



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

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No. 1299

DISTRICT COURT,
CARVER COUNTY, MINN.

*In the Matter of the N.D.
Railway Co. etc.*
Plaintiff.

vs.

Defendant.

L. L. Baulter
Plaintiff's Attorney,
Pet.

Defendant's Attorney.

Date of Entry *June 25th 1880*
Court
Register of Actions *A* Page *254*

Term Tried.....1

Judgment for.....

Amount of Judgment \$.....

Date of Judgment.....1

Judgment Book *B* Pages *3673*

Default Judgment Book.....Page.....

Date of Docketing.....1

Herald Pub. Co., Chaska, Minn.

Indemnity

1
2 State of Minnesota District Court
3 County of Carver Eighth Judicial District
4

5 In the matter of the
6 Application of the Hastings and Dakota
7 Railway Company for the appointment
8 of three competent disinterested
9 persons as commissioners to ascertain
10 and determine the compensation to be
11 made by said company to the owners
12 of lands respectively, and to all tenants,
13 incumbrancers and other interested there-
14 in for the taking or improvement of
15 fastness the same by reason of the
16 laying out, constructing, operating
17 and maintaining the Railway of said
18 company upon and across such lands
19

20 To the Honorable the District
21 Court in and for the County of Carver in the
22 Eighth Judicial District of the State of Minnesota

23 The petition of the Hastings
24 and Dakota Railway Company respectfully
25 states and shows to the Court that the said
26 Hastings and Dakota Railway Company
27 is a corporation created organized and
28 existing under and by virtue of an act
29 of the Legislature of Minnesota, entitled
30 An act to incorporate the Hastings Minnesota
31 River and Red River of the North Railroad
32 Company Approved February 20th 1857

1
2 and of the several acts of said legislature
3 passed and approved subsequent to that
4 time amendatory thereto.

5 That said Railway Company the petition
6 herein is authorized by the said act of in-
7 corporation, and the said acts amendatory
8 thereto, to locate, construct, complete, main-
9 tain use and operate a rail road with
10 one or more lines of rails from the levee
11 at a point not distant more than a half
12 mile from the foot of Ramsey Street in
13 the City of Hastings in the County of
14 Dakota and State of Minnesota and thence
15 by way of Farmington in the said County of
16 Dakota, Shakopee in the County of Scott and
17 Chaska and Carver in the County of
18 Carver by the most feasible and practicable
19 route to Glencoe in the County of McLeod
20 and thence to the Western Boundary
21 of the State of Minnesota, and also by the
22 said act of incorporation, and the said acts
23 amendatory thereto, the said railway
24 Company is authorized and empowered
25 to locate, construct, complete, maintain
26 use and operate a branch rail road
27 with one or more lines of rails, diverging
28 from any point on the main trunk road
29 of said Company which said rail road
30 Company may select and deem most
31 expedient and necessary from such point
32 so selected by it to Stillwater in the County

1
2 Of Washington in said State of Minnesota
3 That the main trunk line of this line
4 road of said company has been com-
5 pleted and is now in operation from the
6 said point on said line in Hastings,
7 aforesaid to the Western boundary of the
8 State of Minnesota at the foot of
9 Big Stone Lake.

10 And your petition further states that
11 it is now engaged in the construction
12 of a branch line of said rail road
13 diverging from and connecting with
14 ^{at a point designated by your petition on said main trunk line}
15 said main trunk line in the town of
16 Dublyren in the County of Carver in
17 the State of Minnesota aforesaid, ^{at a point designated by your petition}
18 at or near the point where the center line
19 of the main track of said main trunk
20 line of said rail road crosses the south
21 line of section eight in Township one
22 and fifteen, Range Twenty four
23 and which said branch line runs
24 from the point aforesaid, in a North-
25 easterly direction through the Counties
26 of Carver, Hennepin, Ramsey and
27 Washington to Stillwater aforesaid
28 and that your petition is now par-
29 ticularly engaged in the construction
30 of that portion of said branch rail road
31 which line in said Carver County
32 between the point of divergence aforesaid
and the Eastern boundary line of said
Carver County

1
2 of Washington in said State of Minnesota
3 That the main trunk line of this line
4 road of said company has been com-
5 pleted and is now in operation from the
6 said point on said line in Hastings,
7 aforesaid to the Western boundary of the
8 State of Minnesota at the foot of
9 Bay Storn Lake.

10 And your petition further states that
11 it is now engaged in the construction
12 of a branch line of said rail road
13 diverging from and connecting with
14 ^{at a point specified by your petition on such main trunk line} said main trunk line in the town of
15 Duluth in the County of Carver in
16 the State of Minnesota aforesaid, ^{but} ~~at a point specified by your petition~~
17 at or near the point where the center line
18 of the main track of said main trunk
19 line of said rail road crosses the south
20 line of section eight in Township one
21 and one fifteen, Range Twenty four
22 and which said branch line runs
23 from the point aforesaid, in a North-
24 easterly direction through the Counties
25 of Carver, Hennepin, Ramsey and
26 Washington to Stillwater aforesaid
27 and that your petition is now par-
28 ticularly engaged in the construction
29 of that portion of said branch rail road
30 which line in said Carver County
31 between the point of divergence aforesaid
32 and the Eastern boundary line of said
Carver County

1
2 Major direction to water courses along
3 and across said branch rail road, and
4 also all necessary widths, for turn out
5 sites for water, depot buildings, store houses
6 and extra tracks necessary therefor, as
7 indicated on the map and plat of said
8 branch rail road, which will be presented
9 and be used, herewith, a description of
10 ~~which said~~ lands and real estate
11 ~~own~~ across and through which
12 said branch line of rail road is
13 located as aforesaid and will
14 run when completed, from said
15 point of divergence and junction
16 heretofore particularly designated
17 and described to the eastern boundary
18 line of said Carver County and a
19 portion of which is proposed and
20 required to be taken for the use and
21 track of said branch line rail road
22 as aforesaid, and the name of each
23 and every owner and incumbrancer
24 or other person interested in said lands
25 or any part thereof, so far as the
26 same can be ascertained by the legal
27 records affecting the same, and by view
28 of the memoirs and other writings
29 touching the occupation of the same
30 are as follows to-wit:

31
32

Names of the owners of lands hereinbefore referred to and all ten acres incumbrances and others interested therein	Description of lands here in before referred to
--	--

Thomas L Grace Bishop of St Paul Owner	The South West quarter of the South East quarter of section Twelve, Town- ship One hundred and sixteen Range twenty three
--	--

Thomas L Grace Bishop of St Paul Owner	A five acre piece twenty nine by twenty eight rods square on the North West corner of the North West quarter of the North East quarter of section thirteen in Township one hundred and sixteen Range twenty three
--	--

Eli Stone Owner Lucien Merwin Incumbrance	The West half of the North West quarter of the North West quarter of section twenty two, and the North East quarter of the North East quarter of section twenty one all in township one hundred and sixteen Range twenty three
--	--

1		
2	Lucas Hord & S Hase Oron	The South West quarter
3	Rayn N Hord	of the South West quarter
4	Phily Hord and	of section twenty one in
5	Joseph Manninghoff	Township one hundred
6	Joseph Hord	and fifteen Range
7	Incumbrances	Twenty three.
8		
9	Estate of Nicholas	The South West quarter
10	Biden deceased	of section three in
11	John Biden Allman	Township one hundred
12	attorney - own	and fifteen Range
13	Simon filson and Haber	Twenty four
14	Vincenz Lur. Incumbrances	
15		
16	Gerhard Senzen	The North half of the
17	Owner	North East quarter
18	Simon Senzen	of section nine in Town-
19	Incumbrances	ship one hundred
20		and fifteen Range
21		twenty four
22	Horace W Gilman	The North West quarter of the North
23	Incumbrances	East quarter of section fourteen in
24		Township one hundred and
25	Carabum Langdon	fifteen Range twenty three
26	Incumbrances	
27	Charles S. Sayles	The South East quarter of the
28	Incumbrances	South West quarter of section fifteen
29		in Township one hundred and
30	Carlisle Purce	fifteen Range twenty three
31	Incumbrances	
32		The North half of the South
33	E W Purce owner	West quarter of section twenty
34		one in Township one hundred
35		and fifteen Range twenty three
36		The North half of the North East
37		quarter of section twenty nine
38		in Township one hundred and
39		fifteen Range twenty three
40		The South West quarter
41		of the North East quarter of
42		section twenty nine in Township
43		one hundred and fifteen of
44		Range twenty three.
45	Jason Lurman	The North West quarter of the North East
46	Incumbrances	quarter of section thirty six in Township
47		one hundred and fifteen Range twenty
48		four.
49	Peter Winter	The South half of the North West
50	Incumbrances	quarter of section thirty six
51		in Township one hundred
52		and fifteen Range twenty four

1
2 Your petition further states and shows that
3 it has been unable to agree and now is
4 unable to agree with the parties and persons
5 above named touching the compensation
6 to be made to the respective owners and
7 incumbrancers and others interested in
8 the lands above described for the taking
9 or injuriously affecting the same by
10 reason of its being taken by said peti-
11 tion for railway purposes as aforesaid.

12 Wherefore your petition prays that three
13 competent disinterested persons be
14 appointed by said Court as Commissioners
15 pursuant to said act of incorporation
16 and the acts amendatory thereof to ascertain
17 and determine the compensation to be made
18 to the said owner and owners of land
19 respectively and to all tenants incum-
20 brancers and others interested therein for
21 the taking or injuriously affecting
22 such land and real estate for the
23 purposes aforesaid, and that such pro-
24 ceedings may be had in the premises that
25 the title to said lands and real estate
26 and every part and parcel thereof
27 so to be taken by your petition and the
28 exclusion use and occupation thereof for
29 the purposes aforesaid may be fully and
30 completely vested in your petition and its
31 successors. Dated Jan 30th 1880. L L Parson

32
Attorney for the Hastings and
Detroit Railway Company.

District Court
Carron County

In the matter of the
Application of
the Hastings and
Dakota Railway
Company for the
Appointment of Com-
missioners &c
Petition

Filed, June 30th 1880.
C. H. Hagenbuhl
Clerk.

254.

III

L. L. Payson
Atty for Petitioner

1
2 State of Minnesota. District Court
3 County of Carver. Eighth Judicial District
4

5 In the matter of the
6 Application of the Hastings and Dakota
7 Railway Company for the Appointment
8 of three competent disinterested persons
9 as Commissioners to ascertain and
10 determine the compensation to be made
11 by said Company to the owners of land
12 respectively, and to all tenants, in-
13 cumbrancers and others interested therein
14 for the taking or injuriously affecting
15 the same by reason of the laying out
16 constructing, operating and maintaining
17 the rail road of said Company
18 upon and across such lands
19

20 State of Minnesota
21 County of Carver. L L Buxton being
22 duly sworn on oath says that he is At-
23 torney for the Hastings and Dakota Rail-
24 way Company in the above entitled matter
25 That a petition has been filed in the Office of the
26 Clerk of the District Court in and for the
27 County of Carver in the State of Minnesota
28 at Chaska in said County on behalf of the
29 said rail way Company praying for the
30 Appointment of three Commissioners to
31 ascertain and determine the compensation
32 to be made to the owners of land respectively

1
2 and to all tenants incumbrancers and
3 other interested therein for lands necessary
4 and required to be taken by said railway
5 company for the use and track of its
6 said road. That of the persons named in
7 said petition as owners and incumbrancers
8 of land in said Carver County necessary
9 and required to be taken as aforesaid
10 for the purpose aforesaid, the following named
11 persons. Cummat, after diligent search and
12 inquiry, he found in the said eighth judicial
13 district of the state of Minnesota in which
14 said judicial district said petition is filed
15 as aforesaid. To-wit. Thomas L. Grace,
16 Eli Stone, Lucien Warner, E. L. Hand, Ger-
17 hard Senzen, Tilman Senzen, Jason
18 Dowd, Clarissa S. Sykes, Horace W. Gilman,
19 Carlisle Pierce, ^{and} Clarissa Smydon, Peter W. Winter

20 And this Affiant further says that said
21 persons above named are such and all, as
22 he is informed and believes now residents of
23 said judicial district, and cannot any
24 or either of them be personally served with
25 the said notice of the time and place of the
26 hearing of said application for the appoint-
27 ment of Commissioners under said petition
28 as this Affiant vividly believes, and further
29 truth not.

