



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

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No. 3377

DISTRICT COURT,

Carver County, Minnesota

Beate Lange
Plaintiff

Frank Osterich
Defendant

John J. Fehey
Plaintiff's Attorney

P.R. Curran
Defendant's Attorney

Date of Entry Jan. 5th 1914

Register of Actions, E Page 163

Term Tried March Term 1914

Judgment for Plaintiff

Amount of Judgment, \$

Date of Judgment 191

Judgment Book Page

Default Judgment Book Page

Date of Docketing 191

State of Minnesota,) In Justice's Court,
County of Carver.) ss. Before Albert C. Klancke, Esq., Justice of
the Peace.

The State of Minnesota to the Sheriff or any constable of said
County:

You are hereby commanded to summon Frank Oesterich, the defend-
ant herein, if he shall be found in your county, to be and appear
before the undersigned, one of the Justices of the Peace in and
for said County, on the 23rd day of December, 1913, at 10 o'clock
in the forenoon of said day at my office in the Village of Norwood
in said County, to answer the complaint of Beata Lang, plaintiff,
in a civil action wherein the ^{said} plaintiff claims the sum of Thirty-
two Dollars with interest on said sum at the rate of 6 per cent
per annum from and after the 15th day of November, 1913,

And have you then and there this ~~xxx~~ writ.

Given under my hand and dated this 15th day of December, 1913.

Albert C. Klancke
Justice of the Peace.

(11)

State of Minnesota,)
County of Carver.) ss

I hereby certify and return that at the
Room of Waterston, I personally
served the within summons upon the within named
Defendant, personally, by reading the same and
leaving a copy thereof with said Defendant, in
said County..

Dated Dec 16, 1913..

Fred Hill
Constable..

County:

(1)

Original

In Justice's Court

Carver County

Plaintiff

Defendant

-15-

Frank DeLoach

Plaintiff and Ex-
hibitor 17th day of Dec 1913

Attorney at Law

Justice of the Peace

Carver Co.
Minnesota

(5)
Security for Costs

State of Minnesota,
County of Carver.

In Justice's Court,
Before Albert C. Klancke, Esq.,
Justice of the Peace.

Beata Lange,

Plaintiff.

-vs-

Frank Oestrich,

Defendant

For value received, we hereby promise and agree to pay all costs that shall be allowed and taxed for or against the plaintiff in the above entitled action.

Dated at Norwood, Minnesota, this 23rd day of December, 1913.

Beata Lange
Robert Joffe

(2) Original

Beata Lange

-vs-

Frank Osterich

Security for Costs

approved this 23rd of
December, 1913.

Alburt Klause
Justice of the Peace
Cass County, Minn.

I did this 23rd day
of December, 1913.

Alburt Klause
Justice of the Peace
Cass County, Minn.

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State of Minnesota,

In Justice's Court,

County of Carver,

Before Albert C. Klancke, Esq.,
Justice of the Peace.

Beata Lang,

Plaintiff.:

-vs-

: C O M P L A I N T .

Frank Oestrich,

Defendant :

The plaintiff in the above entitled action complaining of the defendant therein alleges.

That at the time stated in the next paragraph she was the owner of the following described personal property:

Sixteen domestic turkeys.

That on ~~the~~ or about the 25th day of September, 1913, defendant took said property from the possession of plaintiff and converted the same to his own use.

That the value of said property was Thirty-two Dollars (\$32).

Wherefore plaintiff demands judgment:

(1) For the sum of Thirty-two Dollars (\$32) with interest as prayed in the summons herein.

(2) For the costs and disbursements of this action.

John J. Fahey,
Plaintiff's Attorney,
Norwood, Minnesota.

State of Minnesota,)
County of Carver.) ss

Beata Lang, being duly sworn, says that she is the plaintiff in the above entitled action; that she has read the foregoing ~~an~~ complaint and knows the contents thereof; that the same is true of her own knowledge, except as to those matters therein stated on information and belief and as to those matters she believes it to be true.

Beata Lang

Subscribed and sworn to before me this 23rd day of Dec. 1913.

John J. Fahey



(3)



Subscribed and sworn to before me this 23rd day of Dec. 1913.

John J. [Signature]
Frank D. [Signature]

be fine.

information and belief and as to those matters and believe it to
of her own knowledge, except as to those matters therein stated on
distinctly and knows the contents thereof; that the same is true
the above entitled action; that she has read the foregoing and con-

frank Lange, being duly sworn, says that she is the plaintiff in

County of Carver, }
State of Minnesota, }

(S) was the coin and disbursements of this action.

In the presence hereby.

wherefore plaintiff demands judgment:

That the value of said property was thirty-five dollars (\$35).

the same are now used.

took as property from the possession of plaintiff and delivered

and in the year of 1913 the State of Minnesota, defendant

sixty-five dollars (\$65).

of the following described personal property:

located at the time stated in the next paragraph of this order

defendant therein does.

The plaintiff in the above entitled action complains of the

Frank Oestrich,

Defendant:

-vs-

C O M P L A I N T .

Beata Lange,

Plaintiff:

County of Carver,

Before Albert C. Klauke, Mag.

