



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

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

No. 1313

DISTRICT COURT,
CARVER COUNTY, MINN.

Eli Stone et al
Plaintiff.
Resp.

The Hastings & Dakota
Railway Company
Defendant.
app.

L. L. Baxter
Plaintiff's Attorney.
app.

Defendant's Attorney.

Date of Entry June 24 1880
Circuit No. A Page 257
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.

RR right of way

\$491.⁰⁰

Chaska, October 11th 1880
Clerk's Office,

Received of Gustave Brazenbuhl Clerk
District Court, the sum of four hundred and
seventy one dollar, being in full the
Amount by Commissioners to John Thomas
by their report filed June 24th 1880,

John Thomas \$491.⁰⁰
full amount
—

A. B. Rogers
Agent for the Hastings & Dakota
Railway Company,

A. B. Rogers

13.

~~A. B. Rogers~~

only for the Hastings and
Warwick Railway Company.

\$441.00 Receipt,

John, Secretary 11th Nov 1880
G. Wraymire
delivered,

~~Chanharran Sept 26th 1880~~
To the clerk of the Dist. Court for
the 8th Judicial District
in

I have this day
conveyed to the Hastings and Dakota
Railway Co. by deed of conveyance
the Right of way across Lots Two (2)
and Three (3) of Section Twenty one
(21) in Township one hundred and
Sixteen (116) of Range Twenty Three (23)
and you are hereby authorized to
pay to A. B. Rogers for said Company the
sum awarded and deposited in
said Court as damages to said
premises -

Geo. M. Powers.

Paid
Abby
OK

1880

no 16

Geo. W. Brown

\$ 411.00

Sept 18. 1880.

Paid to A. B. Rogers
by check No. 2.

Filed, Sept 18th 1880
G. W. Brown
Chas.

258.

Chamberson Sept 21st/80
To the Clerk of the Dist. Court
8th Judicial District
Sir

I have this day conveyed
a deed of conveyance to the
Hastings and Dakota Railway Company.
the Right of Way across Lot one (1)
in Section twenty one (21) in
Township one Hundred and Sixteen
(116) of Range Twenty Three (23)
town of Chamberson - and
you are hereby authorized to pay to
A. B. Rye - for said Company
the sum awarded to me and
deposited in said court as
damages to said premises -

Wm. C. Fuller

Paid
A B Rogers
Apt

Nov. 15.

Wm. H. Fuller

\$ 131.00

Sept 28, 1880. Paid to
A B Rogers, by check
No. 2.

Yield Sept 28th to 1880
Gibson and Lusk
Adm.

1891

State of Minnesota
County of Carver.

District Court
Eighth Judicial District.

In the Matter of the Applications of the Hastings and Dakota
Railway Company for the Appointment of three Competent dis-
interested persons as Commissioners to ascertain and determine
the compensation to be made by said Company to the Owner of
upland respectively and to all tenants incumbrances and
others interested therein for the taking uninjuriously affecting
the same by reason of the laying out constructing operating
and maintaining the said rail road of said Company upon
and across such lands.

Received of Gustave Wenzelbuhl Clerk District Court
the sum of Two hundred and eighty four dollars, being
the Amount of the Awards made by the Commissioners duly
appointed in said Matter, by their report filed in the
Office of the said Clerk on the 24th day of June, A.D. 1880 -
to Eli Stone and Co. W. Pierce which Awards were
set aside and cancelled by Order of Court dated August
27th A.D. 1880 and filed September 6th A.D. 1880. the above
Amount ^{\$284.00} having been deposited with said Clerk at the
time of the filing of the Report of said Commissioners.

Dated at Charles, this ^{24th} day of September, A.D. 1880.

A. B. Rogers

Engineer and Agent for
Hastings & Dakota Railway Co.

1880

In the Matter of the Application
of the Hastings and Wallatu
Railway Company

to
Eli Stone and Lucien Warner
vs. W. Pierce

Ward Eli Stone \$263.00
" W. Pierce " 21.00

Total \$284.00

Paid Sept 24th 1880
to A. B. Rogers, Aug
School No 1,

257.1088.



WRITE THE ADDRESS ON THIS SIDE - THE MESSAGE ON THE OTHER

G Krayenbuhl Esq
Chaska
Minn

At the request of Eli Stone I write
to state that I consider the mort-
gage given me by him would be
amply secured by what remains of
his place after deducting that
portion, & consequent damages, taken
by the N & D RR Co
St Paul Dec 15-1880

Yours truly
Lucien Warner

\$161.⁰⁰

Charles Carver Cummin

December 18th AD 1880, Clerk's Office,

Received of Gustav Weygenbahl, Clerk Dist Court, the sum of One
hundred and sixty one dollars, being the amount of award in full
for right of way across the West half of North West Quarter of North
West Quarter Section Twenty two and North East Quarter of North East Quarter
Section Twenty one, in Township One hundred and fifteen of Range
Twenty three, taken by the Hastings and Dakota Railway Company
for its road, and in consideration of said sum I hereby Grant and
convey to said Railway Company the strip of land hereinbefore
described, and all my right, title and interest in and to the same.
Dated Cheyenne, December 16th AD 1880.

Eli Stone
Frederic M Stone

14
Ali Hone and wife

Receipts \$161.⁰⁰

Arrendin full by Commissionary
in the Matter of the Hastings
and Dakota Railway Company

Filed, December 18th 1880
G. Wraymuhl
Clerk,

754

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. 188*0*

Eli Stone and
Lucien Warner
Claimants 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 *St Paul* in the County of *Ramsey*
in the State of Minnesota, on the *7th* day of *July* A. D. 188*0*,
he personally served a true copy of the notice of the appeal in the above entitled matter upon
Eli Stone Lucien Warner

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. 188*0*.

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

14

DISTRICT COURT.

Carver

County

in the matter of the application of the

Hastings and
Dakota

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

Eli Stone et al.

versus.

Hastings and
Dakota Railway
Company

Affidavit of Service of Notice of Appeal.

Filed July 14th A. D. 1880
W. H. Krausenthal
Clerk

Attorneys for Petitioners.

254

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 the said court on the

24th

day of May

A. D. 1880.

Eli Stone and Lucien Warner

Claimant and

Respondent,

vs.

The Hastings and Dakota
Railway Company
Petitioners and

Appellant.

To

Eli Stone and Lucien Warner

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

and report

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

24

day of

June

A. D. 1880, which awards to

Eli Stone

as owner, subject

to the liens of

Lucien Warner

as incumbrancers, the sum of

Two hundred and sixty three

Dollars, as

compensation for damages and injury to 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 thirty one Twp. 10 N.
R. 10 E. S. 10 E.

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, during the said award and
report, unjust and excessive and the amount of com-
pensation to be paid the above claimant
more than the damage or injury to said property

2nd,

That said commissioners did not allow in re-
duction of 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. Bayles

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 *Five hundred and sixty three* 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,

Carver 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.