30 Subscribed and sworn to } L. L. Baxter
31 before me this 1st day of July A.D. 1880 }

32 Samuel Towler
Justice of the peace

1
2 State of Minnesota District Court
3 County of Leavenworth English Judicial District
4

5 In the matter of the Application of the Hastings
6 and Dakota Railway Company for the
7 Appointment of three competent disinterested
8 persons as Commissioners to ascertain and
9 determine the compensation to be made
10 by said Company to the owners of lands
11 respectively and to all tenants incum-
12 brancers and other interests therein for
13 the taking or injuriously affecting the
14 same by reason of the laying out con-
15 structing, operating and maintaining
16 the railway of said Company upon
17 and across such lands.

18
19 Upon reading and filing the
20 annexed Affidavit from which it ap-
21 pears that the persons named therein as
22 owners and incumbrancers of lands neces-
23 sary and required to be taken for the use and
24 track of the said above named Hastings and
25 Dakota Railway Company (who are partic-
26 ularly named in the petition filed in the above
27 entitled matter) cannot be personally served
28 with the notice specifying the time and place
29 at which the Application under said petition
30 will be made for the Appointment of Com-
31 missioners for the purposes in said petition
32 specified

District Court
Carver County

In the matter of the
Application of the Hastings
and Dakota Railway
Company for the Appoint-
ment of Commissioners
etc.

Applicant and Order
for Publication

Filed July 1st 1880
Entered as exhibits on page 445.
C. J. Gray and
Wm. L. Clark

745
= 745
II

Ordered on motion of L. L. Baxter Attorney
for said Hastings and Dakota Railway Com-
pany that a copy of said notice of the time
and place at which said application
for the appointment of commissioners
under said petition will be made, be
published in the "Chaska Valley Herald",
a weekly news paper printed and pub-
lished at Chaska in the County of Carver
in said State of Minnesota, for three
consecutive weeks, ^{at least} once in each week prior
to the 26th day of July A.D. 1880 the time fixed
for said application, and the hearing
thereof, and it is further ordered that
the clerk of said court make an entry
of this order in his records in the
above entitled matter.

Dated July 1st 1880

J. L. McDermott
Judge 8th Dist.

STATE OF MINNESOTA,
COUNTY OF CARVER.

District Court—Eighth Judicial District.

In the matter of the application of the Hastings and Dakota Railway Company for the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made by said company to the owners of land respectively and to all tenants incumbrancers and others interested therein for the taking or injuriously affecting the same by reason of the laying out constructing, operating and maintaining the railroad of said company upon and across such lands.

To Thomas L. Grace, Linenfelser & Faber, Horace W. Gilman, Carolina Langdon, Eli Stone, Lucien Warner, Philip Henk, Lucius Howe, E. L. Howe, Rogers N. Howe, Carlisle Pierce, Emanuel W. Pierce, Jason Downer, Peter Winter, Gerhard Lenzen, George Faber, Clarissa S. Sykes, Joseph Wittinghoff, Vincenz Gies, John Elden, administrator of the estate of Nicholas Elden deceased Titmann Lenzen and to all whom it may concern.

You and each of you are hereby notified that a petition has been filed in the office of the Clerk of the District Court in and for the county of Carver in the state of Minnesota at the Court House in the village of Chaska in said Carver County, by the Hastings and Dakota Railway Company for the purpose of condemning certain lands and real estate in said Carver county, in said petition particularly described for the use of said railway company and corporation, and that the application for the appointment of three competent disinterested persons as commissioners for the purposes in said petition named will be made to the above entitled court, at the chambers of the Judge of said Court in the city of Shakopee in the county of Scott, in the State aforesaid, on Monday the 26th day of July A.D. 1880 at ten o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

Dated, July 1st. 1880.

L. L. BAXTER,

Attorney for the Hastings & Dakota Railway Company.

Chaska, Minn.

State of Minnesota
County of Carver

F. E. Du Toit, being
duly sworn on oath
says that he is one
of the publishers of
the "Valley View" and
a weekly newspaper
printed and published
at the Village of
Chaska in the County
of Carver and State
of Minnesota,
that the ~~notice~~
notice of which the
above and foregoing

is a printed copy was duly published and printed in said newspaper for three successive weeks once in each week, the first publication of which was on the 1st day of July A.D. 1880 and the last publication thereof was on the 22nd day of July A.D. 1880

F. E. Du Toit.

Publ + Forw

Subscribed and sworn to before me
This 26th day of July A.D. 1880.
J. J. Dillie
Justice of the Peace

District Court
Carson County

In the matter of the
Appointment of Com-
missioners for the Hastings
and Dakota Rail way
Co & C

Affidavit of publication

Filed July 26th and 1886

Wm. H. H. H. H.
Clerk

W. H. H.

II

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

In the matter of the Application of the Hastings and Dakota Railway Company for the appointment of three competent, disinterested persons as commissioners to ascertain and determine the compensation to be made by said Company to the owners of lands respectively and to all tenants in common and others interested therein for the taking or injuriously affecting the same by reason of the laying out, constructing, operating and maintaining the said road of said Company upon and across such lands.

State of Minnesota }
County of Carver } ss.

Robert Patterson, Theodor Bitting and Michael Holl having been appointed Commissioners by the above named Court to John L. MacDonald providing, to ascertain and determine the compensation to be made to the owners of lands and others interested therein, required to be taken by the said Hastings and Dakota Railway Company for the use and track of its railway line each severally duly sworn on oath do say, and each for himself says that he will faithfully and impartially discharge his duties as Commissioner to ascertain and determine the compensation to be paid by the Corporation hereinbefore named to the respective claimants for lands or interest in lands to be taken for the use of said Company - so help me God.

Subscribed and sworn to before me this

28th day of July A.D. 1880.

Wm. Augustahl, Clerk of Dist Court
Carver Co. Minn.

Robert Patterson
Theodor Bitting
Michael Holl

District Court
Barrow County

In the matter of the applica-
tion of the Hastings and
Dakota Railway Co for
the appointment of Commissioners

Oath of Commissioners —

Filed July 28th A.D. 1880

G. Krayenbuhl
Clerk
for L. Strecken
Deputy.

254,

1 State of Minnesota
2 County of Carver

District Court
Eighth Judicial District

3
4 In the matter of the application of the
5 Hastings and Dakota Railway Company
6 for the appointment of three competent
7 disinterested persons as commissioners
8 to ascertain and determine the compensation
9 to be made by said Company to the owners
10 of land respectively and to all tenants
11 incumbrancers and others interested therein
12 for the taking or injuriously affecting
13 the same by reason of the laying out,
14 constructing operating and maintaining
15 the rail road of said Company upon
16 and across such lands.

17
18 A petition having been duly presented to
19 the above entitled Court and filed with the
20 Clerk thereof on the part of the Hastings and Dakota
21 Railway Company on the 30th day of June A.D. 1880
22 setting forth the names of the owners of land
23 and of the incumbrancers thereon with a
24 description of the lands required by the said
25 Hastings and Dakota Railway Company for
26 the use and track of its Stillwater branch railroad
27 in Carver County in the State of Minnesota. And it
28 appearing that said branch road has been located
29 in said Carver County and that said Railway
30 Company is authorized to build construct and
31 maintain the same as now located in said
32 County. And it also appearing that the said

1 Hastings and Dakota Railway Company
2 have caused notices to be prepared and signed
3 by its Attorney, and directed to the persons
4 named in said petition as owners lien holders
5 or otherwise, and to all whom it may concern
6 therein stating that a petition has been filed
7 by the said Railway Company for the purpose
8 of condemning certain real estate therein
9 particularly described for the use of said
10 Corporation, and specifying the time and
11 place at which the application under said
12 petition will be made for the appointment of
13 Commissioners, and said notice having been
14 duly served on the parties and persons named
15 therein as appears from the Affidavit of
16 J. S. DuToit on file with the Clerk of said
17 above entitled Court.

18 Now therefore on motion of L. L. Baxter, Attorney
19 for the Hastings and Dakota Railway Company
20 it is ordered and considered by this Court
21 that Robert Patterson, Theodore Bittling & Michael Holl
22 be and they hereby are appointed Commissioners
23 to ascertain and determine the damages and
24 compensation to be made to the owners or others
25 interested in said lands, and that said
26 Commissioners shall meet to organize and
27 hold their first meeting on Wednesday
28 the 28th day of July A.D. 1880 at ten o'clock
29 in the forenoon of said day at the office of
30 the Clerk of said Court in the Court House
31 in Chaska Village in said Carver County.
32 And it is further ordered that this order

1 be forthwith entered in the minutes of said
2 Court in the office of said Clerk of said
3 Court at Chaska aforesaid
4 Dated July 26th A.D. 1880

5
6 J. L. MacDonnell
7 Judge 8th Dist
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Wickham Court
Warwick County

In the Matter of the Application
of the Hastings and Dartmouth
Railway Company for the
Appointment of Commissioners
&c.

Order of Court Appointing
Commissioners.

Filed July 26th 1880
And entered Minutes of
Court pages 246 and 247.
Wraymbergh
clerk

Test

STATE OF MINNESOTA,
COUNTY OF CARVER.

District Court—Eighth Judicial District.

In the matter of the application of the Hastings and Dakota Railway Company for the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made by said company to the owners of land respectively and to all tenants, incumbrancers and others interested therein for the taking or injuriously affecting the same by reason of the laying out, constructing, operating and maintaining the railroad of said company upon and across such lands.

To Thomas L. Grace, Linenfelter & Faber, Horace W. Gilmann, Carolina Leongren, Eli Stone, Lucien Warner, Philip Hawk, Lucius Howe, E. L. Howe, Rogers N. Howe, Carlisle Pierce, Elhanan W. Pierce, Jason Dwyer, Peter Winter, Gerhard Leuzon, George Fisher, Charles S. Sykes, Joseph Wunninghoff, Vincent Gies, John Eiden, administrator of the estate of Nicholas Eiden deceased, Titman Leuzon and to all whom it may concern.

You and each of you are hereby notified that a petition has been filed in the office of the Clerk of the District Court in and for the county of Carver in the state of Minnesota at the Court House in the village of Chaska in said Carver County by the Hastings and Dakota Railway Company for the purpose of condemning certain lands and real estate to said Carver County, in said petition particularly verified, for the use of said railway company and corporation, and that the application for the appointment of three competent disinterested persons as commissioners for the purposes in said petition made will be made to the above entitled court, at the chambers of the Judge of said Court in the city of Shakopee, in the county of Scott in the state aforesaid, on Monday the 28. day of July A. D. 1880 at ten o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

Dated, July 1st, 1880.

L. L. BAXTER,
Attorney for the Hastings & Dakota Railway Company.

St. Cloud, Minn.

State of Minnesota
County of Carver ss I, E. Dwyer
being duly sworn on oath
says that he personally served
~~two~~ notice of which the
above and foregoing is a printed
copy on all of the persons
within after named on the 8th day
of July A.D. 1880, to wit
Lincoln and Faber, George Faber, Florian
Linenfelter, Carlisle Pierce, Elhanan W.
Pierce, Joseph Wunninghoff, Vincent Gies
and John Eiden Philip Hawk.

And that said notice was
as aforesaid served on said
persons and each and all
of them in the County of Carver
in the State aforesaid by handing
to and leaving with each
of them a true and correct

Copy of said notice

F. E. Du Toit.

Subscribed and sworn to before me of
this 26th day of July A.D. 1880

J. F. Silley

Justice of the peace

[Faint, illegible text, possibly a stamp or additional signature]

District Court
Curran County

In the matter of the
Appointment of Court
Messengers for the Building
and State Highway Co. &c

Appointed of Service
of notice

Filed July 26th 1880
E. H. Gayman
Clerk

1880

II

1
2 State of Minnesota
3 County of Curm

4 In the matter
5 of the condemnation of land
6 for the Stillwater branch of the Healy
7 and Oukata Railway Company

8
9 Office of Clerk of
10 Court of Curm County
11 New July 28th 1880

12 The Commissioners met at the
13 above named office at 10 o'clock
14 A M July 28th 1880, and each
15 and all duly took the oath
16 of office. They then organized
17 by electing Robert Peterson Clerk

18 Commissioners then adjourned
19 to meet at the farm of the Estate
20 of Nicholas Eden deceased, at
21 One o'clock P M of same day
22 Met at time and place of
23 adjournment and proceeded to
24 examine damage ^{done} said farm
25 fully described in our report
26 and award ~~cost of~~ value
27 Eden Administrator of said
28 Estate appearing in person, Com-
29 missioners then examined lease of
30 Gerhard Lenzon fully described
31 in said report and award, said
32 Lenzon appearing for the claimants

Commissioner then accompanied me
at Chee Ka July 28th at 8 o'clock
A.M.