State of Minnesota,

In Justice's Court,

Original

Beata Lange

VS
Frank Oestrich

Complaint

Filed this 23rd
day of Dec 1913

Albert Klauke

Justice of the Peace

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1
2
3 State of Minnesota,

In Justice's Court

4 County of Carver.

Before Albert C. Klancke, Justice.

5 Beata Lang,-----Plaintiff

6
7 -vs-

8 Frank Oesterich,-----Defendant.

9
10 Defendant for his answer to plaintiff's complaint here-
11 in alleges and shows to the Court:

12 (1) Denies each and every allegation therein stated.

13
14 *P. K. Curran*

Defendant's Atty.,

15 Young America, Minn.

16 State of Minnesota,

17 ss

18 County of Carver.

19 Frank Oesterich being duly sworn says, that he is the
20 defendant in the above entitled action; that he has read the
21 foregoing answer and knows the contents thereof; that the same
22 is true of his own knowledge, except those matters stated on in-
23 formation and belief, and as to those matters he believes it to
24 be true.

25
26 *Frank G. Oesterich*

Subscribed and sworn to before me this 23rd day of Dec., 1913.

27
28 *Albert C. Klancke*

Justice of the Peace, Carver Co., Minn.

29
30
31
32
33 (4)
34
35

Justice of the Peace, Carver Co., Minn.

Subscribed and sworn to before me this 23rd day of Dec., 1913.

Be true.

formation and belief, and as to those matters he believes it to
is true of his own knowledge, except those matters stated on in-
foregoing answer and knows the contents thereof; that the same
relendant in the above entitled action; that he has read the

Frank Osterlich being duly sworn says, that he is the
County of Carver.

State of Minnesota,

Young America, Minn.

Defendant's Atty.,

(1) Denies each and every allegation therein stated.

in aliases and shows to the Court:

Defendant for his answer to plaintiff's complaint here-

Frank Osterlich, Defendant.

Beata Lang, Plaintiff.

Before Albert C. Kinnere, Justice

In Justice's Court

In Justice's Court
Carver County

Beata Lang, Plaintiff
vs
Frank Osterlich, Defendant

Answer

Filed this 23rd day
of December, 1913

Albert Kinnere
Justice of the Peace
Carver Co. Minn.

~~Wm. Amst~~ Df 1

~~Theodore Zieper~~ Df 14

~~Wm. Glatzel~~ Df 12

Tillman Heckman

Goodieb Pieper

Gerhard Perbit Pef 1

Daniel Shanon Pef 2

~~Joseph Glatzel~~ Df 6

~~Gerhard Heinicke~~ Pef. 3

Fred Roth Pef. 4

Andreas Franck

Godfried Teborg

~~Wm. Daniels~~ Df 12

Frank Richter

Chas. Bowen

~~Dr. Daggett~~ Pef 6

~~Wm. Heinicke~~ Df 5

Diedrich Daniels Pef. 5.

(5)

In Justice Court
County of Cass
Beata
Lange Plaintiff
vs. Frank
Austich
Defendant

Jury List.

Filed this 23rd
day of Dec. 1913
Albert E. Hauke
Justice of the Peace
Cass Co., Minn.

State of Minnesota, }
County of Cannon } ss.

The STATE OF MINNESOTA, To the Sheriff or any Constable of said County:

You are hereby commanded to summon

Tillman Hickman

Gottlieb Pieper

Andreas Franck

Gustaf Teborg

Frank Richter

John Brown

to be and appear before the undersigned, one of the Justices of the Peace in and for said County, on the 23rd day of December A. D. 1913, at 1 o'clock in the after noon of said day, at my office in the village of Hamwood in said County, to make a jury for the trial of a civil action between

Beata Lange

Plaintiff, and

Frank Aestrich

Defendant; and have you then and there this writ.

Given under my hand this 23rd day of December A. D. 1913

Robert L. Brown

Justice of the Peace

(6)

IN JUSTICE'S COURT

County of

*Carver**Beata Lange**Plaintiff.**-vs-**Franz Oestrich**Defendant*

VENIRE==Civil Action

Returned and filed this

23rd

day of

December

19

*13**Albert J. Kanaka*

Justice of the Peace

291000

State of Minnesota,

ss.

County of

Carver

I hereby certify and return that, by virtue of the within writ, I have personally summoned as jurors the several persons named therein by reading the same to each of them, viz:

John A. Anderson, Oscar Anderson, Andrew Johnson,
Chas. Brown, Gustav Lippert

and that the following named persons could not be found:

Dated this

23rd

day of

December

A. D. 19

13

FEE\$---Mileage

Miles \$

Summoning Jury,

\$ 1.00
1.40

Henry Johnson
 Constable

State of Minn. } ss
County of Carver }

In Justice's Court
Before Arthur C. Maunke, Esq.,
Justice of the Peace

Beata Lange,

Plaintiff,

- vs -

Frank Ostreich

Defendant

Now, the jury, in the above entitled action, find in
favor of the plaintiff in the sum of \$16 Dollars.

17

G. F. Demarest
Foreman

(7)
In justice Court
County of Carson

Beata Lange

vs.

Frank Ostuch

Verdict

Returned and
filed this 23rd
Day of December,
1913.