W. L. Stone et al.

VERSUS

The Hastings and Dakota Railway Company

NOTICE OF APPEAL.

*Filed June 24th 1880,
C. W. Brown & Co. Attorneys,
St. Paul, Minn.*

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 *24th* day of *June* A. D. 188*0*.

Eli Stone and Lucien Warner

Claimants and Respondent.

VERSUS

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

Know all Men by these Presents, That we *Shubert Merrill*

in behalf of said appellant

as principal and *Charles A. Brin and Hugh G. Huerter*

as sureties, are held and firmly bound unto *Eli Stone and Lucien Warner*

above named in the sum of *Three hundred* Dollars,
to be paid to the said *Eli Stone and Lucien W*

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 *22d* 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 *14* day of *June* A. D. 188*0*, awarding to said respondent the sum
of *Two hundred and sixty three* 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. Gilligan
F. B. Bailey
W. B. Harrison
C. W. Prior
SEAL
SEAL
SEAL
SEAL

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 *Shubert J. Purcell* *Charles A. 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 A. 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^d* day of *June* A. D. 188*0*.
Francis B. Bailey
Notary Public, Hennepin Co. Minn.
C. W. Prior
H. G. Harrison
SEAL
SEAL

14.
DISTRICT COURT,

Carver County

In the matter of the application of the

Hastings & Dakota R.R.

May 29.
Railroad Company, filed
A. D. 1880.

Ed. Stansbury

the Hastings & Dakota
Railroad Company

BOND ON APPEAL.

I hereby approve the
written bond filed this 24
day of June A.D. 1880
J. L. McDougall
Judge

Attorneys for Petitioners.

John T. Jones
Wm. H. Jones
1880.

No. 1314

DISTRICT COURT,
CARVER COUNTY, MINN.

W. H. Fuller
Plaintiff
app.

The Hastings & Dakota
US.
Railway Company
Defendant.
app.

L. P. Baxter
Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry *June 24, 1888*
Court *Reg* *A* Page *257*
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 } 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

W. N. Fuller
Claimant and Respondent.
VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

STATE OF MINNESOTA, }
County of Hennepin. } ss. Fredrick E. Du Toit
being duly sworn, says that at . . . Chanhassen . . . in the County of . . . Carver . . .
in the State of Minnesota, on the . . . 7th . . . day of . . . July . . . A. D. 1880,
he personally served a true copy of the notice of the appeal in the above entitled matter upon . . .

W. N. Fuller
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.

15,

DISTRICT COURT.

Carver

County

in the matter of the application of the
Hasting and
Dakota

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

W. N. Fuller

VERSUS.

Hasting and Dakota
Railway Company

Affidavit of Service of Notice of Appeal.

Filed July 11th 1880,
J. H. Kreyenbuhl
Clerk

Attorneys for Petitioners.

1880

State of Minnesota, } ss.

DISTRICT COURT,

COUNTY OF

Carver

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

24

day of

May

A. D. 1880.

W. W. Fuller

Claimant and

Respondent,

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To

W. W. Fuller

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

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

24

day of

June

A. D. 1880, which awards to

W. W. Fuller

as owner, subject

to the liens of

as incumbrancers, the sum of

Two hundred and thirty one

Dollars, as

compensation for damages and injury to the

Section one in section twenty one

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 demand said award, and report unjust and excessive, and the amount of compensation to be paid the above named 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. Bayles

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 *two hundred and thirty one* 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 *two 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,

Deuel County.

In the matter of the petition of the

Hastings and Dakota

Railway Company, filed in said Court on the *27*

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

W. W. Fuller

versus

*The Hastings and
Dakota Railway
Company*

NOTICE OF APPEAL.

*Filed June 24 1880
G. W. Cunningham
Clerk.*

257.

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 *24th* day of *May* A. D. 188*0*.

W. W. Fuller
Claimant and Respondent.

VERSUS

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

Know all Men by these Presents, That we

Sheldon S. Murrell

on behalf of said appellee

as principal and

Charles W. Brim and Hugh G. Harrison

as sureties, are held and firmly bound unto

W. W. Fuller,

above named in the sum of

Two hundred and fifty

Dollars,

to be paid to the said

W. W. Fuller

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

22^d 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

24

day of

June

A. D. 188*0*,

awarding to said respondent the sum

of

Two hundred and thirty one

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 Gillilan
F B Bailey

B S Merrill
W G Harmon
C H Prior

SEAL
SEAL
SEAL
SEAL

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

Be it known that on this *22* day of *June* A. D. 188*0*, personally appeared before me *Shirburn S Merrill* *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 *Two 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
W G Harmon

SEAL
SEAL

DISTRICT COURT,
Carver County
In the matter of the application of the
Hastings and Dakota
Railroad Company, filed *May 14*
A. D. 1880.

W A Fuller
versus
The Hastings and Dakota
Railroad Company

BOND ON APPEAL.

I hereby approve the
return of said bond
day of June 4 1880
J L Moody

Attorneys for Petitioners.
John J. Jones
Edgar M. Smith
1880

No. 1315

DISTRICT COURT,
CARVER COUNTY, MINN.

George M. Powers
Plaintiff
Resp.

The Hastings & Dakota
Railway Company
Defendant.
app.

L. L. Barter
Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry June 24, 1880
Court Reg. A Page 258
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 } 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. 1888

George M. Powers

Claimant and Respondent.

VERSUS

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

STATE OF MINNESOTA,

County of Hennepin.

ss. Fredrich E. Du Toit

being duly sworn, says that at

Chanhassen

in the County of Carver

in the State of Minnesota, on the

24th

day of June

A. D. 1880,

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

George M. Powers

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

16

DISTRICT COURT.

Carver

County

in the matter of the application of the

Hastings and
Dakota

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

George M. Powers

versus.

Hastings and
Dakota Railway
Company

Affidavit of Service of Notice of Appeal.

Filed July 10th 1880.
Wm. Graymire
Clerk

Attorneys for Petitioners.

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 *24* day of *May* A. D. 1880.

George M. Powers

Claimant and Respondent,

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To *George M. Powers*

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

Eighth

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

George M. Powers

as owner, subject

to the liens of

~~as incumbrancers~~, the sum of

Ninety

Dollars, as

compensation for damages and injury to the

lots two and three in Section Twenty
one 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 have said
award unjust 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 compensation reduction of the damages
sustained by the above named claimant by
the construction being it accruing to said claimant
by the construction of said road

Dated this

24

day of

June

A. D., 1880.

L. L. Baxter

Attorney for Appellant.

Dated June 24 1880.

J. L. McDonald
Judge.

DISTRICT COURT,

County.

In the matter of the petition of the
 Cecil Dakota

Railway Company, filed in said Court on the 24th

A. D. 1880.

May

George M. Powers

*The Hastings and
Tehota Railway
Company*

NOTICE OF APPEAL.

July, June 24th a 25th 1889.
 Christopher Emanuel Conrad
 258

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. 1880.