At which last named place
and the Commissioner met
and proceeded to examine
all other lands mentioned
and described in the said
report and award, and to
make the award the result
of which appears in the said
report.

Commissioner then accompanied

Robert Patterson Chee Commissioner

District Court
Carson County

In the matter of
the condemnation
of land &c by the Hous-
ings & Dakota Ry Co

Minutes of Commission

Filed July 19th 1884,
G. Krueger
clerk,

= 254 =

II

AFFIDAVIT OF PUBLICATION.

STATE OF MINNESOTA, } ss.
COUNTY OF RAMSEY.

J. P. Hall being duly sworn,

deposes and says that the annexed printed copy of notice of Award of Commissioners etc. was taken from the ST. PAUL DAILY GLOBE, a newspaper which during the whole time of publication of said notice hereinafter stated has been and is printed and published in the City of St. Paul, Ramsey County, and State of Minnesota. That the said notice was published in said newspaper for the period of 12 successive times commencing on the 26th day of August 1880 upon which day last mentioned it was first published, and ending on the 6th day of Sept- 1880, on which day last mentioned it was last published, upon which days or times of publication aforesaid the said newspaper was regularly published, and that during the whole time of the said publication he was one of the printers and publishers of the said newspaper.

J. P. Hall

Subscribed and Sworn to before me, this

9th

day of

November

A. D. 1880

Printer's Fee, \$

19.50

James L. McFarlane
Notary Public, Ramsey County, Minn.

NOTICE OF REPORT AND AWARD OF COMMISSIONERS. State of Minnesota, county of Carver - District Court, Eighth Judicial District. In the matter of the application of the Hastings and Dakota Railway Company, for the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made by said Company to the owners of lands respectively, and to all tenants, encumbrancers and others interested therein, for the taking or injuriously affecting the same by reason of the laying out, constructing, operating and maintaining the railroad of said Company upon and across such lands:

To Thomas L. Grace, Linenfelter and Faber, Horace W. Gilman, Carolina Langdon, Eli Stone, Lucien Warner, Phillip Henk, Lucius Howe, E. L. Howe, Rogers N. Howe, Carlisle Pierce, Elhanan W. Pierce, Jason Downer, Peter Winter, Gerhard Lenken, George Faber, Clarissa S. Sykes, Joseph Winikushaff, Vincent Gies, John Elden, administrator of the estate of Nicholas Elden, deceased; Tilmann Lenken, and to all whom it may concern: You and each of you are hereby notified that the report and award of the Commissioners, Robert Patterson, Theodore Bittling and Michael Hall, heretofore duly appointed in the above entitled matter, by the above named court, to ascertain and determine the compensation to be made to the owners, tenants, encumbrancers and others interested, for the taking or injuriously affecting land and real estate in the county of Carver, in the State of Minnesota, required by the said Hastings and Dakota Railway Company for its use in laying out, constructing, operating and maintaining the railroad of said Company, for right of way, was on the fifth day of August, A. D. 1880, duly filed in the office of the Clerk of the above named Court, in Chaska, in said county of Carver, State of Minnesota, and remains on file therein.

HASTINGS AND DAKOTA RAILWAY COMPANY,
By L. L. BAXTER, Attorney for said Company.
280-280

State of Minnesota
District Court
County of Carver,

In the Matter of the Application of
the Hastings & Dakota
Railway Company, for the Appl
of Commissioners &c.

affidavit of publication

Filed November 29th 1884
E. H. Krausenthal
Clerk,

2704

III

State of Minnesota District Court
County of Leavenworth Eighth Judicial District

In the matter of the Application
of the Hastings and Dakota Railway
Company for the appointment of
three competent disinterested
persons as Commissioners to
ascertain and determine the
compensation to be made by said
company to the owners of lands
respectively and to all tenants,
incumbrancers and others in-
terested therein for the taking
or injuriously affecting the
same by reason of the laying out
constructing, operating and
maintaining the said road
of said company upon and
across such lands.

We Robert Patterson, Michael Hall & Thos. Billing
Appointed by the above entitled Court, Commissioners to
ascertain and determine the compensation to be paid
by the said Hastings and Dakota Railway Company
to the respective claimants for lands or in lands in
lands to be taken for the use and track of said
Railway Company, and having duly met and qualified
and organized as required by the law to wit: on the 19th
day of July A. D. 1880, do hereby report, as follows
to wit: That on the 19th day of July 1880 and on
the 29th days of the month and year aforesaid

proceed to examine the lands on the line of the branch
of the road of said Company located and established
by said Dakota and Dakota Railway Company from
a point on its main line in the Town of Dahlgren
County of Cass aforesaid, in said State of
Minnesota, and running from said point in
a North Easterly direction through the Counties
of Cass, Hennepin, Ramsey and Washington
to Stillwater in said Washington County, and
the lands required to be taken by said Railway
Company for the use and track of its said
branch line of Railroad in said Cass County
and to hear the proofs and allegations of the parties
interested in such lands, and the taking of the same
for the purpose aforesaid; and having duly considered
the same, we do find and report as follows; and
Award Damages and Compensation as below stated
to wit:

To the South West Quarter of the South East Quarter of
Section Twelve, Township One hundred and Sixteen
of Range Twenty three, the sum of \$ fifteen
dollars is awarded as dam-
ages to Thomas L. Grace Bishop of St. Paul as owner
thereof for lands necessary and required to be taken
for the use and track of said Railway Company.

To a find and piece twenty nine by twenty eight rods
square on the North West Corner of the North West Quarter
of the North East Quarter of Section thirteen, in Town,
ship One hundred and Sixteen, Range Twenty three, the
sum of ... is a-
warded as damages to Thomas L. Grace, Bishop of St. Paul.

as may be required for lands necessary and required to
be taken for the use and track of said Railway
Company.

To the North West quarter of the North West quarter of
the North West quarter of Section twenty two, and
the North East quarter of the North East quarter
of Section twenty one all in Township one hundred
and fifteen, Range twenty three. The sum of
one hundred and eighty one is awarded
to Eli Stone, as owner thereof, subject however to any
rights that Lucien Mann may have as in and to the
for lands necessary and required to be taken for the
use and track of said Railway Company.

To the South West quarter of the South West quarter
of Section twenty one in Township one hundred and
fifteen, Range twenty three. The sum of two hundred
and thirty dollars is awarded to Lucien
Stone and E. L. Stone, as owners thereof, subject however
to any rights that Royce H. Stone, Philip Stone
and Jos. Winnechuff and Lincolns & Pabst may
have as in and to the for lands necessary and
required to be taken for the use and track of
said Railway Company.

To the South West quarter of Section three in Township
one hundred and fifteen, Range twenty four. The sum
of six hundred and ninety seven dollars is awarded
to the Estate of Nicholas Eiden, dec'd. (John Eiden
Administrator) as owners thereof, subject however to
any rights that Lincolns & Pabst or Virginia Dies

1 may have as incumbrances for lands necessary & required
2 to be taken for the use and track of Solid Rail-
3 way Company.

4 To the North half of the North East quarter of
5 Section Nine. Township 116 North and 15th
6 Range 23. the sum of ~~one hundred and~~
7 ~~seventy~~ **one hundred and** ~~seventy~~ **one hundred and**
8 **seventy** ~~dollars~~ ^{for damages} is awarded to Richard Lingen
9 as owner thereof. Subject however to any right that
10 William Lingen may have as incumbrances for lands
11 necessary and required to be taken for the use
12 and track of Solid Railway Company.

13 To the North West 1/4 of the North East 1/4 of Section
14 fourteen, in Township 116. Range 23. the sum of
15 **fifty cents** is awarded ^{as damages} to Horace W. Billman
16 as incumbrances of land necessary & required to
17 be taken for the use and track of Solid Railway
18 Company.

19 To the South East 1/4 of the South West 1/4 of Section
20 15. Township 116. Range 23. the sum of
21 **fifty cents** is awarded to Caroline Langdon
22 as incumbrances of land necessary & required to be
23 taken for the use and track of Solid Railway Company.

24 To the North 1/2 of the South West 1/4 of Section 21.
25 Township 116. Range 23. the sum of
26 **fifty cents** is awarded to Clarissa S. Sykes
27 as incumbrances of land necessary & required to be
28 taken for the use and track of Solid Railway
29 Company.

To the North $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section
29. Township 116. Range 23. the sum of
~~fifty cents~~ is awarded to Carlisle Pierce
as incumbrancer of land necessary & required to be
taken for the use and track of Soil Railway
Company.

To the South West Quarter of the North East
Quarter of Section Twenty Kind. in Township One,
hundred and Sixteen, Range twenty three, the
sum of ~~ten dollars~~ ~~as damages~~ is awarded
to C. M. Pierce as owner thereof for land necessary
& required to be taken for the use and track of
Soil Railway Company.

To the North West $\frac{1}{4}$ of the North East $\frac{1}{4}$ of
Section 36. in Township 116. Range 24. the sum of
~~fifty cents~~ is awarded to
Jason Downer & Lucien Marnes as incumbrancers of
lands necessary & required to be taken for
the use and track of Soil Railway Company.

All of which is Respectfully Submitted
Dated July 29th 1880

Robert Patterson C. L.
Theodore B. King,
Michael Hall

20
Commence

District Court
Carson County

17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
In the matter of
the Condemnation
of land for the use
and track of the
Hastings and Dakota
Railway Company.

Avoid & Report of
Commissioners

Filed this 5th day of August 1880

J. Hagenbuhl, Clerk
for L. Strickland
Deputy.

= 254 =

1 State of Minnesota
2 County of Carver

District Court
3 4th Judicial District,

4 In the Matter of the petition of the Hastings ^{and} Dakota
5 Railway Company for the appointment of Commissioners
6 to ascertain and determine the compensation to be made
7 the owner and incumbrances of lands required by the
8 Hastings ^{and} Dakota Railway Company for the use and
9 track of said Railway, and for Report Grounds,
10

11 The Report of A. W. Tiffany, Henry Gordon
12 ^{and} Frank Michels Commissioners duly appointed by the above
13 named Court to ascertain and determine the compensation to be
14 made the owner and incumbrances of lands required by the
15 Hastings ^{and} Dakota Railway Company, for the use and track
16 of said Railway ~~Company~~ and for Report Grounds having been
17 shown in the office of the above entitled Court, whereby it appears
18 that the said Commissioners have awarded damages and as
19 compensation to Johann Abraham as owner of that
20 tract or parcel of land and being in the County of Carver
21 State of Minnesota, and known and described as follows,
22 to wit:

23 The West half of the South East Quarter of Section
24 Twenty in Township one hundred and fifteen of Range
25 Twenty three, the Sum of Twenty six dollars for right
26 of way through said tract or parcel of land for the use and
27 track of said Railway, constructed and to be constructed,
28 used and operated over the same, by the said Company
29 and its assigns.

30 Now, therefore, on motion of H. H. Baxter Attorney
31 for said Hastings ^{and} Dakota Railway Company, It is ordered
32

State of Minnesota
District Court
County of Kanab

The Hastings and Dakota
Railway Company
vs

Johann Abraham

Judgment.

Filed November 2nd 1880,
G. Krayenbuhl
Clerk

Judge Book B
p 3

Chas. H. Wadsworth Atty for the
Hastings & Dakota Railway Co.

1 State of Minnesota
2 County of Carver,

3 District Court
4 8th Judicial District,

5 In the matter of the petition of the Hastings and Dakota
6 Railway Company for the Appointment of Commissioners
7 to ascertain and determine the compensation to be made
8 to owner and incumbrancers of lands required by the
9 Hastings and Dakota Railway Company for the use and track
10 of said Railway, and for depot grounds.

11
12 The report of A. W. Tiffany, Henry Gordon and
13 Frank Miessler Commissioners duly appointed by the above
14 named Court to ascertain and determine the compensation
15 to be made the owner and incumbrancers of lands required
16 by the Hastings and Dakota Railway Company for the use and
17 track of said Railway and for depot grounds, having been
18 filed in the office of the above entitled Court, whereby it appears
19 that the said Commissioners have awarded damages, as compensation
20 to Ernst Pappitz, as owner of that tract or parcel of land
21 and being in the County of Carver State of Minnesota, and
22 known and described as follows, to wit:

23 The South East Quarter
24 of South East Quarter Section Thirty four in Township one
25 hundred and fifteen of Range Twenty four the sum of
26 Four hundred and sixty two dollars, for the right of way
27 through said tract or parcel of land for the use and track
28 of said Railway constructed and to be constructed used and
29 operated over the same by the said Company and its assigns.