Albert Klumke
Judge of the Court.
Carson Co., Minn.

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In Justice's Court,
Before Albert C. Klancke, Esq.,
Justice of the Peace.

-VS-

Plaintiff,)

Defendant..)

Frank B. Ostreich

Justice of the Peace, Carver
County, Minnesota.

EDWARD OF WESTM.

(8)

In Justice Court,
County of Carver.

Beata Lange, Plaintiff,

-VS-

Frank Oesterich, Defendant.

AFFIDAVIT OF APPEAL.

*Filed this 2nd day of
January 1914.*

*Albert E. Klauke
Justice of the Peace
Carver Co. Minn.*

Justice of the Peace, Carver
County, Minnesota.

Sworn and subscribed to before me this ... day of

1913.

Frank Oesterich, the Defendant in this action, being duly sworn, says that he appeals to the District Court in and for said County, from the judgment rendered by said Justice of the Peace in this cause, on the 27th day of December, 1913, in favor of said Beata Lange, and against said Frank Oesterich therein; and that the appeal is made in good faith, and not for the purpose of delay.

Plaintiff,
Defendant.

-VS-

Beata Lange,
Frank Oesterich,

State of Minnesota,
County of Carver.

In Justice's Court,
Before Albert E. Klauke, Esq.,
Justice of the Peace.

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(Light Ink)

State of Minnesota, }
 County of Carver. }
 In Justice's Court,
 Before Albert C. Klancke, Esq.,
 Justice of the Peace.

Beata Lange, Plaintiff,)
 -vs-) BOND ON APPEAL.
 Frank Oesterich, Defendant.)

KNOW ALL MEN BY THESE PRESENTS, that we, Frank Oesterich, as principal, and William Anderson and Louis Bauer, as sureties, are held and firmly bound unto Beata Lange, in the sum of Seventy-five Dollars, lawful money of the United States, to be paid to the said Beata Lange, her heirs, executors or assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated this 29th day of December, 1913.

The condition of this obligation is such, that whereas, the said Frank Oesterich appeals to the district court in and for said county, from a certain judgment rendered by said justice of the peace, in said cause, on the 23rd day of December, 1913, in favor of said Beata Lange and against said Frank Oesterich, for the sum of Thirty-one Dollars and Ninety-five cents, NOW THEREFORE, if the said appellant shall prosecute this appeal with effect, and abide the order of the court therein, then this obligation to be void, otherwise to remain in full force and effect.

In testimony whereof, we have hereunto set our hands and seals this 29th day of December, 1913.

Signed, sealed and delivered in presence of)
William Anderson) Frank O. Oesterich Seal.
Richard Johnson) Sivan Freed Seal
) Louis Bauer Seal

(2)
 County of Carver,
 In Justice Court,
 Beata Lange, -vs-
 Plaintiff,
 Frank Oesterich, Defendant.
 Albert C. Klancke,
 Justice of the Peace.

State of Minnesota.)
County of Carver.) SS

On this 29th day of December, 1913, before me personally appeared Frank Cesterich, Swan Fond and Louis Bauer, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

A. W. Anderson, J.P.
Justice of the Peace or Notary Public.

State of Minnesota,)
County of Carver.) SS

Swan Fond and Louis Bauer, being duly sworn, say each for himself, that he is one of the sureties within named, that he is a resident and freeholder of the State of Minnesota, and that he is worth the sum of One Hundred Fifty Dollars above his debts and liabilities, and exclusive of his property, exempt from execution.

Swan Fond \$150.00
Louis Bauer \$150.00

Sworn and subscribed to before me this 29th day of Dec., 1913.

A. W. Anderson
Justice of the Peace or Notary Public.

(9)

In Justice Court,
County of Carver.

Beata Lange, -VS- Plaintiff,
Frank Cesterich, Defendant.

Appeal Bond.

To wit: Bond with
J. W. Johnson, Appraiser
this 2nd day of January
1914

Attest: I am the
County of Carver

Given this 2nd day of
Jan. 1914.

Attest: I am the
County of Carver

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State of Minnesota,)
County of Carver.) ss

In Justice's Court,
Before Albert C. Klancke, Esq.,
Justice of the Peace.

Beata Lange,

Plaintiff,)

-vs-

Frank Oesterich,

Defendant.)

Notice of Appeal.

TO Beata Lange, Plaintiff, and John J. Fahey, her attorney:

Please take notice, that the above named Frank Oesterich appeals to the district court in and for said county, from the judgment rendered by said justice of the peace in the above entitled cause, on the 23rd day of December, 1913, in favor of the said Beata Lange and against Frank Oesterich, therein, for the sum of Thirty-one Dollars and Ninty-five cents; and that the said appeal is taken upon question of law and fact.

Dated this 25 day of December, 1913.

P. R. Curran,
Attorney for Defendant, Young
America, Minnesota.

(10)

In Justice's Court,
County of Carver.