George M. Pears
Claimant and Respondent.

VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

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

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

as sureties, are held and firmly bound unto

George M. Pears

above named in the sum of One hundred Dollars,

to be paid to the said George M. Pears

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 22^d day of June A. D. 1880.

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. 1880, awarding to said respondent the sum

of Ninety 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
H. Gilfillan
F. B. Bailey

S. S. Merrill
W. G. Hammon
C. W. Prior



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

Be it known that on this *22nd* day of *June*, A. D. 188*0*, personally appeared before me *Shurburn S. Merrill*, *Hugh G. Hammon* 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.

Francis B. Bailey

Notary Public,
Hennepin County, Minn.

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

Hugh G. Hammon 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 *One 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. 188*0*.
Francis B. Bailey
Notary Public, Hennepin Co. Minn.

C. W. Prior
W. G. Hammon



167
DISTRICT COURT,

Carver County

In the matter of the application of the

Hastings and Dakota

24 *th*
Railroad Company, filed
A. D. 1880.

John M. Perry

versus
The Hastings & Dakota
Railway Company

BOND ON APPEAL.

I hereby approve the within bond this 24 day of June A.D. 1880
J. L. McDonald
Judge

Attorneys for Petitioners.

Filed, June 24th 1880
Attorneys for Respondent

No.

1316

DISTRICT COURT,
CARVER COUNTY, MINN.

Leonard Macdonald et al.

Plaintiff
resp.

The Hastings & Dakota
Railway Company

Defendant.
app.

L. L. Borters

Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry

June 24 1880

Register of Actions

A

Page 258

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

Charles James Cassin

Clerk of Court, October 4, 1880

\$600.⁰⁰

Received of G. K. Kreyenbuhl
Clerk District Court, the sum of Six hundred
dollars, being the amount in full for
the award made by the Commissioners, by
their report filed June 24th 1880, to Leonard
Kochmen.

L. L. Banta
Attorney for the Hastings
and Selkirk Railway
Company

1880

17

C. C. Baxter
Attorney for the
Hudson's Bay & Northern
Railway Company.

Sho. ^{no} - amount to
Theodore Wachner,

No. 17.

258.

State of Minnesota District Court
County of Leavenworth Eighth District

The Hastings and Dakota
Railway Company ^{Plff and}
^{Appellant}
against

Leonard Kaem ^{Defendant}

It is hereby stipulated that the
Appeal taken from the award of
Commission by the above named
plaintiff in the above entitled
action which award was filed
in the office of the Clerk of said
Court on the 24th day of June 1880
be dismissed and so entered of
record by said Clerk of said
Court. And the said plaintiff
is hereby authorized to withdraw
and receive from said Clerk of said
Court the amount of said award
to wit the sum of Six hundred
Dollars, said award

having been compromised and paid
by said plaintiff to said Defendant
Dated Oct 1st 1880

L L Bayne
Attorney for the Hastings
and Dakota Railway Company
Appellant

Leonard Kaem
Defendant

Ex. State of Minnesota No. 14.
District Court
County of Le Sueur,

The Hastings and Blakely
Railway Company. P.M. 1894
vs
Leonard Lockman
Defendant

Stipulation for Dismissal

Filed October 4th 1894
G. Krayenbuhl
Clerk.

258

State of Minnesota, }
COUNTY OF Carver } ss. DISTRICT COURT,
In the matter of the petition and application of the Eighth Judicial District.
Dakota Hastings and
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

Leonhard Koehner
Clarissa S Sykes
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 23rd day of June A. D. 1880,
he personally served a true copy of the notice of the appeal in the above entitled matter upon
Leonhard Koehner

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.

via F. E. Du Sait.
Francis B. Bailey
Notary Public,
Hennepin County,
Minn.

M.

DISTRICT COURT.

beaver

County

in the matter of the application of the

Hastings and
Dakota

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

Leonhard Kocher
Et al

versus.

Hastings and
Dakota Railway
Company

Affidavit of Service of Notice of Appeal.

Filed July 11th A. D. 1880
Wraymuhl
Clerk,

Attorneys for Petitioners.

158.

State of Minnesota, } ss.

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

24

day of

May

A. D. 1880.

Leonard Koehner and
Clarissa S. Sykes

Claimants and Respondents

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To

Leonard Koehner and Clarissa S. Sykes

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

24

day of

June

A. D. 1880, which awards to

Leonard Koehner

as owner, subject

to the liens of

Clarissa S. Sykes

as incumbrancers, the sum of

Six hundred dollars

Dollars, as

compensation for damages and injury to the

North half of the South west Quarter
of Section Twenty one 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 said said award and report
unjust and excessive and the amount of
compensation to be paid the above claimants
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 claimants the benefit accruing
to said claimants by the construction of said
road

Dated this

24

day of

June

A. D. 1880.

L. L. Barton

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 Six hundred 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 Six 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 29 1880.

J. S. MacDonald
Judge.

DISTRICT COURT,

County.

In the matter of the petition of the

Hastings and Dakota

Railway Company, filed in said Court on the 29th

A. D., 1880.

day of May

Leonard Koehn et al

versus

The Hastings and
Dakota Railway
Company

NOTICE OF APPEAL.

Filed June 1st 1880
Eschmayer & Co
Attorneys

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 *24th* day of *May* A. D. 188*8*

Leonard Rockner and Clarissa
Sykes Claimants and Respondent.

VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

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

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

as sureties, are held and firmly bound unto

Leonard Rockner and
Clarissa S Sykes

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

to be paid to the said *Leonard Rockner and Clarissa S*
Sykes

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 *22d* day of *June* A. D. 188*8*.

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 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*8*, awarding to said respondent the sum

of *six hundred* 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. Gillillan
F. B. Bailey
W. B. Hammon
C. H. Prior
SEAL
SEAL
SEAL
SEAL

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

Be it known that on this *22nd* day of *June* A. D. 188*0*, personally appeared before me *Shurburn S. Merrill* *Hugh G. Hammon* 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.

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

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

Hugh G. Hammon 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 *Five 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*.
Francis B. Bailey
Notary Public, Hennepin Co. Minn.
C. H. Prior
W. B. Hammon
SEAL
SEAL

DISTRICT COURT,

Carver County

In the matter of the application of the

Hastings and Dakota

Railroad Company, filed *May 24*

A. D. 1880.

Leonard Hochman et al

versus

The Hastings and Dakota Railway Company

BOND ON APPEAL.

I hereby affirm that the within is a true and correct copy of the original filed in the District Court of Carver County, Minn. on the 23rd day of June A. D. 1880.

J. L. MacDonnell Judge

W. B. Hammon

Attorneys for Petitioners.

Filed, June 24th 1880
Eschmann & Co.

No. 1317

DISTRICT COURT,
CARVER COUNTY, MINN.

Gertrude Neutauschel
Plaintiff.
app.