30 Now, therefore, on motion of W. H. Master Attorney for
31 said Hastings and Dakota Railway Company, It is ordered
32 and adjudged that the said Ernst Pappitz do have, and

1 recover and receive of the said Hastings and Dakota Railway
2 Company the sum of Four hundred and fifty two dollars,
3 for the right of way for the use and travel of said Railway across
4 said tract or parcel of land as mentioned and described in
5 the petition filed in the above entitled Court and that upon
6 paying the said sum of Four hundred and fifty two dollars,
7 or tender or deposit with the clerk of the above entitled Court, of
8 said amount for the use of said Ernst Pappitz or the party
9 legally entitled thereto, an absolute right and title to the exclusive
10 use, control, possession and enjoyment of the right of way over
11 across and through said tract of land above described, for
12 fifty feet in width on each side of the center of its Railway
13 as now located and constructed and to be constructed shall be
14 and become vested in said Hastings and Dakota Railway
15 Company and its assigns for the purpose of right of way
16 and the track of said road or Railway and for all other purposes
17 for which they law it is authorized to title, hold and enjoy
18 the same,

19 By the Court:

G. Krayenbuhl

Clerk

21 Dated Nov. 2^d A.D. 1884.

State of Minnesota
District Court
County of Carver

The Hastings & Dakota
Railway Company
vs

Ernest Rappitz,

Judgment.

Filed November 20th 1880
G. Grayenbuhl
Clerk,

Judge back 13
P. 4

W. H. Baxter Attorney for
H & D. R.R. Co.

1 State of Minnesota }
2 County of Carver, } District Court
3 } 1st Judicial District.

4 In the Matter of the Petition of the Hastings and Dakota
5 Railway Company for the appointment of Commissioners
6 to ascertain and determine the compensation to be made
7 to the owner and incumbrances of lands required by the
8 Hastings and Dakota Railway Company for the use and
9 track of said Railway, and for depot grounds.

11 The report of A. W. Tiffany, Henry Gerdson and
12 Frank Mieseler Commissioners duly appointed by the above
13 named Court to ascertain and determine the compensation to be
14 made the owner and incumbrances of lands required by the Hastings
15 and Dakota Railway Company for the use and track of said Railway,
16 and for depot grounds, having been filed in the office of the above
17 named Court, whereby it appears that the said Commissioners have
18 awarded damages, and as compensation to Lorenz Eichenmiller
19 as owner of that tract or parcel of land and being in the County
20 of Carver State of Minnesota, and known and described as
21 follows, to wit:

23 The North East Quarter of Section Three (3) in
24 Township One Hundred and Fifteen Range Twenty four, the sum
25 of Four hundred dollars, for right of way through said
26 tract or parcel of land for the use and track of said Railway,
27 constructed and to be constructed used and operated over the
28 same, by the said Company, and its assigns.

29 Now, therefore, on motion of H. H. Baxter, Attorney for
30 said Hastings and Dakota Railway Company, It is Ordered
31 and Adjudged that the said Lorenz Eichenmiller do have, and
32 receive of the said Hastings and Dakota Railway Company,

Dated November 2, 1884.

By the Court:

G. Krayenbuhl
Ulrich,

State of Minnesota
District Court
County of Harper,

The Hastings & Dakota
Railway Company
vs
Lewitz Eichenmiller,

Judgment,

Filed November 9th 1880.
G. Krugentuhl
Clerk.

Judge, Book B
p. 5

Chas. H. Webster Attorney for the
Hastings & Dakota Railway Company

State of Minnesota
District Court
County of Cass

The Hastings & Dakota
Railway Company
vs
Joseph Millmann,
Judgment.

Filed November 22nd 1880,
E. Krausentuhl
clerk

Judge Backs
B page 6

Chas. Baxter atty for the
Hastings & Dakota Railway Company,

1 State of Minnesota
2 County of Carver

District Court
1st Judicial District,

3
4 In the Matter of the Petition of the Hastings and Dakota
5 Railway Company for the Appointment of Commissioners
6 to Ascertain and determine the Compensation to be made
7 The owner and incumbrances of land required by the
8 Hastings and Dakota Railway Company for the use and
9 track of said Railway and for Depot grounds.

11
12 The Report of A. W. Tiffany, Henry Gordon and
13 Frank Miesler Commissioners duly appointed by the Above
14 named Court to Ascertain and determine the Compensation to be
15 made the owner and incumbrances of lands required by the Hastings
16 and Dakota Railway Company for the use and track of said Railway
17 and for Depot grounds having been filed in the office of the Above
18 titled Court, whereby it appears that the said Commissioners have
19 awarded Damages, and as Compensation to Joseph Willmann as
20 owner of that tract or parcel of land and being in the County of
21 Carver State of Minnesota, and known and described as follows,
22 To wit:

23 The South East Quarter of the South East Quarter of
24 Section Sixty in Township one hundred and sixteen of Range
25 Twenty three, ^{the sum of thirty dollars.} for the right of way through said tract or parcel
26 of land for the use and track of said Railway constructed
27 and to be constructed used and operated over the same, by the
28 said Company and its assigns.

29 Now, therefore, on motion of C. H. Baxter attorney
30 for said Hastings and Dakota Railway Company, It is ordered
31 and adjudged that the said Joseph Willmann do have and
32 recover and receive of the Hastings and Dakota Railway Company

the sum of Sixteen dollars, for the right of way for the use
and track of said Railway across said tract or parcel of
land, as mentioned and described in the petition filed in the above
entitled writ, and that upon paying the said sum of Sixteen
dollars, or tender or deposit with the Clerk of the above entitled
Court, of said amount for the use of said Joseph Willmann
or the party legally entitled thereto, an absolute right and title
to the exclusive use, control, possession and enjoyment of the
right of way over across and through said tract or parcel
above described, for fifty feet in width on each side of the
center of its Railway, shall be and become vested in said
Hastings & Dakota Railway Company and its assigns
for the purpose of right of way and the track of said road
or Railway and for all other purposes for which by Law
it is authorized to take, hold and enjoy the same.

Dated November 2^d AD 1884.

By the Court:

G. Krzyenbuhl
Clerk,

1 State of Minnesota
2 County of Carver, District Court
3
4 1st Judicial District

5 In the Matter of the Petition of the Hastings and Dakota
6 Railway Company for the Appointment of Commissioners
7 to Ascertain and determine the Compensation to be made
8 the owner and incumbrancers of the lands required by the
9 Hastings and Dakota Railway Company for the use and
10 tracks of said Railway and for Depot Grounds.

11
12 The report of A. W. Tiffany, Henry Gersten
13 and Frank Mielcher Commissioners duly appointed by the above
14 named Court to Ascertain and determine the Compensation to be
15 made the owner and incumbrancers of lands required by the
16 Hastings and Dakota Railway Company for the use and track
17 of said Railway, and for Depot Grounds having been filed in the
18 office of the above entitled Court whereby it appears that the said
19 Commissioners have awarded damages and as compensation to
20 John Hendricks Schoolmaster as owner and to Carlisle Pierce
21 as incumbrancer of that tract or parcel of land and being in
22 the County of Carver State of Minnesota, and known and described
23 as follows, to wit:

24 The North half of the North East Quarter
25 of Section Twenty nine in Township One hundred and Sixteen
26 Range twenty three, the sum of Three hundred and twenty
27 four dollars, for right of way through said tract or parcel
28 of land for the use and track of said Railway constructed and
29 to be constructed, used and operated over the same by the said
30 company, and its assigns.

31 Now, therefore, on motion of H. H. Baxter
32 Attorney for said Hastings and Dakota Railway Company

1 It is Ordered and Adjudged that the said John Plendrick
2 Schoolmaster and Carlisle Price, Duham and Meador and receive
3 of the said Hastings and Ballata Railway Company the sum
4 of Three hundred and twenty four dollars, for the right of way
5 for the use and track of said Railway across said tract or
6 parcel of land, as mentioned and described in the petition filed
7 in the above entitled Court, and that upon paying the said
8 sum of Three hundred and twenty four dollars, or tending or
9 deposit with the Clerk of the above entitled Court, of said amount
10 for the use of said John Plendrick Schoolmaster, or the party
11 legally entitled thereto, an absolute right and title to the exclusive
12 use, control, possession and enjoyment of the right of way over
13 across and through said tract of land above described, for fifty
14 feet in width on each side of the center of its Railway as now
15 located and constructed and to be constructed, shall be and become
16 vested in said Hastings and Ballata Railway Company and
17 its assigns for the purpose of right of way and the track of
18 said road or Railway, and for all other purposes for which
19 by Law it is authorized to take, hold and enjoy the same.
20 Dated November 21st 1880.

By the Court:

21
22 G. Graymire
23 Clerk,
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31
32

State of Minnesota
District Court
County of Carver,

The Hastings & Dakota
Railway Company
vs

John Hendrich Schoolmaster,

Judgment.

Filed November 29th 1880.
G. W. B. Schuch,
Clerk.

Judge book B
page 7

J. H. Baxter Attorney for the
Hastings & Dakota Railway Co.

1 State of Minnesota
2 County of Carver, *W* District Court
3 8th Judicial District,
4

5 In the Matter of the Petition of the Hastings *and* Dakota
6 Railway Company for the Appointment of Commissioners
7 to ascertain and determine the compensation to be made
8 the owners and incumbrancers of lands required by the
9 Hastings *and* Dakota Railway Company for the use and
10 track of said Railway and for depot grounds,
11

12 The report of A. W. Tiffany, Henry Gordon *and*
13 Frank Wiseler Commissioners duly appointed by the above
14 named Court to ascertain and determine the compensation
15 to be made the owners and incumbrancers of lands required by
16 the Hastings *and* Dakota Railway Company for the use and track
17 of said Railway and for depot grounds, having been filed in
18 the office of the above entitled Court, whereby it appears that the
19 said Commissioners have awarded damages and as compensation
20 to Diedrich Lensen as owner of that tract or parcel of
21 land and being in the County of Carver State of Minnesota
22 and known and described as follows, to wit:

23 The South West
24 Quarter of North East Quarter of Section nine in Township
25 one hundred and fifteen of Range twenty four, the sum
26 of one hundred and twenty dollars, for right of way
27 through said tract or parcel of land for the use and track
28 of said Railway constructed and to be constructed used and
29 operated over the same by the said Company and its assigns.

30 Now, therefore, on motion of W. H. Baxter Attorney for
31 said Hastings *and* Dakota Railway Company, it is ordered
32 and adjudged that the said Diedrich Lensen do have, and

1 receive and receive of the said Hastings and Wallata Railway
2 Company, the sum of one hundred and twenty dollars,
3 for the right of way for the use and track of said Railway across
4 said tract of land, as mentioned and described in the
5 petition filed in the above entitled court and that upon paying
6 the said sum of one hundred and twenty dollars, in tender
7 or deposit with the clerk of the above entitled court, of said
8 amount for the use of said Diedrich Herken, an absolute
9 right and title to the exclusive use, control, possession and
10 enjoyment of the right of way over across and through said
11 tract of land above described, for fifty feet in width on each
12 side of the center of its Railway as now located and constructed
13 and to be constructed shall the land become vested in said
14 Hastings and Wallata Railway Company and its assigns
15 for the purpose of right of way and the track of said road or
16 Railway and for all other purposes for which by law it is
17 authorized to take, hold and enjoy the same.

18 Dated November 2^d, AD 1880

19 By the court: G. Krayenbuhl
20 clerk.
21
22
23
24
25
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28
29
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31
32

State of Minnesota
District Court

County of Ramsey

The Hastings & Dakota
Railway Company
vs

Gudrich Lentzen,

Judgment.

Filed November 12th 1880,
G. H. Graymuhl
Clerk,

Judg book B.
page 9

G. H. Baxter Atty for the
Hastings & Dakota Railway Co.

1 State of Minnesota
2 County of Carver *M* District Court
3 8th Judicial District

4
5 In the Matter of the Petition of the Hastings and Dakota
6 Railway Company for the Appointment of Commissioners to
7 ascertain and determine the compensation to be made for the
8 money and incumbrances of lands required by the Hastings
9 and Dakota Railway Company for the use and track of said
10 Railway, and for depot grounds.