Beata Lange,
Plaintiff,

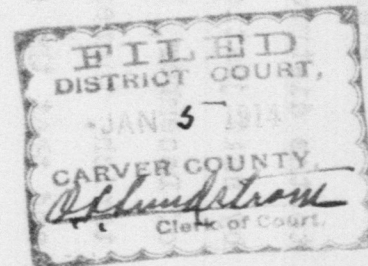
-vs-

Frank Oesterich,
Defendant.

NOTICE OF APPEAL.

Due and personal service
of the within Notice of
Appeal is hereby admit-
ted at Norwood, Minn.,
this 2nd day of January,
1914.

John J. Fahy
Attorney for Plaintiff,
Norwood, Minnesota.



E168

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(Light Ink)

State of Minnesota,)
County of Carver.) ss

In Justice Court,
Before Albert C. Klancke, Esq.,
Justice of the Peace.

Beata Lange, Plaintiff,)
-vs-)
Frank Oesterich, Defendant.)

An appeal having been made from the judgment rendered by me in said action, I hereby make return of the proceedings had before me therein, pursuant to the Statute, as appears from my docket, viz:

Norwood, Minn., December 15th, 1913.

Summons issued, returnable at my office in the village of Norwood in said County, on the 23rd day of December, 1913, at ten o'clock in the forenoon and delivered to Constable Fred Hein for service. Amount claimed, \$32.

December 17th, 1913. Summons returned by Constable Hein, with his certificate thereon showing personal service upon the within named Defendant in the Town of Watertown in said county, December 16th, 1913. Constable's fees, \$3.30. Summons filed.

December 23rd, 1913. 10 o'clock, a. m. Case called.

John J. Fahey, Esq., appeared on behalf of the Plaintiff.

Peter R. Curran, Esq., appeared in behalf of the Defendant.

Parties all present. Plaintiff files written complaint, duly verified, alleging that on or about the 25th day of September, 1913, she was the owner of and possessed sixteen Domestic Turkeys; that on or about said date, Defendant took said property from possession of said Plaintiff and converted them to his own use; that the value of said property was Thirty-two Dollars, and demanding judgment for that amount, with interest and the costs and disbursements of this action. Defendant demands that Plaintiff furnish security for the costs. Plaintiff files ~~Security~~ Security for costs. Defendant files Answer, written, duly verified, denying each and every allegation in the Plaintiff's complaint stated. Defendant demands a jury trial of six. Constable Heinen submits and filed a list of 18 names of persons eligible for jury service. Counsel for parties strike out six names each, alternately, from jury list submitted.

Venire issued, commanding Tillman Heckmann, Gottlieb Pieper, Andreas Franck, Gottfried Teborg, Frank Richter and Chas. Bowen, to appear at my office, at one o'clock, p. m. to make a jury for the trial of the civil action of Beata Lange against Frank Oesterich, and delivered to Constable Henry Heinen for service. Upon consent of parties, this cause of action is continued for trial until one o'clock, p. m.

One o'clock, p. m. Case called.

John J. Fahey, Esq., appeared as counsel for the Plaintiff.

Peter R. Curran, Esq., appeared as counsel for the Defendant.

Venire returned by Constable Heinen, with his certificate thereon, showing personal service of said venire, by reading the same, to Tillman Heckmann, Andreas Franck, Chas. Bowen and Gottlieb Pieper, and the following named persons could not be found, viz: Frank Richter and Gottfried Teborg. Venire filed. With consent of parties, Theodore Wollin and Geo. Dennstedt, by-standers, were selected to complete the jury. Jury accepted and sworn.

Plaintiff states case to jury.

Frank Oesterich, Defendant, called by plaintiff, sworn and testifies under cross-examination under the Statute.

Beata Lange, Plaintiff, called, sworn and testified in direct examination. Cross-examined by counsel for the Defendant.

Elsie Lange, witness for the Plaintiff, called, sworn and testifies in direct-examination. Cross-examined by Defendant's counsel.

Paul Lange, witness for the Plaintiff, called, sworn and testifies in direct-examination. Cross-examined by Defendant's counsel.

Plaintiff rests.

Lange, -vs- Oesterich.

With consent of parties, this cause of action is continued for further trial, until 3.05 o'clock, p. m.

3:05 o'clock, p. m. Case called.

Defendant states case to jury.

Frank Oesterich, Defendant, called, sworn and testified in his own behalf. Cross-examination by Plaintiffs counsel. Re-direct examination.

Ida Oesterich, a witness for the Defendant, called, sworn and testifies in direct-examination. Cross-examination by Plaintiff's counsel. Re-direct examination.

Fred Gloege, a witness for the Defendant, called, sworn and testifies in direct-examination.

Defendant rests.

Beata Lange called in rebuttal. Frank Oesterich called in rebuttal.

Testimony closed.

Defendant deposits Six Dollars, Jury fee.

Counsel for Defendant opens argument to the Jury.

Counsel for Plaintiff closes argument to the Jury.

Constable Heinen sworn and takes charge of the Jury.

Six o'clock, p.m. Jury returns written verdict, in favor of the Plaintiff in the sum of Sixteen Dollars. Verdict filed. Jurors paid their fees and discharged.

IT IS THEREFORE ADJUDGED AND DETERMINED, That the Plaintiff recover of the Defendant, Sixteen Dollars, damages, and the costs of this action taxed at \$15.95. Total judgment, \$31.95.