The Hastings & Dakota
Railway Company
vs.
Defendant.
app.

L. L. Bawter
Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry June 24, 1980
Court Reg. A Page 258
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, } DISTRICT COURT,
COUNTY OF Carver } ss. 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 *24th* day of *May* A. D. 188*0*

Gertrude Montzens and
Anton Simons
Claimants and Respondent.
VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

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

as principal and *Charles H. Brown and Hugh J. Harrison*

as sureties, are held and firmly bound unto *Gertrude Montzens and*
Anton Simons

above named in the sum of *Seven hundred* Dollars,
to be paid to the said *Gertrude Montzens and Anton*
Simons

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 *22^d* 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 *Six hundred and ninety five* 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. Gillman
F. B. Bailey

J. S. Muill
W. G. Harrison
W. R. Rine



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

Be it known that on this *22* day of *June* A. D. 188*8*, personally appeared before me *Shurburn S. Merrill* *Charles O. Peim* 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 O. Peim

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 *Seven 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. 188*8*.

Francis B. Bailey

Notary Public, Hennepin Co. Minn.

W. R. Rine
W. G. Harrison



18. /
DISTRICT COURT,

County

Carroll

In the matter of the application of the

Hastings and Dakota

at Company, filed *May 24*

A. D. 1880.

Guertel & Montgomerie et al.
Gustave Montgomerie

versus
The Hastings & Dakota
Railway Company

BOND ON APPEAL.

Shurburn S. Merrill
with *Robert Rine* & *W. R. Rine*
day of June 22, 1888

J. L. MacDonald
Judge

Attorneys for Petitioners.

Filed June 24th 1888

Applicant's bond
1888.

State of Minnesota, }
COUNTY OF *Carver* } ss. DISTRICT COURT,
In the matter of the petition and application of the *Eight Judicial District.*
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

Gertrude Neutgens and
Anton Simons
Claimant and Respondent.
VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

STATE OF MINNESOTA, }
County of *Hennepin*. } ss. *Frederick E. Du Toit*
being duly sworn, says that at *Chanhassen* in the County of *Carver* . . .
in the State of Minnesota, on the *8th* *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
Anton Simons

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. Barclay
Notary Public
Hennepin County
Minn

18.
DISTRICT COURT.

Leaver County

in the matter of the application of the
Hastings and
Dakota

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

Gertrude Neutgens and
Anton Simons

versus.

Hastings and Dakota
Railway Company

Affidavit of Service of Notice of Appeal.

Filed July 10th A. D. 1880.
G. W. Kreyenbuhl
Attorneys for Petitioners.

1880

State of Minnesota,

COUNTY OF *Carver*

DISTRICT COURT,

Eight Judicial District.

In the matter of the petition and application of the

Dakota

Hastings and

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

*Gertrude Neutgens and
Anton Simons*

Claimants and Respondent.

VERSUS

*The Hastings and Dakota
Railway Company*

Petitioners and Appellant.

STATE OF MINNESOTA,

County of Hennepin.

ss.

Fredrich E. Du Toit

being duly sworn, says that at

Chanhassen

in the County of

Carver

in the State of Minnesota, on the

25th

day of

June

A. D. 1880,

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

Gertrude Neutgens

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

therein named.

Subscribed and sworn to before me, this

8th

F. E. Du Toit,

day of

July

A. D. 1880,

Francis B. Bailey

Notary Public

Hennepin County

Minn.

Ms.

DISTRICT COURT.

Carver

County

in the matter of the application of the

Hastings and
Dakota

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

Gertrude Neutgens &
Anton Simons

VERSUS.

Hastings and Dakota
Railway Company

Affidavit of Service of Notice of Appeal.

Filed, July 10th A. D. 1880.
Geo. Krayenbuhl
Attorney

Attorneys for Petitioners.

Ms.

State of Minnesota.
County of Carver.

District Court.
Eighth Judicial District.

The Hastings and Dakota Railway Company - Appellant

against

G. Neutgens

- 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 27th day of June A. D. 1888; said matter having been settled and compromised; and also that the appeal herein be dismissed without costs to either party.

Dated Oct. 14th 1888.

S. S. Bayta
Attorney for the Hastings
and Dakota Railway
Company Appellant
Gertrud Neutgens
Respondent

District Court. 18.
County of Larver.

The Hastings & Dakota Railway Company.
vs.

G. Neutgens

Application for Dismissal,

Filed, October 14th 1886
J. H. Brown
Clerk

258.

State of Minnesota, } ss.

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

24

day of

May

A. D. 1880.

Gertrude Nautgus and
Anton Simons

Claimants and Respondents

vs.

The Hastings and Dakota
Railway Company

Defendant and Appellant.

To

Gertrude Nautgus and Anton
Simons

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

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

day of

June

A. D. 1880, which awards to

Gertrude Nautgus

as owner, subject

to the liens of

Anton Simons

as incumbrancers, the sum of

Six hundred and Ninety five

Dollars, as

compensation for damages and injury to the

South east quarter of the South
East quarter of section twenty 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 compensation to be paid the above
claimants more than the damage or injury
to said property.

2nd.

The said Commissioners did not allow
in reduction of the damages sustained by
the above named claimants the benefits
accruing to said claimants by the construction
of said road

Dated this

24

day of

June

A. D. 1880.

L L Bayten

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 *Six Hundred and ninety five* 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 *Seven 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 *14* 1880.

J. B. MacDonald
Judge.

Ms.
DISTRICT COURT,

Chadron 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

Centuck Moutjens et al.

The Hastings and
Dakota Railway
Company.

NOTICE OF APPEAL.

Filed June 24th 1880
Wm. Graymiller

\$500.

Chicago, October 14th 1880.
Edw. Duffie,

Received of Gustave Wronzenbuhl, Clerk
of the District Court, the sum of Five
hundred and forty five dollars, being the
amount paid in settlement of the award
made by Commissioners by their report filed
June 24th 1880, to Gertrude Neubergers.

S. L. Bayler
Attorney for Harcup
and Dakota Railway
Company

W. H. Baxter
 Attorney at Law Hastings and
 Dakota Railway Company

\$500.00 - receipt

Filed, October 14th 1880.
 G. H. Grayentuchel
 Clerk,

No. 1318

DISTRICT COURT,
CARVER COUNTY, MINN.

John Schoolmaster et al
Plaintiff.
Resp.

vs.
The Hastings & Dakota
Railway Company
Defendant.
Resp.

L. L. Baxter
Plaintiff's Attorney.
app.

Defendant's Attorney.