11
12 The Report of A. W. Piffenny, Henry Gordon and
13 Frank Michael Commissioners duly appointed by the above
14 named Court to ascertain and determine the compensation to be
15 made for the money and incumbrances of lands required by the
16 Hastings and Dakota Railway Company for the use and track of the
17 said Railway, and for depot grounds, having been filed in the Office
18 of the above entitled Court, whereby it appears that the said
19 Commissioners have awarded damages for compensation to John
20 Pfleger as owner of the tracts or parcels of land and being in the
21 County of Carver State of Minnesota, and known as described
22 as follows, to wit:

23 The South East Quarter of the South East Quarter
24 and the South half of South East Quarter and the South East
25 Quarter of the South West Quarter of Section Eight in Township
26 one hundred and fifteen of Range Twenty four, the sum
27 of Twelve hundred and sixty three dollars for the right of way
28 through said tracts or parcels of land for the use and track
29 of said Railway, constructed and to be constructed, used and operated
30 over the same, by the said Company and its assigns,

31 Now, therefore, on motion of H. G. Baxter Attorney
32 for said Hastings and Dakota Railway Company, It is ordered

1 And adjudged that the said John Pflieger, do have, and recover
2 and receive of the said Hastings & Dakota Railway Company
3 the sum of Twelve hundred and sixty three dollars, for the
4 right of way for the use and track of said Railway across said
5 tracts or parcels of land as mentioned and described in the petition
6 filed in the above entitled Court and that upon paying the
7 said John Pflieger the said sum of Twelve hundred and
8 sixty three dollars, or tender or deposit with the clerk of the
9 above entitled Court, of the said amount for the use of said
10 John Pflieger or the party legally entitled thereto, an absolute
11 right and title to the exclusive use, control possession and
12 enjoyment of right of way over across and through said tracts
13 of land above described for fifty feet in width on each side
14 of the center line of its Railway as now located and constructed
15 and to be constructed, shall be and become vested in said Hastings
16 and Dakota Railway Company and its assigns for the purpose
17 of right of way and the track of said road or Railway, and
18 for all other purposes for which by law it is authorized to
19 take, hold and enjoy the same,

20 Dated November 20th 1880,

21 By the Court:

22 J. A. Kreyenbuhl
23 Clerk,

State of Minnesota
District Court
County of Carver,

The Hastings and Dakota
Railway Company
vs
John Pflieger,

Judgment.

Filed November 2nd 1880,
Exrayentuhl
Judg book B.
page 10

H. H. Master Attorney for the
Hastings and Dakota Railway Co.

1 State of Minnesota
2 County of Carver
3
4 District Court
5 Eighth Judicial District.

6 In the matter of the petition of the Hastings and Dakota
7 Railway Company for the appointment of Commissioners
8 to ascertain and determine the compensation to be made
9 the owner and incumbrancers of land required by the
10 Hastings and Dakota Railway Company for the use and
11 track of said Railway and for report grounds,

12 The Report of Robert Patterson, Michael Hall
13 and Theodore Betting Commissioners duly appointed by the above
14 named Court to ascertain and determine the compensation to be
15 made the owner and incumbrancers of land required by the
16 Hastings and Dakota Railway Company for the use and track
17 of said Railway and for report grounds having been filed in
18 the office of the above entitled Court, whereby it appears that the
19 said Commissioners have awarded damages and as compensation
20 to Eli Stone as owner of that tract or parcels of land and being
21 in the County of Carver State of Minnesota and known and
22 described as follows, to wit:

23 The West half of the North West ^{quarter} of the
24 North West Quarter of Section Twenty two, and South of East Quarter
25 of North East Quarter of Section Twenty one Township one
26 hundred and fifteen of Range twenty three, the sum
27 of one hundred and sixty one dollars for right of way
28 through said tract or parcels of land for the use and track
29 of said Railway constructed and to be constructed and
30 reported under the same by the said Company, and its assigns.
31 Now therefore on motion of W. H. Baxter Attorney for
32 said Hastings and Dakota Railway Company, It is ordered

1 And Adjudged that the said Eli Stone do have and recover
2 and receive of the said Hastings and Dakota Railway Company
3 the sum of One hundred and Sixty one dollars, for the right of
4 way for the use and track of said Railway across said tracts
5 or parcels of land as mentioned and described in the petition
6 filed in the above entitled Court and that upon paying the
7 said sum of One hundred and Sixty one dollars, or tender or
8 deposit with the Clerk of the above entitled Court, of said Amount
9 for the use of said Eli Stone, an absolute right and title to
10 the exclusive use, control, possession and enjoyment of the right
11 of way over across and through said tracts of land above
12 described, for fifty feet in width on each side of the center of
13 its Railway as now located and constructed and to be
14 constructed shall be and become vested in said Hastings
15 and Dakota Railway Company and its assigns for the purpose
16 of right of way and the track of said road or Railway and
17 for all other purposes for which by law it is authorized
18 to take, hold and enjoy the same.

19 Dated November 9th A.D. 1880.

20 By the Court:

21 *G. W. Weyenbuhl*
22 Clerk,
23
24
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State of Minnesota
District Court
County of Carver,

The Hastings & Dakota
Railway Company
vs
Eli Stone,

Judgment,

Filed November 2nd 1880,
E. H. Wray Clerk,
Judge Book B,
page 11

H. H. Baxter Attorney for the
Hastings & Dakota Railway Co.,

State of Minnesota
County of Carver

District Court
Eighth Judicial District.

In the matter of the petition of the Hastings and Dakota
Railway Company for the appointment of Commissioners to
ascertain and determine the compensation to be made the
owner and incumbrances of lands required by the Hastings
and Dakota Railway Company for the use and track
of said Railway and for depot ground.

The report of Robert Patterson, Michael Hall
and Theodore Betting Commissioners duly appointed by the above
named Court to ascertain and determine the compensation
to be made the owner and incumbrances of lands required
by the Hastings and Dakota Railway Company for the use and
track of said Railway and for depot ground having been
filed in the office of the above entitled Court whereby it appears
that the said Commissioners have awarded damages and as
compensation to E. W. Pierce a owner of that tract or parcel
of land being in the County of Carver State of Minnesota and
known and described as follows, to wit:

The South West
Quarter of the South East Quarter of Section Twenty Nine
in Township One hundred and sixteen of Range twenty three
the sum of Ten dollars, for right of way through said
tract or parcel of land for the use and track of said Railway
constructed and to be constructed used and operated over the
same by the said Company and its assigns.

Now, therefore, in motion of H. H. Baxter Attorney for
said Hastings and Dakota Railway Company, It is ordered
and adjudged that the said E. W. Pierce, do have and

1 receiver and receive of the said Hastings and Dakota Railway
2 Company the sum of Ten dollars, for the right of way for
3 the use and track of said Railway across said tract or parcel
4 of land as mentioned and described in the petition filed in the
5 above entitled Court and that upon paying the said sum
6 of Ten dollars or tender or deposit with the Clerk of the above
7 entitled Court of said amount for the use of said E. W. Pierce
8 an absolute right and title to the exclusive use control possession
9 and enjoyment of the right of way over across and through
10 said tract of land above described, for fifty feet in width
11 on each side of the center of its Railway as now located
12 and constructed and to be constructed shall be and become
13 vested in said Hastings and Dakota Railway Company and
14 its assigns for the purpose of right of way and the track of
15 said road or Railway and for all other purposes for
16 which it is authorized to take hold and enjoy the same,
17 Dated November 2nd 1880.

18 By the Court:

19 ——— W. W. Weyenbuhl
20 Clerk,
21
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State of Minnesota
District Court
County of Carver

The Hastings and Dakota
Railway Company
vs
E. W. Pierce,

Judgment.

Filed November 2nd 1880.
E. W. Krausmühl Clerk,
Judg book B.
page 12

W. L. Baxter Atty for the
Hastings and Dakota Railway Co.

1 State of Minnesota
2 County of Carver District Court
3 Eighth Judicial District

4
5 In the matter of the petition of the Hastings and Dakota
6 Railway Company for the Appointment of Commissioners
7 to ascertain and determine the compensation to be made the
8 owner and incumbrances of lands required by the
9 Hastings and Dakota Railway Company, for the use and
10 track of said Railway and for Depot grounds.

11
12 The report of Robert Patterson, Michael Hall
13 and Theodore Betting Commissioners duly appointed by the above
14 named Court to ascertain and determine the compensation to be
15 made the owner and incumbrances of lands required by the
16 Hastings and Dakota Railway Company for the use and track
17 of said Railway and for Depot grounds, having been filed
18 in the office of the above entitled Court, whereby it appears that the
19 said Commissioners have awarded damages and as compensation
20 to Gerhard Hansen as owner of that tract or parcel of land
21 and being in the County of Carver State of Minnesota and known
22 and described as follows, to wit:

23 The North half of the North
24 East Quarter of Section Nine in Township One hundred and
25 Fifth of Range Twenty four, the sum of one hundred
26 and twenty dollars, for right of way through said tract
27 or parcel of land for the use and track of said Railway -
28 constructed and to be constructed used and operated over the
29 same by the said Company, and its assigns.

30 Now therefore, Judgment of H. H. Baxter Attorney
31 for said Hastings and Dakota Railway Company. It is ordered
32 and adjudged that the said Gerhard Hansen, do have

1 And receive of the said Hastings and Dakota Railway
2 Company the sum of one hundred and seventeen dollars for
3 the right of way for the use and track of said Railway across
4 said tract of land as mentioned and described in the
5 petition filed in the above entitled Court and that upon
6 paying the said sum of one hundred and seventeen dollars
7 or tender or deposit with the Clerk of the above entitled Court
8 of said amount for the use of said Gerhard Kerten, an absolute
9 right to the exclusive use, control, possession and enjoyment
10 of the right of way over across and through said tract of land
11 above described, for fifty feet in width on each side of the
12 center of its Railway as now located and constructed and
13 to be constructed shall be and become vested in said
14 Hastings and Dakota Railway Company and its agents
15 for the purpose of right of way and the track of said road
16 or railway, and for all other purposes for which by law
17 it is authorized to take hold and enjoy the same.

18 Dated November 2^d, AD 1880,

19 By the Court:

20 *Krayentuhl*
21 Clerk,

State of Minnesota
District Court
County of Leavenworth

The Hastings & Dakota
Railway Company
vs
Gerhard Lenzon,

Judgment.

Filed September 22nd 1886,
E. Krayenbuhl
Clerk,

Judge Book 12

p 13

The undersigned Attorney for the
Hastings & Dakota Railway Co.,

1 State of Minnesota
2 County of Carver District Court
3 Eighth Judicial District,
4

5 In the Matter of the petition of the Hastings and Dakota
6 Railway Company for the Appointment of Commissioners
7 to Ascertain and determine the Compensation to be made
8 the owner and incumbrancers of lands required by the
9 Hastings and Dakota Railway Company for the use and
10 track of said Railway and for Depot Grounds.

11
12 The Report of Robert Patterson, Michael Holt
13 and Theodore Betting Commissioners, duly appointed by the above
14 named Court to Ascertain and determine the Compensation
15 to be made the owner and incumbrancers of lands required
16 by the Hastings and Dakota Railway Company for the use and
17 track of said Railway and for Depot grounds having
18 been filed in the office of the above entitled Court, whereby it
19 appears that said Commissioners have awarded damages
20 and as Compensation to Lucius Howe and C. H. Howe
21 as owners of said tract or parcel of land and being in the County
22 of Carver State of Minnesota and known and described as
23 follows, to wit:

24 The South West Quarter of the South West quarter
25 of Section Twenty one in Township one hundred and Sixty
26 of Range twenty three, the sum of Two hundred and thirty
27 dollars for the right of way through said tract or parcel of
28 land for the use and track of said Railway constructed and to
29 be constructed used and operated ~~over~~ the same by the Said
30 Company, and its assigns.

31 Now, therefore on motion of H. H. Baxter
32 Attorney for said Hastings and Dakota Railway Company,

1 His Orderd ^{and} Adjudged that the said Lucius Howe ^{and}
2 E. H. Howe do have and recover and receive of the said
3 Hastings ^{and} Dakota Railway Company the sum of Two
4 hundred ^{and} thirty dollars (subject however to any rights that
5 Rogers H. Howe Philip Henk Joseph Birmingham ^{and} himself
6 ^{and} Faber may have as incumbrances) for the right of way
7 for the use and track of said Railway across said tract or
8 parcel of land as mentioned and described in the petition filed
9 in the above entitled Court and that upon paying the said sum
10 of Two hundred and thirty dollars or tender or deposit with
11 the Clerk of the above entitled Court of said amount for the use
12 of said Lucius Howe ^{and} E. H. Howe or the incumbrances entitled
13 thereto an absolute right and title to the exclusive use control
14 possession and enjoyment of the right of way over across
15 and through said tract or parcel of land above described,
16 for fifty feet in width on each side of the center of its
17 Railway as now located and constructed and to be constructed
18 shall be and become vested in said Hastings ^{and} Dakota
19 Railway Company and its assigns for the purpose of right
20 of way and the track of said road or Railway and for all
21 other purposes for which by law it is authorized to take,
22 hold and enjoy the same.