Dated at Norwood, this 23rd day of December, 1913.

Albert C. Klancke,
Justice of the Peace,
Carver County, Minn.

Justice's fees.

Issuing Summons. \$.25

I oath to Pleading, 15

I Venire for Jury, 25

Swearing jury and attending officer 40

Swearing 6 witnesses, 90

Entering 1 adjournment 15

Entering 7 folios, Docket Ent. 1.05

Filing 5 papers 20

Taxing costs, 15

Entering judgment, 25

Total, \$3.75

Fred Hein. Officers' Fees.

Serving summons and copy \$.30

Mileage, 30 miles 3.00

Total, \$3.30

Henry Heinen. Officers' Fees.

Writing jury list and summon-

ing Jury, \$1.40

Attendance on Jury, 50

Attendance on court, 1 day, 1.00

Total, \$2.90

Jury Fees.

Gottlieb Pieper, I da. \$1.00

Theodore Wollin, I da. 1.00

Chas. Bowen, I da. 1.00

Geo. F. Dennstedt, I da. 1.00

Andreas Franck, I da. 1.00

Tillman Heckmann, I da. 1.00

Total, \$6.00

Witnesses.

Elsie Lange,

Paul Lange,

Ida Oesterich,

Fred Gloege.

No affidavit of attendance
or of mileage filed, no fees
taxed.

RECAPITULATION.

Justice's Fees, \$3.75

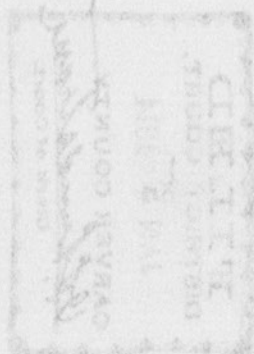
Officers' Fees, 6.20

Jury Fees, 6.00

Total, \$15.95

January 2nd, 1914. Defendant filed Affidavit of Appeal, duly verified, stating that the Appeal was made in good faith and not for the purpose of delay. Bond of Appeal in the sum of \$150, with sufficient surety, approved and filed. Notice of Appeal showing personal service upon Attorney for Plaintiff filed. Costs of Appeal, \$2, paid and appeal allowed, Transcript delivered to clerk of Dist. Court.

Albert C. Klancke,
Justice of the Peace.



State of Minnesota,)
County of Carver.) ss

I hereby certify that I have compared the foregoing with the original entris in my docket, and that the same is a full and correct ##### transcript thereof, and of all the prodeedings had before me in said cause; that the affidavit, bond and notice of appeal, together with all the process and other papers relating to the action and filed with me, or had before me therein, are herewith returned and attached, and numbered from (1) to (10), inclusive; and that, together with the foregoing transcript, they contain a full, correct and complete statement of all the proceedings had before me in said action.

Albert H. Kline
Justice of the Peace,
Carver County, Minn.

Given under my hand this 2nd day of January, 1914.

State of Minnesota,

DISTRICT COURT,

County of Carver,

Eighth Judicial District

Beata Lange

Plaintiff

No. 19

Against

List of Jurors.

Frank Oesterich

Defendant

Attorneys Mark Here

NAMES

REMARKS

1

~~Christ Fink~~

Deputy

2

F. A. Carlson

3

H. L. Dals

4

Earl Zellmanis

5

Adolph Mielke

6

Harry Plaen

7

August Bang

8

Fred Hunk

9

Frank Kucera

10

George Justus

11

Thos. Klingelhatz

Excused

12

Paul Engelke

13

F. C. Velfke

14

Gottfried Schlueter

15

16

17

18

19

20

21

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No. ¹⁶²
19

STATE OF MINNESOTA,

County of Carver,
DISTRICT COURT.

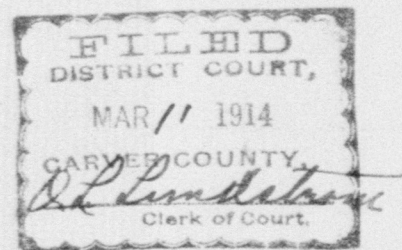
Beata Lange

Plaintiff

Against

Frank Desterich
Defendant

JURY LIST



No. 982

E. - 163.

State of Minnesota,

County of Carver } ss.

IN DISTRICT COURT OF SAID COUNTY,

8th Judicial District
March Term Term, 1914

IN THE MATTER OF

Beata Lange
vs. PlaintiffFrank C. Oestreich
Defendant

We, The Jury in the above entitled action, find in favor of the plaintiff and assess her
damages in the sum of Thirty Two
DOLLARS.
1.0

Carl Gellman
Foreman.Dated at Chaska this 12th day of March A. D. 1914.

162

DISTRICT COURT

8th Judicial District

March Term, 1914

State of Minnesota,

County of

Carew } ss.

VERDICT FOR PLAINTIFF

In the Matter of

Berta Lange
vs. Plaintiff

Frank C. Oestreich
Defendant

Filed in open Court the

12th

day of

March 1914

O. C. Christensen
Clerk.

No. 863

E-163

No.

4623578

DISTRICT COURT,

Carver County, Minnesota

Otto Eckel

Plaintiff

vs.