Date of Entry June 24 1880
Court Rec. A
Register of Actions Page 258

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

Carrar

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

Carrar

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

24

day of

May

A. D. 1880.

John Hendrick Schoolmasters and
Carlisle Pierce

Claimants and Respondents

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To

John Hendrick Schoolmasters and
Carlisle Pierce

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

Carrar

Eighth

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

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

24th

day of

June

A. D. 1880, which awards to

John Hendrick Schoolmasters

as owner, subject

to the liens of

Carlisle Pierce

as incumbrancers, the sum of

Three Hundred and Twenty four Dollars, as

compensation for damages and injury to the

North half of the North East
quarter of section twenty nine 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 compensation to be paid the above
claimants 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 claimants the benefit
accruing to said claimants by the construction
of said road

Dated this

24th

day of

June

A. D. 1880.

L L Bayton

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 four* 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 *24th* 1880.

J. L. Macdonald
Judge.

DISTRICT COURT,

Carver 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., 188

John H. Audick's Schoolmaster
Paul Carlisle Price

VERSUS
The Hastings and
Dakota Railway
Company

NOTICE OF APPEAL.

Filed June 24th 1880
Subrayanathu Kalan,
258

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 Hendrick Schoolmester and
Carlisle Pierce

Claimants & Respondent.
versus

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

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

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

as sureties, are held and firmly bound unto *John Hendrick Schoolmester*
and Carlisle Pierce

above named in the sum of *Three hundred and Fifty* Dollars,
to be paid to the said *John H Schoolmester and Carlisle*
Pierce,

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 *22* 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 *24th* day of *June* A. D. 188*0*, awarding to said respondent the sum
of *Three hundred and twenty four* 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
W B Gilfillan
T B Bailey
W B Merrill
W G Harrison
C H Prior
SEAL
SEAL
SEAL
SEAL

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

Be it known that on this *22* day of *June* A. D. 188*8*, personally appeared before me *William S Merrill and Hugh E Harrison 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.

Thomas B Bailey
Notary Public,
Hennepin County, Minn.

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

Charles H Prior and *Hugh E 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*8*.
Thomas B Bailey Notary Public, Hennepin Co. Minn.
C H Prior
H G Harrison
SEAL
SEAL

DISTRICT COURT,

Chandler County

In the matter of the application of the

Hastings and Dakota

May 24
Railroad Company, filed

A. D. 1880.

John Augusticks Schoolmaster
Paul Carlisle Rice

versus
The Hastings & Dakota
Railway Company

BOND ON APPEAL.

Security appeared 24
nothing sold 25, 26
day of June, 1880
W B Merrill
W G Harrison
C H Prior
1880

Attorneys for Petitioners.

Chandler, June 24th 1880
John Augusticks
Paul Carlisle Rice

State of Minnesota, }
COUNTY OF Carver } ss. DISTRICT COURT,
Eighth Judicial District.

In the matter of the petition and application of the . . . Haskings 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

John Henry Schottmeyer and
Carlisle Rice

Claimant and Respondent.
versus

Haskings and Dakota
Railway Company
Appellant.

STATE OF MINNESOTA, }
County of Hennepin. } ss.

being duly sworn, says that at . . . Excelsior . . . in the County of . . . Hennepin
in the State of Minnesota, on the . . . 29th . . . day of . . . June . . . A. D. 1880,
he personally served a true copy of the notice of the appeal in the above entitled matter upon . . .
. . . Carlisle Rice . . .

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 Co
Minn

District Court 19
Saver County
in the matter of the application
of the
Hastings & Dakota
Railway Company filed
May 24th A.D. 1884

John Henry Scholmester
et al

vs
The Hastings and Dakota
Railway Company

~~Affidavit of Service of Process~~

Filed July 10th A.D. 1884
G. H. Krayer
clerk

1884

State of Minnesota, }
COUNTY OF *Crow* } 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. 1881

John Henry Holmester and
Carlisle Price

Classmate Respondent.

versus

Hastings & R. A. K. Sta

Pauling Company

Petitioner, and Appellant.

STATE OF MINNESOTA, }
County of Hennepin. } 88.

Frederick E. Low Fort

being duly sworn, says that at Cheney, in the County of Cornwall

in the State of Minnesota, on the 25th 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 Henry Schoelcher.

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. *Frederick E. DuToit*

Fredrick E. DuToit

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

A. D. 1880.

Francis B. Bailey

Notary Public

Hempin Co

Thine

14
District Court
Carver County

In the Matter of the
Application of the
Hastings and
Dakota Railway
Company filed
May 24 A.D. 1880

Phu Schoenmutter et al

vs
Hastings & Dakota
Railway Company

Affidavit of Service
of notice of appeal

Filed July 10th A.D. 1880,
G. H. Gray notary
at Carver

State of Minnesota
County of Carver

District Court
Eight Judicial District.

The Hastings and Dakota Railway Company, Appellant
Against
John Hendricks Schoolmaster and
Carlisle Pierce. Respondent

It is hereby stipulated, by and between the parties to the above entitled action that the above named Appellant withdrew 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 the Clerk in his office on the 24th day of June A.D. 1884, said matter having been settled and compromised; and also that the appeal therein be dismissed without costs to either party.

Dated November 24th A.D. 1884.

Attorney for the Hastings and Dakota
Railway Company. Appellant.

J. H. Schoolmaster
Respondent,
Carlisle Pierce

19.

District Court
County of Larimer,

The Hastings and Dakota
Railway Company, Appt.

by
John Hindersell Schaulmutter
and Carlisle Rice, Resp.

Plaintiff for dismissal.

John Hindersell Schaulmutter
and Carlisle Rice, Resp.

188.

\$324.⁰⁰

Charles Hammerleaving
December 3 1880
Chas. W. Rappert,

Received of Gustave Wraymuhl, Clerk West Coast,
the sum of Three hundred twenty four dollars, being the
amount of award in full for right of way across the
North half of the North East Quarter of Section Twenty nine
(29), Township one hundred and fifteen (115) of Range Twenty
three (23), stolen by the Hastings and Wabata Railway Company
for its road, and in consideration of said sum I hereby
grant and convey to said Railway Company the strip of land
hereinbefore described, and all my right, title and interest in and
to the same.

Dated Charles, December 3rd 1880.

Witness
J. E. Strickland,
P. W. Wingo

J. H. Schoolmeester
Maria Catharina ^{her} Schoolmaster,
mark

19.
J. M. Schaalmutter

Receipt \$ 324.⁰⁰

Amount in full by Commission
in the matter of the Hastings and
Washita Railway Company.

Filed, December 3^d, 1880
G. H. Weyenbush
Clerk,

758

No. 1319

DISTRICT COURT,
CARVER COUNTY, MINN.

E. M. Pierce

Plaintiff,
Resp.

The Hastings & Dakota
Railway Company

Defendant.
app.

L. P. Baxter

Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry June 24 1880
Court Reg A Page 258
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.

C. J. Joel

8 10. ⁰⁰/₂

Charles Leonard Leomin
December 4th AD 1880

Colonel Knapp,

Received of Gustave Wrayenbuhl, U.S. Marshal District Court the
sum of Ten dollars, being the award in full for right of way
across the South West Quarter of the South East Quarter of Section Twenty
Nine (29), Township One Hundred and Sixteen (116), Range Twenty three
(23) taken by the Hastings and Vashuta Railway Company for its road,
and in consideration of said sum I hereby Grant and convey to said
Railway Company the Strip of land hereinbefore described, and all
my right title and interest in and to the same.