23 Dated November 2^d A.D. 1880.

24 By the Court:

Wrayenbuhl

26 Clerk,

State of Minnesota
District Court
County of Carver,

The Hastings and Dakota
Railway Company
vs
Lucius Howe and
E. L. Howe,

Judgment.

Filed November 22nd 1880,
G. Krayenbuhl
Clerk,
Judge Backus

Pr. 14

Chas. H. Baxter Attorney for the
Hastings and Dakota Railway Co.,

#1

8

John Pflieger.

854+03

256

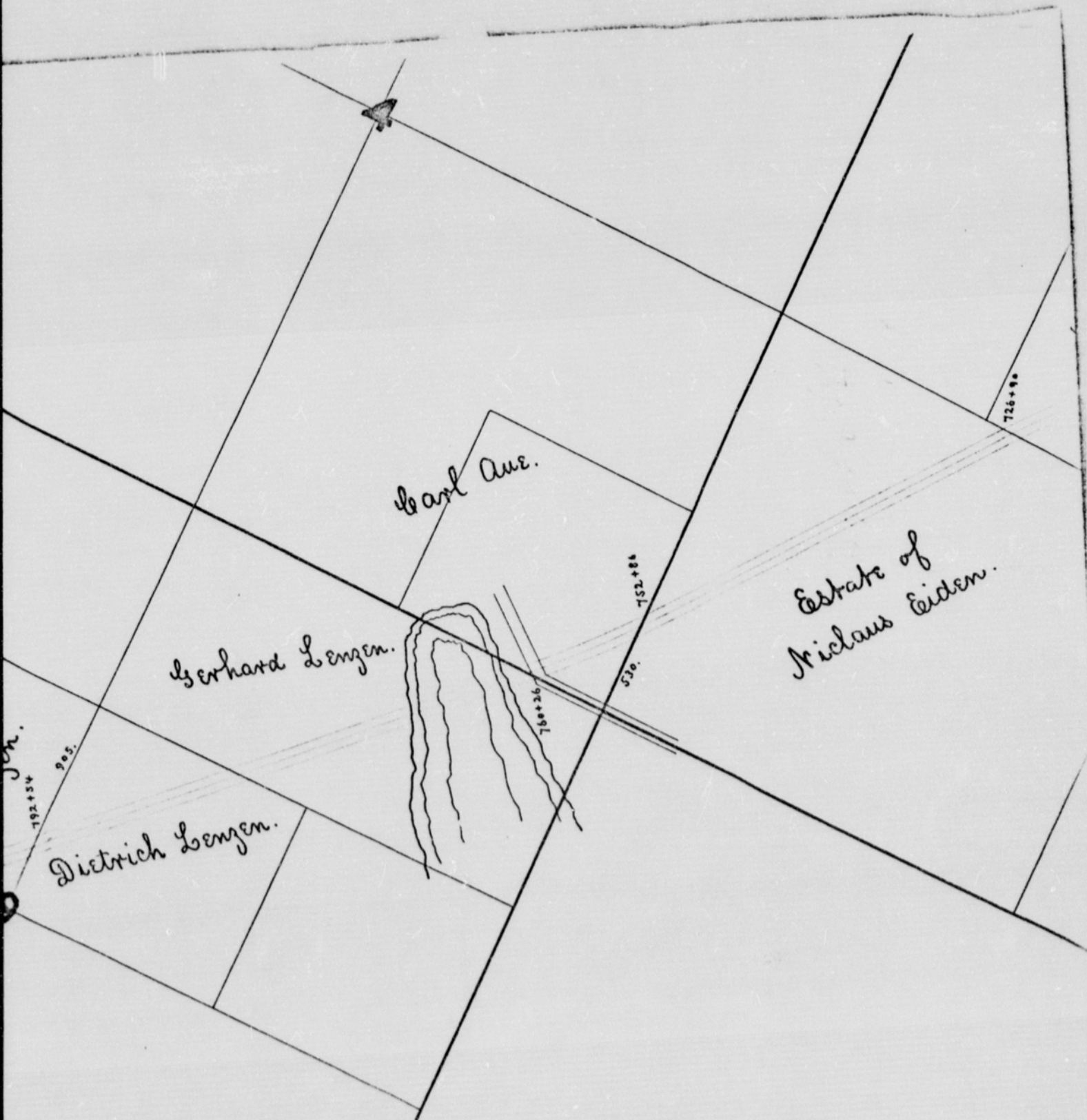
814+14

1297

Smithy

17

#2



#3

H. Hoff.

Ernst Poppitz.

Mathias Kuntz.

Lorenz Eichmiller.

S. Kaufmann.

Susa

Township
Township

T. 115 S. R. 24 W.

#4

S E. 1/4

Wendelin Gr

Manuel.

Geo. Ulmer.

616 + 22

25

Louis Wolff

Joseph

Ess.

Jos. Schindler.

36

Road - 10 in

Andreas

Range 24 N.
Range 23 N.

#5

J. S. Eitel
or
Linenfelser and Faber.

30

Joseph Hillmann.

Albert Eitel.

Michael

Kessler.

498 + 28

20

HC

LOT 3

21

Leonard Kochman.

LOT 4.

LAH

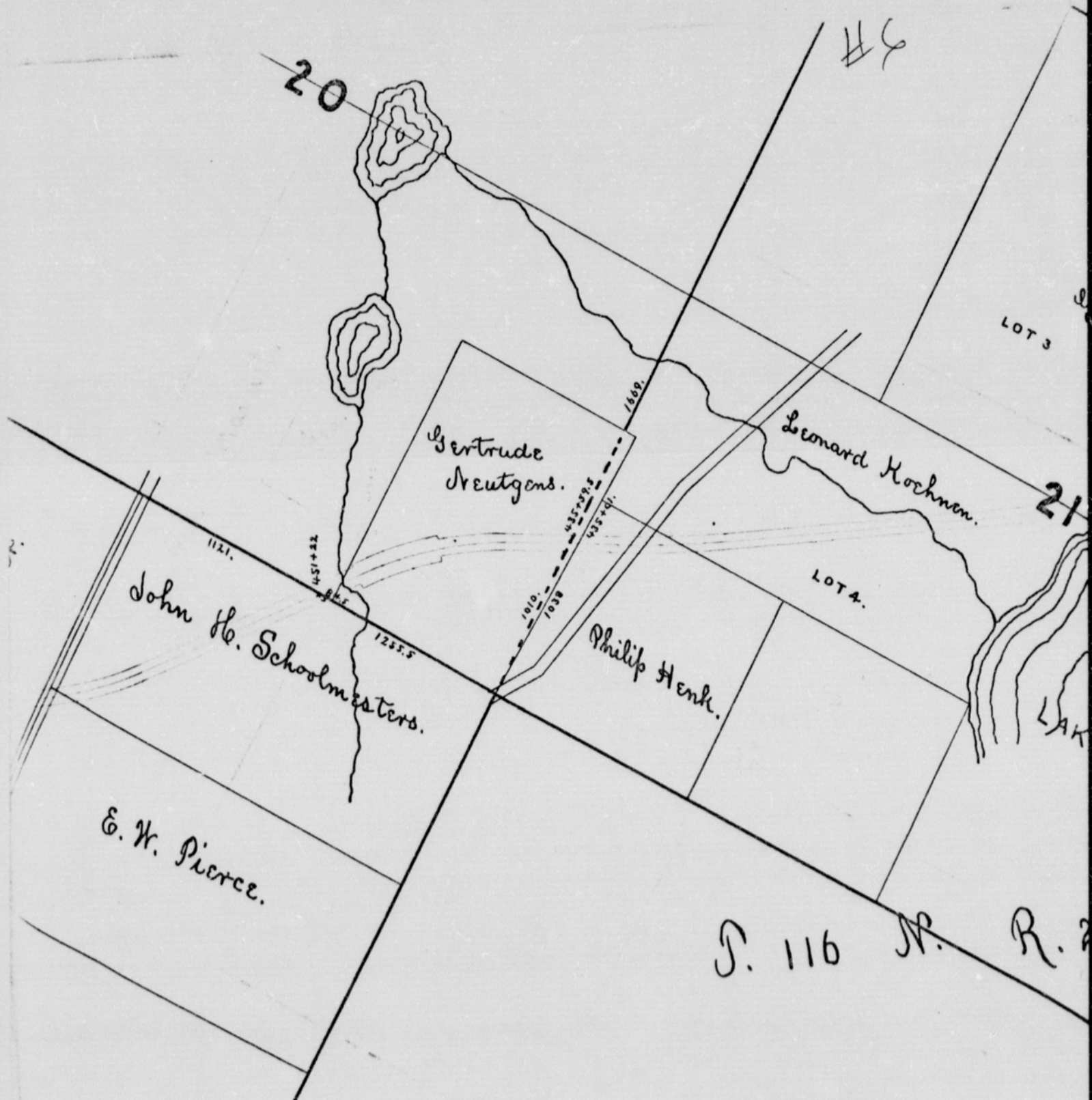
Gertrude Neutgens.

Philip Henke.

John H. Schoolmesters.

E. W. Pierce.

S. 116 N. R. 2



#7

15

Martin Roesser.

Henry Aspdon.

Eli Stone

John Simons.

Fredk & Gustav.

W. N. Fuller.

22

389+03

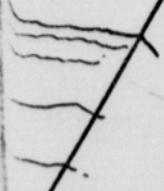
272+54

14 P.T.

256

1184.

1662.



20

#8

Timmers

Fred'k Kalm.

204.470

229.

Frank and Franziska
Picha.

229.470

John Geiser.

14

Peter Rosser.

#9

12

LONG LAKE

Garret Co.
Hennepin Co.

Thos. L. Grace.

Wm. Bongard.

1385.

1220.

J.P. Rosbach

T.L.G.

Nicholaus Rosbach.

Henry Pauly.

13

No. 1300

DISTRICT COURT,
CARVER COUNTY, MINN.

Nicholas Kuebach
Plaintiff.

The Hastings & Dakota
Railway Company
Defendant.

L. L. Baxter
Plaintiff's Attorney,
applicants

Defendant's Attorney.

Date of Entry June 24 1880
Cauthers
Register of Actions A Page 255

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

Herald Pub. Co., Chaska, Minn.

Appeal

State of Minnesota,

COUNTY OF *Carver*

ss.

DISTRICT COURT,

Eight Judicial District.

In the matter of the petition and application of the *Hastings and Dakota* Railway Company, to condemn certain real property in the County of *Carver* and State of Minnesota, filed in said court on the *24th* day of *May* A. D. 1880

Nicholas Rossbach

Claimant and Respondent.

versus

The Hastings and Dakota Railway Company

Petitioner and Appellant.

STATE OF MINNESOTA,

County of Hennepin.

ss.

Friedrich E. Du Toit

being duly sworn, says that at *Chaska* in the County of *Carver* in the State of Minnesota, on the *26th* day of *June* A. D. 1880,

he personally served a true copy of the notice of the appeal in the above entitled matter upon

Nicholas Rossbach

the above named respondent, by then and there delivering in hand to and leaving with

said respondent such copy of the said notice of appeal, and that he then and there personally knew

. the person so served to be the respondent therein named.

Subscribed and sworn to before me, this *8th* day of *July*

A. D. 1880.

F. E. Du Toit
Francis B. Bailey
Notary Public
Hennepin County
Minn.

District Court - ⁴
Eighth Judicial District

In the matter of the
Petition of the Hastings
and Dakota Railway
Company

Nicholas Roszbach
vs

Hastings and Dakota
Railway Company

Affidavit of service
of notice of appeal

Filed July 10th A.D. 1880,
Wraymull
Clerk.

255

State of Minnesota, }

DISTRICT COURT,

COUNTY OF

Carver

JUDICIAL DISTRICT.

In the matter of the petition and application of the

Hastings and Dakota

Railway

Company to condemn certain real property in the County of

Carver

and State of Minnesota, filed in the said court on the

24th

day of

May

A. D. 1880.

Nicholas Rosback

Claimant and Respondent,

vs.