Theodore Sauers

Defendant

John J. Foley

Plaintiff's Attorney

H. C. Odell

Defendant's Attorney

Date of Entry

January 9th 1914

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E. Page 164

Term Tried

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Judgment for

Amount of Judgment, \$

Date of Judgment

191

Judgment Book

Page

Default Judgment Book

Page

Date of Docketing

191

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(Light Ink)

State of Minnesota,)
County of Carver.) SS

In Justive Court,
Before Albert C. Klancke, Esq.,
Justice of the Peace.

*****)
Otto Eckel,) Plaintiff,
)
-vs-)
Theodore Sons,) Defendant.
*****)

An appeal having been made from a judgment rendered by me in said action, I hereby make return of the prodeedings had before therein, pursuant to the Statute, as appears from my docket as follows, viz:

Action in Replevin.

Norwood, Minn., Dec. 9th, 1913. Plaintiff files Affidavit in Replevin, duly verified, stating that on e bull calf, aged about four months, colored dark-brown, one heifer calf, aged about four months, pure black in color, one heifer aged about seventeen weeks, and being white and black mixed in color, each of said above described calves being of the value of \$20 each and of the aggregate value of \$80, one single-barrelled breech-loader shot gun of the value of \$7.50, all of said property above described being of the aggregate value of \$87.50, of his personal property, is at this time wrongfully detained from him by said Defendant, and that he is intitled to the immediate possession thereof, and that the value of said property is \$87.50. Bond in Replevin in double the value of the property, with Christ Effertz and John J. Fahey as sureties, approved and filed.

Writ of Replevin issued, returnable at my office in the village of Norwood, in said County, on the 19th day of December, 1913, at 10 o'clock in the forenoon of said day and delivered to Constable Henry Heinen for service.

Dec. 14th, 1913. Writ of Replevin returned by Constable Heinen with his certificate thereon showing personal service of within Writ on Defendant, by reading the same and leaving a copy thereof with Defendant in said county; that he replevied of the personal property *Heinen*

described, one single barreled breech loading shot gun; that he retained possession of said gun ~~days~~, and no bond being given for its return to Defendant, delivered same to Plaintiff. Constable's fee, \$3.65. Writ filed.

December 19th, 1913. 10 o'clock, a.m. Case called.

John J. Fahey, Esq., appeared as counsel for the Plaintiff.

Defendant present in person.

Plaintiff files complaint, duly verified. Upon the motion of the Defendant and with the consent of the counsel for the Plaintiff, this cause of action is continued for trial until the 26th day of December, 1913, at 10 o'clock in the forenoon of said day.

December 26th, 1913. 10 o'clock, a.m. Case called.

John J. Fahey, Esq., appeared as counsel for the Plaintiff.

No appearance by the Defendant. After waiting one hour, and no appearance by Defendant, case called for trial.

Plaintiff proceeds to prove his case.

Otto Eckl, Plaintiff, called, sworn and testified.

Wm. Teubert, a witness for the Plaintiff, called, sworn and testifies. John Urmann, a witness for the Plaintiff, called, sworn and testifies. in behalf of Plaintiff.

Joseph Eckl, a witness for the Plaintiff, called, sworn and testifies. ~~Testimony closed. Case closed.~~ *Plaintiff rests.* Plaintiff files affidavit of witness fees and mileage. ~~There being no appearance by Defendant or his counsel for cross-examination, case closed.~~

After hearing the evidence adduced at the trial and ⁱⁿ consideration of all matters involved: IT IS ADJUDGED AND DETERMINED, That the Plaintiff have judgment against the Defendant in the sum of Fifteen Dollars, damages.

That the value of the property so illegally detained by Defendant was of the value of Seventy-five Dollars.

For the costs and disbursements of this action, taxed at Twelve and 16/100 Dollars. Total ~~judgment~~ ^{Seven} judgment, Twenty-~~seven~~ and 16/100 Dollars.

Sat. 27th
Dated at Norwood, Minn., Dec. ~~26th~~, 1913.

Albert C. Klancke,

Justice of the Peace

*Lower Co.
Minn*

Jan. 7th, 1914. Defendant filed Affidavit of Appeal, duly verified, stating ~~xxxxxxx~~ the appeal was made in good faith and not for the purpose of delay. Bond of Appeal in the sum of One Hundred Dollars with sufficient surety, approved and filed. Notice of Appeal, showing personal service, upon attorney for Plaintiff filed. Costs of Appeal, \$2, paid and Appeal allowed. Transcript delivered to Clerk of Dist. Court.

Albert C. Klancke, Justice.

BILL OF COSTS AND DISBURSEMENTS.