Witness Charles December 4th AD 1880.

E W Pierce

E. W. Pierce

Receipt \$10.00

Amount paid by Commission
in the Matter of the Hastings &
Vashata Railway Company,

Filed December 1st 1880.
G. Krausmühl
Clerk.

558.

State of Minnesota, }
COUNTY OF *Carr* } ss. DISTRICT COURT,
In the matter of the petition and application of the *St. Louis and Dakota*
Railway Company, to condemn certain
real property in the County of *Carr* and State of Minnesota, filed in said court
on the *24th* day of *May* A. D. 188*8*

E. W. Pierce
Plaintiff and Respondent,
versus
The Hastings and Dakota
Railway Company
Defendant and Appellant.

STATE OF MINNESOTA, }
County of *Hennepin*. } ss. *Fredrick E. Du Sait*
being duly sworn, says that at *Chanhassen* in the County of *Carr*
in the State of Minnesota, on the *25th* day of *June* A. D. 188*0*,
he personally served a true copy of the notice of the appeal in the above entitled matter upon
E. W. Pierce

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 *25th* day of *July*
A. D. 188*0*,
Francis B. Bailey
Notary Public
Hennepin Co
Minn

District Court

Lower Court

in the matter of the application
of the

Hastings & Dakota Railway
Company - filed May 2nd
A.D. 1880

E. H. Rice

vs

The Hastings and
Dakota Railway Com-
pany

Affidavit of Service of Notice of Appeal

Filed July 10th A.D. 1880

Chas. W. Reynolds

Clerk

W. H. 2

State of Minnesota, }

DISTRICT COURT,

COUNTY OF

Carr

JUDICIAL DISTRICT.

In the matter of the petition and application of the

Hastings & Dakota

Railway

Company to condemn certain real property in the County of

Carr

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

24th

day of

May

A. D. 1880.

E. W. Pierce

Claimant and

Respondent,

The Hastings & Dakota
Railway Company

Petitioner and Appellant.

To

E. W. Pierce

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

Hastings & Dakota

Railway

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

Carr

Eighth

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

E. W. Pierce

as owner, subject

to the liens of

as incumbrancers, the sum of

Twenty one

Dollars, as

compensation for damages and injury to the

South west quarter of the North
east quarter of Section twenty nine 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 compensation to be paid to the above named 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. Bayton

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 *Twenty one* 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 *Two 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. C. MacDonnell
Judge.

DISTRICT COURT,

County.

In the matter of the petition of the *Hastings*
W. D. Adams

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

E. W. Pierce

VERSUS

The Hastings & Dakota
Railway Company

NOTICE OF APPEAL.

Filed, Term Sept 2nd 1880,
Chas. Maynard
E. W. Pierce

State of Minnesota,

DISTRICT COURT,

COUNTY OF

Carver

ss.

8

Judicial District.

In the matter of the petition and application of the

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

June

A. D. 1880.

E. W. Pierce

Chairman Respondent.

VERSUS

Hastings and Dakota Railway
Company

Petitioner and Appellant.

Know all Men by these Presents, That we

Shubane S. Merrill for and

in behalf of the above named appellant

as principal and

Prior

Hugh G. Harrison and Charles H.

as sureties, are held and firmly bound unto

E. W. Pierce respondent

above named in the sum of

Two hundred and fifty

Dollars,

to be paid to the said

E. W. Pierce

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

22

day of

June

A. D. 1880.

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

24

day of

June

A. D. 1880,

awarding to said respondent the sum

of

Twenty five

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 Gastrop 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 S Barclay

S S Merrill
W G Harrison
C H Prior



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

Be it known that on this *22^a* day of *June* A. D. 188*8*, personally appeared before me *Shuburn S Merrill* *Hugh G. Harrison* 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.

Francis B Barclay
Notary Public,
Hennepin County, Minn.

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

Hugh G. Harrison 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 *Two 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 *23^d* day of *June* A. D. 188*8*.
Francis B Barclay
Notary Public, Hennepin Co. Minn.

C H Prior
W G Harrison



DISTRICT COURT,

Carm County
In the matter of the application of the
Gastrop & Dakota

Im Lu
Railroad Company, filed
A. D. 188*8*.

G L Prior

The Gastrop & Dakota
Railway Company

BOND ON APPEAL.

I hereby approve the
within Bond this *24*
day of *June* A. D. 188*8*
J. A. MacDonogh

Attorneys for Petitioners.
John June 24th 1888
Wm. J. MacDonogh
1888 - 1888

No. 1320

DISTRICT COURT,
CARVER COUNTY, MINN.

J. Linenfelser et al.
Plaintiff
Resp.

The Hastings & Dakota
Railway Company
Defendant
app.

L. L. Baxter
Plaintiff's Attorney,
app.

Defendant's Attorney.

Date of Entry

June 24, 1880

Register of Actions

A

Page 259

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
A. S. Campbell & Co. Hkrs. Respondent

It is hereby stipulated by and between the parties to the above entitled action that the above named Appellant withdraw 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. 1855; said matter having been settled and compromised; and also that the appeal herein be dismissed without costs to either party.

Date Oct. 2nd 1850

L L Becket
Atty. for Appellant The Hastings and
Dakota Railway Company of Becket
City

~~Redundant.~~

Florian Lincafer
Guy S. L. L.
Respondents

District Court. 11.
County of Carver.

The Hastings and Dakota Railway Company

vs.

F. Lincolnsen et al
Appellations for Dismissal,

Filed October 20th 1880.
G. W. Ayer & Co.
Clerk,

- 159. -

\$561.⁰⁰

Charles, December 20th 1880,
Chicago office,

Received of Ge Wrayenbuhl, Clerk West Court, the sum
of five hundred and sixty one dollars being the amount
in full of the award to him self and Father as per report
of Commissioner filed June 24th 1880,

L L Rayter
Atty. Hecsting & Dakota
Railway Company

H. H. Webster 21.

Attorney of the Hattings
and Hearata Railroad
Company,

\$ 500.00 receipt

Remittance and Fines

Filed, October 20 1890
G. H. Grayson
Clerk

759.

State of Minnesota, }
COUNTY OF *Carr* } 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 . . . *Carr* . . . and State of Minnesota, filed in said court
on the . . . *2nd* . . . day of . . . *May* . . . A. D. 1880

F. Linenfelser and
George Faber

Plaintiff and Respondent.

VERSUS

The Hastings and Dakota
Railway Company
Petitioner and Appellant.

STATE OF MINNESOTA, }
County of Hennepin. } ss.