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

To

Nicholas Rosback

You and each of you are hereby notified that the above named petitioner, the

Hastings

and Dakota

Railway

Company appeals to the District Court in and for the County of

Carver

8th

Judicial District, State of Minnesota, from that part or portion of the award of the

Commissioners, made and filed in the above entitled matter, on the

24

day of

June

A. D. 1880, which awards to

Nicholas Rosback

as owner, subject

to the liens of

as incumbrancers, the sum of

Three Hundred and eighteen

Dollars, as

compensation for damages and injury to the

North east quarter of the North west-
quarter (except ten acres in the north east corner) of
Section thirteen in Township One hundred and
Sixteen Range twenty three

by reason of the taking of land necessary and required to be taken for the use and tracks of said Railway
Company for the following reasons, and upon the following grounds, viz:

1st, That the said company deem the said award ^{and report} unjust and excessive and the amount of compen-
sation to be paid to the above claimant, more than
the damage or injury to said property

2nd, That said commissioners did not allow
in reduction of the damages sustained by the
above named claimant the benefit accruing
to said claimant by the construction of said
road

Dated this

24

day of

June

A. D. 1880.

L L Bayler

Attorney for Appellant.

Upon reading the award in the within entitled matter and the within notice of appeal and accompanying affidavit, ordered that the appellant deposit in this Court the sum of *Three hundred and eighty* Dollars, the amount awarded to the within named respondent, to abide the result of the appeal and the further order of the Court thereon; also that appellant give bond on appeal, as provided by statute, the penalty of which is hereby fixed at *Three hundred and fifty* Dollars, and that upon such deposit and the giving of such bond, all proceedings by the respondent upon the award, except to appeal therefrom, be stayed for twenty days.

Dated June *24* 1880.

J. L. McDonald
Judge.

DISTRICT COURT,

Carm County.

In the matter of the petition of the *Haskys*

Railway Company, filed in said Court on the *24*

day of *May* A. D., 188*0*

Nicholas Rosbach

The Haskys & Dakota
Railway Company

NOTICE OF APPEAL.

Filed, June 24th 1880.
Applicant

Attest.
200

State of Minnesota,

DISTRICT COURT,

COUNTY OF *Carver*

ss.

4th Judicial District.

In the matter of the petition and application of the

Hastings and Dakota

Railway Company, to condemn certain

real property in the County of *Carver* and State of Minnesota, filed in said court

on the *24* day of *May* A. D. 188*9*.

Nicholas Rossbach

Claimant and Respondent.

versus

*The Hastings and Dakota
Railway Company*

Petitioner and Appellant.

Know all Men by these Presents, That we *Shurbum S. Merrill* for
and in behalf of the above named appellant

as principal and *Hugh F. Harrison and Charles H.
Snor*

as sureties, are held and firmly bound unto

Nicholas Rossbach

above named in the sum of *Three hundred and fifty* Dollars,

to be paid to the said *Nicholas Rossbach*

for 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 *23d* day of *June* A. D. 188*0*.

The condition of this bond is such that whereas, the said *Hastings and
Dakota Railway Company*
appeals to the District Court of said County of *Carver* from that part or portion of the
award report
award of the Commissioners appointed in the above entitled matter; made therein, and filed in said court on
the *24* day of *June* A. D. 188*0*, awarding to said respondent the sum
of *Three hundred and eighteen* Dollars damages as compensation
for the taking or injuriously affecting the land of said Respondent by the said Appellant, for railroad purposes.

Now Therefore, if the said appellant *the Hastings and Dakota Railroad Company* shall prosecute its said appeal without delay, and abide the order the said court may make on such appeal, and pay the costs of said appeal if it should fail therein, then this obligation to be null and void, otherwise of force and effect.

In Testimony Whereof, we have hereto set our hands and seals, the day and year aforesaid.

IN PRESENCE OF

W. B. Bailey
W. B. Bailey

W. B. Bailey
W. B. Bailey



STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Be it known that on this *23rd* day of *June* A. D. 188*0*, personally appeared before me *Shubane S. Merrill* *Hugh G. Hamson and Charles H. Prior* to me well known to be the same persons who executed the foregoing bond, and they severally acknowledged the same to be their free act and deed, and that they executed the same for the uses and purposes therein expressed.

W. B. Bailey

Notary Public,
Hennepin County, Minn.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Hugh G. Hamson and *Charles H. Prior*

being each duly sworn, doth each for himself depose and say:

That he is a freeholder and a resident of the State of Minnesota, and that he is worth the sum of *Three hundred and fifty* Dollars, named in the foregoing bond, over and above his just debts and liabilities, and exclusive of property exempt from execution.

Subscribed and sworn to before me this *23rd* day of *June* A. D. 188*0*.
W. B. Bailey
Notary Public, Hennepin Co. Minn.

W. B. Bailey
W. B. Bailey



DISTRICT COURT,

County

In the matter of the application of the

Hastings and Dakota

Railroad Company, filed

A. D. 1880.

Nicholas Conbush

VERSUS

The Hastings and Dakota
Railroad Company

Filed, June 24th 1880.
Nicholas Conbush

BOND ON APPEAL.

To hereby approve the
within bond this 24
day of June A.D. 1880
J. L. Magdonald

Attorneys for Petitioners.

W. B. Bailey

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

The Hastings and Dakota Railway Company - Appellant.

against

N. Rosbach

- Respondent.

It is hereby stipulated by, and between, the parties to the above entitled action, that the above named Appellant withdraws from the clerk of the above named Court, the sum awarded to the above named Respondent in the above entitled matter, which award was filed with said clerk in his Office on the 24th day of June A.D. 1880; said matter having been settled and compromised; and also that the appeal herein be dismissed without cost to either party.

Dated Oct. 7th 1880.

L L Bayler
Attorney for Hastings and
Dakota Railway Company
Appellant
vs
N Rosbach
Respondent

I District Court. No 4.
Carver County.

The Hastings & Dakota Railway Company
vs.

N. Rossbach

Stipulation for Dismissal,

Filed October 15th 1880,
C. W. Graymunkel
(Clerk)

1880

No. 1301

DISTRICT COURT,
CARVER COUNTY, MINN.

William Bengard
Plaintiff.
Resp.

The Hastings & Dakota Railway
Company
Defendants

L. L. Baister
Plaintiff's Attorney,
appellant

Defendant's Attorney.

Date of Entry

June 24 1885
Court Reg. A

Register of Actions

Page 255

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

Herald Pub. Co., Chaska, Minn.

appeal
Appellant

Brandenburg	375-
Henry Paul	210
H. Rosback	255-

840,

\$840.⁰⁰

Chenka, October 15th 1880
Chickasha,

Received of Gustave Wrayenbuhl, Clerk
District Court, the sum of Eight hundred and
forty dollars, being the amounts paid to the
named persons herein, as part of the awards allowed
by the Commissioners as per report filed June 24th
1880.

487. ⁰⁰	W Brandenburg	\$ 3. ⁰⁰	L L Baxter
7.62 ⁰⁰	Henry Rudy	" 210.	Atty for Hastings &
318. ⁰⁰	Rich Rumbach	" 255	Arkata Railway
<u>1067.⁰⁰</u>			Company
840			
\$227. ⁰⁰ balance			
		= \$ 840. ⁰⁰	

1880.

W. H. Baxter Atty
for the Hastings and Dakota
Railway Company.

\$840.⁰⁰ Receipt

No 32 - \$395.00 C. Brandenburg
" 3 = " 210.00 H. Pardy
" 4 = " 235.00 N. Ruppach
\$840.00 -

255 & 1/2

1 State of Minnesota }
2 County of Carver }

District Court.
Eighth Judicial District

3
4 The Hastings and Dakota Railway
5 Company - Appellants }
6 - Against. }
7 William Bongard - Respondent }

8
9 It is hereby stipulated and agreed by and between
10 the parties to the above entitled action that the above
11 named Appellant be and is hereby is authorized to
12 withdraw the amount deposited with the Clerk of
13 the above named Court under the award made in
14 favor of the above named Respondent which award
15 was filed June 24th A.D. 1880 the above entitled
16 matter having been settled and compromised
17 And it is further stipulated that the appeal
18 in the above entitled matter is hereby dismissed
19 without costs to either party.

20 Dated Oct 9th 1880 Wm Bongard.
21 Respondent

22 L L Burt
23 Atty for Hastings
24 and Dakota Railway
25 Company Appellant
26
27
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✓ *Hale of Minnesota* No. 1.
District Court
County of Levee,

*The Hastings and Dakota
Railway Company* aspt.

William Bongards Rapt.

Stipulation for dismissal.

Filed October 19th 1888

G. Krayenbuhl
Clerk

205

No. 1302

DISTRICT COURT,
CARVER COUNTY, MINN.

John Peter Rusbach
Plaintiff
Respondent

vs.
The Hastings & Dakota
Railway Company
Defendant
Appellant

L. L. Barton
Plaintiff's Attorney
Appellant

Defendant's Attorney.

Date of Entry June 24 1880
Cause No. A
Register of Actions Page 255

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

Herald Pub. Co., Chaska, Minn.

Appeal

\$489.⁰⁰

Chaska, October 14th 1880
(Clerk Rappin).

Received of G. Krayenbuhl, Clerk and Hunt
the sum of four hundred and eighty dollars
being the amounts paid to John P. Rappach
and Lewis Dimmick in the amount of
compensation by their report filed June
24th 1880.

L. L. Rappach

City Meetings and
Duluth Railway Company
O

255.00

295

480

144

1880

2.

J. H. Baxter
Agent for the Hastings & Ashcroft
Railway Company

\$480.00 Receipts

Filed October 17 1880
G. H. Graymuhl
Clerk

Re

255-1256

District Court. 2.
Barren County.

The Hastings and Dakota Railway Company
vs.

J. P. Rosbach.

Plaintiff for Dismissal.

Filed, October 14th 1880
G. Krugmuhl
Clerk.

State of Minnesota,
COUNTY OF *Carver* }

DISTRICT COURT,
8th Judicial District.

In the matter of the petition and application of the

Hastings and Dakota

Railway Company, to condemn certain

real property in the County of *Carver* — and State of Minnesota, filed in said court

on the *24* day of *May* A. D. 188*0*.

John Peter Rosback

Claimant ~~and~~ Respondent.

VERSUS

*The Hastings & Dakota Railway
Company*

Petitioner and Appellant.

Know all Men by these Presents, That we

*Sheldon S. Murrie in
behalf of said appellant*

as principal and

*Charles H. Brin and Hugh
J. Harrison*

as sureties, are held and firmly bound unto

John Peter Rosback

above named in the sum of

Three hundred and Fifty Dollars,

to be paid to the said

John Peter Rosback

for 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 *22nd* day of *June* A. D. 188*0*.

The condition of this bond is such that whereas, the said

*Hastings and
Dakota Railway Company*

appeals to the District Court of said County of *Carver* — from that part or portion of the
and report

award of the Commissioners appointed in the above entitled matter; made therein, and filed in said court on

the *24* day of *June* A. D. 188*0*, awarding to said respondent the sum

of *Three hundred and twenty eight* Dollars damages, as compensation

for the taking or injuriously affecting the land of said Respondent by the said Appellant, for railroad purposes.

Now Therefore, if the said appellant *the Hastings and Dakota Railway Co.* shall prosecute its said appeal without delay, and abide the order the said court may make on such appeal, and pay the costs of said appeal if it should fail therein, then this obligation to be null and void, otherwise of force and effect.

In Testimony Whereof, we have hereto set our hands and seals, the day and year aforesaid.

IN PRESENCE OF

B. B. Fillan
F. B. Bailey

S. Smith
W. H. Harrison
C. H. Prior



STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Be it known that on this *22^d* day of *June* A. D. 188*0*, personally appeared before me *Sherburne M. Morris* *Charles H. Prior* and *Hugh G. Harrison* to me well known to be the same persons who executed the foregoing bond, and they severally acknowledged the same to be their free act and deed, and that they executed the same for the uses and purposes therein expressed.

Francis B. Bailey

Notary Public,
Hennepin County, Minn.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Charles H. Prior

and

Hugh G. Harrison

being each duly sworn, doth each for himself depose and say:

That he is a freeholder and a resident of the State of Minnesota, and that he is worth the sum of *Three hundred and fifty* Dollars, named in the foregoing bond, over and above his just debts and liabilities, and exclusive of property exempt from execution.

Subscribed and sworn to before me this *22* day of *June* A. D. 188*0*.

Francis B. Bailey

Notary Public, Hennepin Co. Minn.