Justice Fees.		Constable's Fees.	
Swearing 4 witnesses,	\$.60	Serving I writ of replevin,	\$.50
Entering I adjournment,	15	I copy of Replevin	15
Issuing Writ of Replevin,	25	Mileage, serving replevin	
Approving I bond in Replevin,	25	30 miles	3.00
Acknowledgment and Justifacation	30		\$ 3.65
Certifying I oath to Affidavt	15		
Drawing Affidavit, I folio,	15	Witnesses' Fees and names.	
Entering 6 folios, Docket Entries	90	Wm. Teubert, I da, 12 miles	\$1.72
Filing 4 papers in case,	20	John Uhrmann, I da, 12 miles	1.72
Taxing costs,	15	Joseph Eckl, I da, 12 miles	1.72
Entering Judgment,	25		\$5.16
	<u>\$3.35</u>		

RECAPITULATION

Justice Fees,	\$ 3.35
Constable Fees,	3.65
Witness fees,	5.16
	<u>\$12.16</u>

State of Minnesota,)
County of Carver.) ss

I hereby certify that I have compared the foregoing with the original entris in my docket, and that the same is a full and correct transcript thereof, and of all the proceedings had before me in said cause; that the affidavit, bond and notice of appeal, together with all the process and other papers relating to the appeal, together with all the process and other papers relation to the action and filed with me, or had before me therein, are herewith returned and attached, and numbered from (1) to (2), inclusive: and that, together with the foregoing transcript, they contain a full, correct and complete statement of all the proceedings had before me in said action.

Albert C. Klancke

Justice of the Peace, Carver Co., Minn.

Given under my hand and dated this 7th day of January, 1914.

E 164

Illegible
(Light Ink)

State of Minnesota,

} ss.

County of Carver.

Otto Eckl,

being duly sworn, deposes and says, that

he is

the Plaintiff herein, that

One bullcalf, aged about four months, colored dark brown; one heifer calf aged about four months, color dark brown, one heifer calf pure black in color and aged four months; one heifer, aged about 17 weeks, and being black and white, mixed, in color, each of said above described calves being of the value of \$20.00 each and of the aggregate value of \$80.00, one single barreled, breach loader shot gun of the value of \$7.50, all of said property above described being of the aggregate value of \$87.50.

of his personal property is at this time wrongfully detained from him by

Theodore Sons

at Hancock Town

in said County; that he, the said Plaintiff, is entitled to the immediate possession thereof; that the said property was not taken from him by any process legally and properly issued against him.

and that the value of said property is Eighty Seven & 50/100

Dollars

according to the best knowledge and belief of this affiant.

Otto Eckl

Subscribed and sworn to before me this 9th

day of December A. D. 1913

Albert C. Planch Justice of the Peace

(1)

IN JUSTICE'S COURT

County of

Carver

Otto Eckel,

Plaintiff

-vs-

Theodore Sora

Defendant

REPLEVIN AFFIDAVIT

Filed this *7th* day of *December*
A. D. 19*13*

Albert E. Klamke
Justice of the Peace

1281000

E164

State of Minnesota,

In Justice's Court,

County of Carver.

ss.

Before

Albert C. Klancke,

Justice of the Peace

Otto Eckl,

Plaintiff.

-VS-

Theodore Sons,

Defendant

Know all Men by these Presents, That we Otto Eckl

Plaintiff

in the above entitled action, as principal, and John J. Fahey and

Christ Effertz

as sureties,

are held and firmly bound unto Theodore Sons

Defendant in the above entitled action, in the sum of Two Hundred

Dollars, lawful money of the United States, to be paid unto the said Defendant,

his heirs, executors, administrators or assigns, for which payment well and

truly to be made, we jointly and severally bind ourselves and each of our heirs,

executors and administrators, firmly by these presents.

Sealed with our seals and dated this 9th day of December 1913

The condition of this obligation is such, that whereas an affidavit has been duly made in this action that the said Defendant wrongfully detain from said Plaintiff

certain personal property therein described, of the value of Fifty-seven

& 50/100

Dollars, and said Plaintiff claims the immediate delivery of such property to him according to the statute in such case provided;

NOW, THEREFORE, If the said Plaintiff shall appear on the return day of the writ and prosecute his action to judgment, and return the said property to said Defendant if a return therefor is ordered by the Court, and also shall pay all costs and damages that may be adjudged against him, then this obligation shall be void; otherwise to remain in full force.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this

9th

day of

December

A. D. 1913.

Signed, Sealed and Delivered in Presence of

Albert C. Klancke

Otto Eckl
John J. Fahey
Christ Effertz

Seal

Seal

Seal

Seal

(2)

State of Minnesota,

County of Carver

ss.

On this 9th day of

December

A. D. 1913 before me, a

Justice of the Peace

within and for said County, personally appeared

Otto Mekl, John J. Fahey and Christ Eiferetz

to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as ~~their~~ free act and deed.

Justice of the Peace,

Carver County, Minn.

State of Minnesota,

County of Carver.

ss.

John J. Fahey and Christ Eiferetz

being duly sworn, say, each for himself, that he is one of the sureties within named; that he is a resident and freeholder of the State of Minnesota, and worth double the amount for which he justifies herein, above his debts and other liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me this 9th day of Dec 1913

Amount of Justification, \$ 200.00

Amount of Justification, \$ 200.00

State of Minnesota,

County of

ss.

being duly sworn, say, each for himself, that he is one of the sureties within named; that he is a resident and freeholder of the State of Minnesota, and worth the amount for which he justifies herein, below stated, above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me this

day of 19

Amount of Justification, \$

Amount of Justification, \$

Amount of Justification, \$

IN JUSTICE'S COURT

County of Carver

Otto Ecker

Plaintiff

Theodore Sons

Defendant

REPLEVIN BOND

I hereby approve the within Bond and the sureties thereon.

