed the foregoing bond, and each severally
acknowledged the same to be his own free act and deed.J. F. Dilley
Justice of the Peace

State of Minnesota,

County of Carver

H. Muxhaus

} ss.

J. W. Henning

upon oath doth say, each for himself, that he is one of the sureties above named; that he is a resident and frecholder of and in the State of Minnesota, and worth the amount of Two Hundred and fifty 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 17th day of May A.D. 1880

J. F. Dickey
Justice of the Peace

} W. C. Odell
Plaintiff
vs
Brumby

DISTRICT COURT,

County of Carver

John Kosloski

No

Martin Kosloski

BOND IN ATTACHMENT.

I hereby approve the within Bond and the sureties thereon.

Dated May 17th A.D. 1880

J. L. MacDonald
Judge of the District

W. C. Odell

Plaintiff Attorney.

ST. PAUL PRESS PRINT.

Filed May 19th 1880

W. C. Odell
Tolki

State of Minnesota,
County of *Carver*

DISTRICT COURT,
Eighth Judicial District.

John Kosloski
Plaintiff
vs.
Martin Kosloski
Defendant.

Writ of Attachment.

STATE OF MINNESOTA,
County of *Carver*

The State of Minnesota,

To the Sheriff of the County of *Carver*, GREETING:

Whereas, in the above entitled action, which is for the recovery of money, an application has been made by *John Kosloski* the Plaintiff, for a Writ of Attachment against the property of

Martin Kosloski
defendant therein, and to that end an affidavit has been made and filed, showing that a cause of action exists against such defendant, specifying the amount of the claim and the ground thereof; and that the defendant *is about to dispose of his property with intent to delay his creditors* and the bond in such case required by law, has been duly filed, and such Writ has been duly allowed.

Therefore, You are hereby commanded and required to attach and safely keep all the property of said *Martin Kosloski* within your County, and not exempt from execution, or so much thereof as may be sufficient to satisfy the said plaintiff demand, (which amounts to the sum of — *Forty and 40/100 Dollars* as appears by the Complaint in said action,) together with costs and expenses, and that you proceed hereon in the manner required of you by law.

Witness the Honorable *L. MacDonal* Judge
of the District Court aforesaid, at *Chaska*
this *fourteenth* day of *May* in the
year 18*80*

G. Graymuth Clerk.

Shiriff fees.

Attachment 1.00
Copy 50
Shiriff 50
Paid Rights 25
\$ 2.25.

F. E. DuPort, Shiriff

State of Minnesota }
County of Carver. } ss.

I hereby certify and return that by virtue of the within writ of attachment to me directed I did upon the 1st day of June 1880 at Chaska in said County and State, levy upon and attach all the right title and interest of the within named Defendant of in do the following named Real Estate situated lying and being in the Village of Chaska in said County and State to wit Lot no. 45 of Block no. 47 of new Village of Chaska according to the record plat thereof on file. F. E. DuPort Shiriff Carver Co. Minn

District Court,

County of Carver

John Kosloski,

vs

Martin Kosloski.

WRIT OF ATTACHMENT.

Issued May 30th 1880

G. W. Wagonmiller Clerk.

Returned June 4th 1880

G. W. Wagonmiller Clerk.

104.

W. L. Delzell

Plaintiff Attorney.

Printed and for sale at the office of the St. Paul Pioneer.

Lot 5 Block 47.

State of Minnesota.

Eighth Judicial District.

District Court
County of Carver.

John Kosloski.

Plaintiff.

vs

Martin Kosloski.

Defendant.

State of Minnesota } ss.
County of Carver.

W. C. Odell being first
duly sworn says that he is the
Attorney for the Plaintiff in the
above entitled action: That more
than twenty days have elapsed since
the service of the summons therein.
upon said Defendant, That no Plea
Answer or Demurrer, or copy of either
has been served upon or received by
this affiant from or on behalf of
said Defendant, nor has the appear-
-ance of said Defendant in said
action been in any manner extended,
to the knowledge or belief of this
affiant.

Subscribed and sworn to } W. C. Odell.
Before me this 29th day of }
September A.D. 1882 }

G. W. Mayentuhl
Clerk Dist Court
Carver County, Minn.

District Court
8th and 2nd District,
County of Cane

John Koslowski,

v

Martin Koslowski

aff no answer.

Filed, September 2nd 1880.
G. H. Grayson, Clerk,

W. B. Cull
Att'y.

District Court
Sct Just "District.
County of Carver.

John Korlocki.

v

Martin Korlocki,

Bill of Costs etc.

Filed September 19th 1887
E. H. Brown, Clerk
clerk,

W. L. Odell
Att'y.

State of Minnesota
District Court 8th Judicial District
County of Carver.

John Koslowski
Against
Martin Koslowski.

Judgment,

The Complaint in the above entitled action having been duly filed with the Clerk of this Court, and the summons personally served upon the Defendant, on the 30th day of August, A.D. 1882, and it appearing by the Affidavit of the Attorney for Plaintiff, on file, that more than twenty days have elapsed since the time of service of said summons and that no answer or demurrer or copy of either has been served upon or received by said Plaintiff's attorney and that said Defendant has not appeared in any manner in said action.

Now therefore, on motion of W. C. Odell Attorney for said Plaintiff, it is hereby adjudged and determined and the judgment of this Court, is that said Plaintiff recover of said Defendant, the sum of Fifty eight dollars and seventy five cents, principal and interest, as claimed by said summons and complaint, together with the sum of sixteen dollars and ninety five cents, costs and disbursements taxed in said action, amounting in all to the sum seventy five dollars and seventy cents, and that said Plaintiff have his lawful process therefor.

Judgment Principal \$ 58.75
Costs & disbursements 16.95
Total \$ 75.70

Dated September 10th A.D. 1882.

By the Court: G. H. Grayson
Clerk,

2.25
4.40
5.95

State of Minnesota
District Court
County of Carver,

John Koslowski
vs
Martin Koslowski,

Judgment Roll,

Judgment \$58.45
Costs " 16.95

Total \$75.40

Filed, September 29th 1882,
G. Kreymbuhl
Clerk,

104

Attest
J. C. H. dell atty for P^{ff}
debenka (Minn).