C. H. Prior
H. G. Harrison



DISTRICT COURT,

County

In the matter of the application of the

Hastings & Dakota

Railroad Company, filed

A. D. 1880.

John P. B. Roubek

versus

The Hastings & Dakota

Railroad Company

Filed June 24th 1880

Appropriate

BOND ON APPEAL.

To receive above the
within bond the 24
day of June 1880

J. L. MacDonnell

Attorneys for Petitioners.

W. H. Harrison

State of Minnesota,

COUNTY OF Carver

ss.

DISTRICT COURT,

Eighth Judicial District.

Hastings and Dakota.

In the matter of the petition and application of the

~~Railway Company~~

Railway Company, to condemn certain

real property in the County of Carver

and State of Minnesota, filed in said court

on the 24th day of May A. D. 1880

John Peter Rossbach

Claimant and Respondent.

versus

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

STATE OF MINNESOTA,

County of Hennepin.

ss.

Frederick E. Du Sait

being duly sworn, says that at Chaska in the County of Carver

in the State of Minnesota, on the 26th day of June A. D. 1880

he personally served a true copy of the notice of the appeal in the above entitled matter upon

John Peter Rossbach

the above named respondent, by then and there delivering in hand to and leaving with

said respondent such copy of the said notice of appeal, and that he then and there personally knew

the person so served to be the respondent therein named.

Subscribed and sworn to before me, this 8th day of July

A. D. 1880.

Francis B. Bailey

Notary Public

Hennepin County,
Minn.

District Court ⁿ
Eighth Judicial
District

In the matter of the
petition of the Hastings
and Dakota Railway
Company

Filed May 24, 1880

John Peter Rosbach

vs

Hastings and Dakota
Railway Company

Affidavit of Service
of Notice of Appeal

Filed July 10th 1880
Wm. H. Hays
755
Clerk

State of Minnesota, }
COUNTY OF *Carver*

DISTRICT COURT,

Eighth

JUDICIAL DISTRICT.

In the matter of the petition and application of the

Hastings and Dakota

- Railway

Company to condemn certain real property in the County of

Carver

and State of Minnesota, filed in the said court on the

27

day of

May

A. D. 1880.

John Peter Rossbach

Claimant Respondent,

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To

John Peter Rossbach

You and each of you are hereby notified that the above named petitioner, the

Hastings
and Dakota

Railway

Company appeals to the District Court in and for the County of

Carver

Eighth

Judicial District, State of Minnesota, from that part or portion of the award of the

and report

Commissioners, made and filed in the above entitled matter, on the

27

day of

June

A. D. 1880, which awards to

John Peter Rossbach

as owner, subject

to the liens of

~~as incumbrances,~~

the sum of

Three hundred and twenty eight

Dollars, as

compensation for damages and injury to the

North east

quarter of the North West

quarter

of the North West

quarter section thirteen in township one hundred

and sixteen Range twenty three

by reason of the taking of land necessary and required to be taken for the use and tracks of said Railway Company for the following reasons, and upon the following grounds, viz:

1st, That said Company claim said award and report unjust and excessive and the amount of compensation to be paid the above claimant were more than the damage or injury to said property.

2nd, That said Commissioners did not allow in reduction of the damages sustained by the above named claimant the benefit accruing to said claimant by the construction of said road.

Dated this

27

day of

June

A. D. 1880.

L L Bayler

Attorney for Appellant.

Upon reading the award in the within entitled matter and the within notice of appeal and accompanying affidavit, ordered that the appellant deposit in this Court the sum of *Three hundred and Twenty Eight* Dollars, the amount awarded to the within named respondent, to abide the result of the appeal and the further order of the Court thereon; also that appellant give bond on appeal, as provided by statute, the penalty of which is hereby fixed at *Three hundred and fifty* Dollars, and that upon such deposit and the giving of such bond, all proceedings by the respondent upon the award, except to appeal therefrom, be stayed for twenty days.

Dated June *24* 1880.

J. L. MacDonald
Judge.

DISTRICT COURT,

Carver

County.

In the matter of the petition of the

Hastings & Dakota

Railway Company, filed in said Court on the *24*

day of *May*

A. D. 1880.

John E. R. Roesch

The Hastings and Dakota Railway Company

NOTICE OF APPEAL.

Filed, June 1st 1880
Applicant *Robert*
255-2

No. 1303

DISTRICT COURT,
CARVER COUNTY, MINN.

Henry Pauly
Plaintiff.
Respondent

The Hastings & Dakota
Railway Company
Defendant.

L. P. Baxter
Plaintiff's Attorney,
appellant

Defendant's Attorney.

Date of Entry June 24 1880
Court Rec. A Page 255
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

Herald Pub. Co., Chaska, Minn.

Appeal

State of Minnesota.
County of Carver.

District Court.
Eighth Judicial District.

The Hastings and Dakota Railway Company - Appellant.

against

Henry Pauly

- Respondent

It is hereby stipulated by, and between, the parties to the above entitled action that the above named Appellant withdraws from the clerk of the above named court the sum awarded to the above named Respondent in the above entitled matter, which award was filed with said clerk in his office on the 24th day of June, A.D. 1880; said matter having been settled and compromised; and also that the appeal herein be dismissed without costs to either party.

Dated Oct. 9th 1880.

L L Dexter
Atty for Hastings and
Dakota Railway Com-
pany Appellant
Henry Pauly
Respondent

no 3.
District Court,
County of Lawrence.

The Hastings and Dakota Railway Company

vs.

Henry Pauly.

Stipulation for dismissal,

Filed October 9th 1880.
G. Wraymull
(clerk)

155

State of Minnesota, }
COUNTY OF *Carver* } ss.

DISTRICT COURT,

Eighth Judicial District.

In the matter of the petition and application of the . . . *Hastings and* . . .
Dakota Railway Company, to condemn certain

real property in the County of *Carver* and State of Minnesota, filed in said court
on the . . *24th* . . day of *May* . . A. D. 1880

Henry Lauly

Claimant and Respondent.

versus

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

STATE OF MINNESOTA, }

County of Hennepin. } ss.

Frederick E. DuLoit

being duly sworn, says that at *Chanhassen* in the County of *Carver*
in the State of Minnesota, on the . . *6th* . . day of *July* A. D. 1880.

he personally served a true copy of the notice of the appeal in the above entitled matter upon

Henry Lauly

the above named respondent, by then and there delivering in hand to and leaving with

said respondent such copy of the said notice of appeal, and that he then and there personally knew

. the person so served to be the respondent
therein named.

F. E. DuLoit.

Subscribed and sworn to before me, this . . . *8th* . . day of *July*

A. D. 1880.

Francis B. Bailey

Notary Public,

Hennepin County,
Minn.

District Court ³
Eighth Judicial
District -

In the matter of the
Petition of the Hastings
& Dakota Railway
Company filed May
24, 1880

Henry Pauly
vs

Hastings & Dakota
Railway Company

Affidavit of service
of Notice of Appeal

Filed July 11th A.D. 1880
Wm. A. B. B. Clerk,
255

State of Minnesota, }
COUNTY OF *Carver* - } ss.

DISTRICT COURT,
8th Judicial District.

In the matter of the petition and application of the *Hastings and Dakota*
Railway Company, to condemn certain
real property in the County of *Carver* and State of Minnesota, filed in said court
on the *24* day of *May* A. D. 188 *0*

Henry Pauly Claimant & Respondent.
VERSUS

The Hastings and Dakota Railway
Company
Petitioner and Appellant.

Know all Men by these Presents, That we *Sherburne & Merrill* in
behalf of said appellant

as principal and *Charles H. Prior and Hugh G.*
Harrison

as sureties, are held and firmly bound unto *Henry Pauly*

above named in the sum of *Three hundred* Dollars,
to be paid to the said *Henry Pauly*

for 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 *22nd* day of *June* A. D. 188 *0*.

The condition of this bond is such that whereas, the said *Hastings and*
Dakota Railway Company
appeals to the District Court of said County of *Carver* from that part or portion of the
award of the Commissioners appointed in the above entitled matter; made therein, and filed in said court on
the *1st* day of *June* A. D. 188 *0*, awarding to said respondent the sum
of *Two hundred and Sixty Two* Dollars damages, as compensation
for the taking or injuriously affecting the land of said Respondent by the said Appellant, for railroad purposes.

Now Therefore, if the said appellant *the Hastings and Dakota Railway Company* shall prosecute its said appeal without delay, and abide the order the said court may make on such appeal, and pay the costs of said appeal if it should fail therein, then this obligation to be null and void, otherwise of force and effect.

In Testimony Whereof, we have hereto set our hands and seals, the day and year aforesaid.

IN PRESENCE OF

J B Gilfillan
T B Bailey

S S Munn
W G Hammon
C H Prior



STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Be it known that on this 22 day of June
A. D. 1880, personally appeared before me *Shuburn Merrie*
Charles H. Prior and Hugh G. Harrison
to me well known to be the same persons who executed the foregoing bond, and they severally acknowledged the same to be their free act and deed, and that they executed the same for the uses and purposes therein expressed.

Francis B. Bailey
Notary Public,
Hennepin County, Minn.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Charles H. Prior and *Hugh G. Harrison*
being each duly sworn, doth each for himself depose and say:

That he is a freeholder and a resident of the State of Minnesota, and that he is worth the sum of
Three hundred Dollars, named in
the foregoing bond, over and above his just debts and liabilities, and exclusive of property exempt from execution.

Subscribed and sworn to before me this 22
day of June A. D. 1880.
Francis B. Bailey
Notary Public, Hennepin Co. Minn.

C H Prior
W G Hammon



31
DISTRICT COURT,

Carm County

In the matter of the application of the

Hastings and Dakota

and Company, filed May 24
A. D. 1880.

Henry Bailey

versus
The Hastings & Dakota
Railway Company
Filed June 24th 1880.
Attorneys for the Plaintiff

BOND ON APPEAL.

To receive above the
within and this 24
day of June A.D. 1880
J. L. Macdonald
Attorneys for Petitioners.

Attorneys for Petitioners.

-25-

State of Minnesota, }
COUNTY OF Leaver

DISTRICT COURT,

8th JUDICIAL DISTRICT.

In the matter of the petition and application of the

Hastings and Dakota

Railway

Company to condemn certain real property in the County of

Leaver

and State of Minnesota, filed in the said court on the

24th

day of

May

A. D. 1880.

Henry Pauly

Claimant and

Respondent,

The Hastings and Dakota
Railway Company

Petitioner and

Appellant.

To

Henry Pauly

You and each of you are hereby notified that the above named petitioner, the

Hastings and Dakota

Railway

Company appeals to the District Court in and for the County of

Leaver

8th

Judicial District, State of Minnesota, from that part or portion of the award of the

Commissioners, made and filed in the above entitled matter, on the

24th

day of

and report
June

A. D. 1880, which awards to

Henry Pauly

as owner, ~~subject~~

~~to the liens of~~

~~as incumbrances~~, the sum of

Two hundred and sixty two

Dollars, as

compensation for damages and injury to the

North west quarter of the North east-
quarter (except 5 acres) of section thirteen in township
one hundred and sixteen Range twenty three

by reason of the taking of land necessary and required to be taken for the use and tracks of said Railway Company for the following reasons, and upon the following grounds, viz:

1st, That the said Company deem the said
award ~~unjust~~ ^{and report} and excessive and the
amount of compensation to be paid the
above claimant more than the damage
or injury to said property.

2nd, That said commissioners did not
allow in reduction of damages sustained
by the above named claimant the benefit
accruing to said claimant by the con-
struction of said road.

Dated this

24

day of

June

A. D. 1880.

L. L. Baxter

Attorneys for Appellant.

Upon reading the award in the within entitled matter and the within notice of appeal and accompanying affidavit, ordered that the appellant deposit in this Court the sum of *Two hundred and sixty two* Dollars, the amount awarded to the within named respondent, to abide the result of the appeal and the further order of the Court thereon; also that appellant give bond on appeal, as provided by statute, the penalty of which is hereby fixed at *Three hundred* Dollars, and that upon such deposit and the giving of such bond, all proceedings by the respondent upon the award, except to appeal therefrom, be stayed for twenty days.

Dated June *24* 1880.

J. L. McDonald
Judge.

DISTRICT COURT,

Leavenworth County.

In the matter of the petition of the *Hastings and Dakota*

Railway Company, filed in said Court on the *24* day of *May* A. D., 1880.

Henry Landry

The Hastings and Dakota Railway Company

NOTICE OF APPEAL.

Filed June 24th 1880

Appellant

200.