Fredrick B. DuBois . . .
being duly sworn, says that at . . . *Chaska* . . . in the County of . . . *Carr* . . .
in the State of Minnesota, on the . . . *2nd* . . . day of . . . *June* . . . A. D. 1880,
he personally served a true copy of the notice of the appeal in the above entitled matter upon . . .
. . . *F. Linenfelser and George Faber* . . .

the above named respondent by then and there delivering in hand to and leaving with . . . *each of the* . . .
said respondent *respectively* such copy of the said notice of appeal, and that he then and there personally knew *each* . . .
the person so served to be the respondent . . .
therein named. *F. B. DuBois*

Subscribed and sworn to before me, this . . . *2nd* . . . day of . . . *June* . . .
A. D. 1880.
Francis B. Backus
Notary Public
Hennepin Co
Minn

21.
DISTRICT COURT.

Carver

County

in the matter of the application of the
Hastings and Dakota

Railroad Company, filed *May 24th*
A. D. 1880.

F. Lienfeller et al

versus.

*The Hastings & Dakota
Railway Company*

Affidavit of Service of Notice of Appeal.

*Filed July 10th A. D. 1880
G. W. Graymire
Adm*

Attorneys for Petitioners.

159

State of Minnesota, } ss.

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

24

day of

May

A. D. 1880.

F. Linnefelsen and
George Faber

Claimants and Respondents

vs.

The Hastings and Dakota
Railway Company

Petitioner and Appellant.

To

F. Linnefelsen and George Faber

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

24

day of

June

A. D. 1880, which awards to

F. Linnefelsen and

George Faber

as owner, subject

to the liens of

as incumbrancers, the sum of

Five hundred and Sixty One

Dollars, as

compensation for damages and injury to the

South East quarter of the
North ~~west~~ quarter of Section Twenty nine 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 excessive and the amount
of compensation to be paid the above named
claimants 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 claimants the benefit
accruing to said claimant by the construction
of said road.

Dated this

24

day of

June

A. D. 1880.

L. L. Baxter

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 *Five hundred and sixty one* 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 *Six 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. 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., 188*0*

F. Linnebaugh & al.

*The Hastings & Dakota
Railway Company*

NOTICE OF APPEAL.

*Filed June 1st 1880
C. Grayson Clerk
= 279. =*

State of Minnesota,

DISTRICT COURT,

COUNTY OF *Carver*

ss.

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. 1880.

F. Limmelfelser and George Fuler

Claimants and

Respondent.

versus

The Hastings and Dakota
Railway Company

Petitioner and

Appellant.

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

as principal and

Hugh G. Harrison and Charles
H. Prior

as sureties, are held and firmly bound unto

F. Limmelfelser and
George Fuler

above named in the sum of

Six hundred

Dollars,

to be paid to the said

F. Limmelfelser and George
Fuler

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

23

day of

June

A. D. 1880.

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

24

day of

June

A. D. 1880,

awarding to said respondent the sum

of

Five hundred and fifty-one

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. Gillillan
F. B. Bailey

W. B. Hammon
W. Prior



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. Hammon* 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.

Francis B. Bailey

Notary Public,
Hennepin County, Minn.

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

Hugh G. Hammon 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 *Six 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

23rd

day of

June

A. D. 188*0*.

Francis B. Bailey

Notary Public, Hennepin Co. Minn.

W. Prior

W. B. Hammon



DISTRICT COURT,

County

In the matter of the application of the

Hastings & Dakota

Company, filed

A. D. 1880.

Exemplar et al

The Hastings & Dakota
Railway Company

BOND ON APPEAL.

I hereby approve the
within bond filed
day of June A.D. 1880

J. L. Meador

= 259 =

Attorneys for Petitioners.

Filed June 24th 1880
Exemplar et al

State of Minnesota. District Court
Eighth Judicial District
County of Carver,
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 1880

J. L. Linscheler and Georg Faber
Plaintiffs & Appellants
vs
The Hastings and Dakota Railway Company
Defendant & Respondent.

State of Minnesota } ss
County of Carver. }

Georg Faber being first
duly sworn says that at Chaska in
the County of Carver and State of
Minnesota on the 14th day of August
1880. he personally served a true copy
of the notice of the appeal in the above
entitled matter upon the Hastings
and Dakota Railway Company, the
above named respondent, by then and
there handing to and leaving with
L. L. Baxter Esq who then and there
was the Attorney for said Railway
Company in the above entitled

matter such copy of said notice of
appeal.

Subscribed & sworn to before
me this 1st day of September 1880 } Guying J. Clerk

G. H. Weyenbuhl
Clerk of the Court
Hannover, Minn.

District Court
County of Hennepin
Minnesota
Plaintiff vs
Defendant

vs

The Hastings & Dakota
Railway Company,

App of Service of Notice

Filed September 1st 1880
G. H. Weyenbuhl
Clerk

1880

W. C. O'Neil
att'y for appen

Aug 14/80

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

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 1880

J. L. Luefelter and George Faber,
Claimants & Appellants
Vs
The Hastings and Dakota Railway Company,
Petitioner & Respondent.

State of Minnesota }
County of Carver } S.S.

W. C. Odell being first duly
sworn says, that at Chaska in the County
of Carver and State of Minnesota on the
13th day of August AD 1880 he personally
served a true copy of the notice of the
appeal in the above entitled matter, upon
The Hastings and Dakota Railway Company,
the above named respondent, by and
then delivering to and leaving with
H. Greiner Jr. who was then and there
the acting ticket agent for said
Railway Company, such copy of said
notice of appeal.

Subscribed & sworn to before
me this 1st day of Sept. 1880
J. Wraymuhl, Clerk Dist Court
Carver County

W. C. Odell

²¹
District Court
County of Lewis

Thompson et al

vs

The Hastings & Dakota
Railway Company

Off of Service of notice

Filed September 6th A.D. 1880
G. W. B. B. B.
Adm.

1880

W. C. Odell
atty for appelt

State of Minnesota.

District Court
Eight Judicial District
County of Carver.

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
July, A.D. 1880.

F. Linenfelter and George Faber.
Claimants and Appellants
vs
The Hastings and Dakota Railway Company.
Petitioner and Respondent.

Know all men by these Presents that
we F. Linenfelter and George Faber
as Principals and Ferdinand Hammer
and Joseph Trautman as Sureties.
are held and firmly bound unto the
Hastings and Dakota Railway Company
above named in the sum of Eight
Hundred Dollars to be paid to the
said The Hastings and Dakota Railway
Company for the payment whereof
we and truly to be made we bind
ourselves our heirs executors and
administrators jointly and severally
firmly by these presents.

Sealed with our Seals and }
Dated this 13th day of August 1880 }

The condition of this obligation is such that whereas the said H. Linneufelder and George Taber appeal 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 and report of the Commissioners appointed in the above entitled matter made therein and filed in said Court on the 24th day of June AD 1880.

awarding to said appellants the sum of Two Hundred and Fifty one Dollars as compensation for damages and injury to certain premises owned by said appellants, described as follows viz. The South East quarter of the North West quarter of Section twenty nine in Township One hundred and Sixteen Range twenty three by reason of the taking of land for the use and needs of said Railway Company and the construction thereof over and across said premises.

Now therefore if the said Appellants H. Linneufelder and George Taber shall prosecute their said appeal without delay, and abide the order the said Court may make on such appeal and pay the costs of said appeal if

1 of Minnesota and that he is worth
 2 the sum of Eight Hundred Dollars
 3 over and above his just debts and
 4 liabilities, and exclusive of property
 5 exempt from execution. Ferdinand Hamma
 Subscribed and sworn to } Jos. Frankson
 Before me this 13th day of }
 August AD 1880
 Geo. A. DuBois
 Notary Public Minn.

17 District Court
 18 19th Judicial District
 20 County of Carver
 21 Minn.
 22 G. Campbell et al

23 vs
 24 The H. & D. Ry Company

25 Bond on appeal

26 I hereby certify
 27 the pecuniary of the
 28 value bond at the
 29 sum of Eight Hundred
 30 Dollars
 31 Dated Aug 13th 1880

32 J. L. Mac Donald
 Judge 8th Dist.

I hereby appoint as
 33 return bond and as
 34 security (bonds) the 13th day
 35 of August 1880
 36 J. L. Mac Donald
 37 Judge 8th Dist.

38 W. C. Odell
 39 Attorney for appeal

27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532
 533
 534
 535
 536
 537
 538
 539
 540
 541
 542
 543
 544
 545
 546
 547
 548
 549
 550
 551
 552
 553
 554
 555
 556
 557
 558
 559
 560
 561
 562
 563
 564
 565
 566
 567
 568
 569
 570
 571
 572
 573
 574
 575
 576
 577
 578
 579
 580
 581
 582
 583
 584
 585
 586
 587
 588
 589
 590
 591
 592
 593
 594
 595
 596
 597
 598
 599
 600
 601
 602
 603
 604
 605
 606
 607
 608
 609
 610
 611
 612
 613
 614
 615
 616
 617
 618
 619
 620
 621
 622
 623
 624
 625
 626
 627
 628
 629
 630
 631
 632
 633
 634
 635
 636
 637
 638
 639
 640
 641
 642
 643
 644
 645
 646
 647
 648
 649
 650
 651
 652
 653
 654
 655
 656
 657
 658
 659
 660
 661
 662
 663
 664
 665
 666
 667
 668
 669
 670
 671
 672
 673
 674
 675
 676
 677
 678
 679
 680
 681
 682
 683
 684
 685
 686
 687
 688
 689
 690
 691
 692
 693
 694
 695
 696
 697
 698
 699
 700
 701
 702
 703
 704
 705
 706
 707
 708
 709
 710
 711
 712
 713
 714
 715
 716
 717
 718
 719
 720
 721
 722
 723
 724
 725
 726
 727
 728
 729
 730
 731
 732
 733
 734
 735
 736
 737
 738
 739
 740
 741
 742
 743
 744
 745
 746
 747
 748
 749
 750
 751
 752
 753
 754
 755
 756
 757
 758
 759
 760
 761
 762
 763
 764
 765
 766
 767
 768
 769
 770
 771
 772
 773
 774
 775
 776
 777
 778
 779
 780
 781
 782
 783
 784
 785
 786
 787
 788
 789
 790
 791
 792
 793
 794
 795
 796
 797
 798
 799
 800
 801
 802
 803
 804
 805
 806
 807
 808
 809
 810
 811
 812
 813
 814
 815
 816
 817
 818
 819
 820
 821
 822
 823
 824
 825
 826
 827
 828
 829
 830
 831
 832
 833
 834
 835
 836
 837
 838
 839
 840
 841
 842
 843
 844
 845
 846
 847
 848
 849
 850
 851
 852
 853
 854
 855
 856
 857
 858
 859
 860
 861
 862
 863
 864
 865
 866
 867
 868
 869
 870
 871
 872
 873
 874
 875
 876
 877
 878
 879
 880
 881
 882
 883
 884
 885
 886
 887
 888
 889
 890
 891
 892
 893
 894
 895
 896
 897
 898
 899
 900
 901
 902
 903
 904
 905
 906
 907
 908
 909
 910
 911
 912
 913
 914
 915
 916
 917
 918
 919
 920
 921
 922
 923
 924
 925
 926
 927
 928
 929
 930
 931
 932
 933
 934
 935
 936
 937
 938
 939
 940
 941
 942
 943
 944
 945
 946
 947
 948
 949
 950
 951
 952
 953
 954
 955
 956
 957
 958
 959
 960
 961
 962
 963
 964
 965
 966
 967
 968
 969
 970
 971
 972
 973
 974
 975
 976
 977
 978
 979
 980
 981
 982
 983
 984
 985
 986
 987
 988
 989
 990
 991
 992
 993
 994
 995
 996
 997
 998
 999
 1000

2592

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

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.

F. Lienfelter and George Faber.
Claimants & Appellants.
vs
The Hastings and Dakota Railway Company
Petitioner & Respondent.

You are hereby notified that the
above named F. Lienfelter and George
Faber who are the owners in fee of
the land and premises hereinafter
described, appeal to the District Court
in and for the County of Carver,
Eight Judicial District State of
Minnesota, from that part or portion
of the award and report of the Com-
missioners made and filed in the
above entitled matter on the 24th day
of June A.D. 1880 which awards to
said F. Lienfelter and George Faber
as owners aforesaid, the sum of Five

1 Hundred and sixty one Dollars. as
2 compensation for damages and injury
3 to the South East Quarter of the North
4 West Quarter of Section twenty nine in
5 Township One hundred and sixteen Range
6 twenty three. in said County of Carver
7 and State of Minnesota. by reason of
8 the taking of land for the use and
9 tracks of said Railway Company and
10 the construction thereof over and across
11 said premises.

12 Said appeal is taken for the following
13 reasons and upon the following grounds
14 viz. That the said F. Luenfelaar and
15 George Faber deem the amount of the
16 award and report of the Commissioners
17 inadequate and insufficient: That
18 the damages and injuries to the premises
19 above described greatly exceeds the
20 compensation allowed therefor by said
21 award and report of said Commissioners
22 and is the sum of Twelve Hundred
23 Dollars.

24 In taking this appeal the appellants
25 waive no objections to the regularity of
26 the proceedings herein.

Dated Chaska Aug 13th 1880

F. Luenfelaar

George Faber.

} Appellants

27 To
28 The Hastings & Dakota
29 Railway Company.

30 Per & Respectfully

W. B. Odell

31 To L. L. Baxter Esq

32 atty for Relp & Respt

Atty for Appels.

Dist^{mt} Court
8th Jud Dist
County of Carver

F. Lumsden et al

v.

The H. D. Ry Company

Notice of appeal

Filed August 14th 1884,
J. H. Graymire
Clerk,

= 209. =

W. C. Odell.

Atty for appell.