Dated December 9 1913

Albert C. Klaucke

Justice of the Peace

The within Bond filed this 9th

day of December 1913

Albert C. Klaucke

Justice of the Peace

1181000

F 164

State of Minnesota,

} ss.

County of Carver.

The STATE OF MINNESOTA, To the Sheriff or any Constable of said County:

Whereas, Otto Eckl of said County, complains that Theodore Sons has taken and does unjustly detain the following described personal property, of the value of Eighty seven & 50/100 Dollars, to-wit: one bull calf, aged about four months, color dark brown; one heifer calf, aged about four months, color dark brown, one heifer calf pure black in color and aged four months; one heifer calf aged about 17 weeks, and being black and white, mixed, in color, each of said above described calves being of the value of \$20.00 each and of the aggregate value of \$80.00, one single barreled, breach loader shot gun of the value of \$7.50, all of said property above described being of the aggregate value of \$87.50

Therefore, you are commanded that you cause the same property to be replevied without delay; and if within two days after the service of this Writ the said Theodore Sons

shall require a return of the property, and shall execute to the Plaintiff a good and sufficient bond, duly approved by me, according to the statute in such case made and provided, that you deliver the said property to him; but if said bond is not given at the expiration of the two days, that you cause the said property to be delivered to the Plaintiff, and also that you summon the said Theodore Sons

to be and appear before me, one of the Justices of the Peace in and for said County on the 19th day of December 1913, at 10 o'clock in the fore - noon, at my office in the village of Norwood in said County, to answer complaint of Otto Eckl

Given under my hand this 9th day of Dec. 1913

131

Albert C. Klauke

Justice of the Peace

STATE OF MINNESOTA

COUNTY OF

Cannon

ss.

I hereby certify and return that, by virtue of the within Writ, I did, on the *10th* day of *December* 19*13*, replevy the property therein described, and retained possession thereof two days (and no bond for return to Defendant being given within the two days, I delivered the same to the Plaintiff on the *14th* day of *December* 19*13*), ~~(and upon notice from the Justice that the Defendant had given a proper bond requiring a return of said property to him, I did, on the _____ day of _____ 19____, deliver the same to the said Defendant.)~~

Also, on the same day I personally served the within Writ upon the Defendant (by reading the same and delivering a copy thereof to him in said County), ~~or (by leaving a copy thereof at his last usual place of abode with one _____~~

~~_____ a person of suitable age and discretion, then residing therein, in said County, Defendant not being found,~~

FEES—Mileage *30* Miles, \$ *3.00*
 Service, - - - .50
 Copies, - - - \$ *.15*
 Total, - - - \$ *3.65*

Henry Heinen

IN JUSTICE'S COURT

County of

*Cannon**Otto E. Core**Plaintiff**vs-**Theodore Lore**Defendant*

WRIT OF REPLEVIN

Returned and filed this

day of *December* 19*13**Albert E. Heinen*
Justice of the Peace

1081500

E164

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State of Minnesota, In Justice's Court,
County of Carver, Before Albert C. Klancke, Esq., Justice of the Peace

Otto Eckl, Plaintiff.

-vs-

Theodore Sons, Defendant.

The plaintiff in the above entitled action complaining of the defendant therein alleges:

That at the time stated in the next paragraph he was and still is the owner of the following described personal property: one bull calf aged about 4 months, dark brown in color; one heifer calf aged about four months, dark brown in color, one heifer calf pure black in color and aged about 4 months, one heifer calf black and white, about 17 weeks old. ~~single barreled brace loading shot gun~~ that on the 9th day of December, 1913, defendant took said property from the possession of plaintiff and failed to deliver said property to said plaintiff; that for plaintiff to secure possession of said property it was necessary for plaintiff to have a writ of replevin issued out of this court, and have said property seized by one of the constables of said county of Carver.

That the value of said property is \$ 87.50

Wherefore plaintiff demands judgment:

For the sum of \$ 25.00 as damages for the detention of said property.

For his costs and disbursements herein.

John J. Fahey,
Plaintiff's Attorney,
Norwood, Minnesota.

State of Minnesota,
County of Carver. ss

Otto Eckl, being duly sworn, says that he is the plaintiff in the above entitled action; that he has read the foregoing complaint and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on information and belief and as to those matters he believes it to be true.

Subscribed and sworn to before me this 19th day of December, 1913.

Otto Eckl
John J. Fahey



(4)
Original

In Justice's Court
County of Carver

Otto Eckel

^{VS}
Theodore Sone

Complaint

Filed this 19th
day of Dec. 1913.

Arthur C. Kneale
Justice of the Peace

E 164

State of Minnesota, }
 County of Carver } ss.
 Otto Ecke

In Justice's Court
 Before Albert C. Klauke
 Justice of the Peace

vs.
 Theodor Sons

Plaintiff

Defendant

State of Minnesota, }
 County of Carver } ss.

Theodor Sons

the defendant in this action, being duly sworn, says that he appeals to the District Court in and for said County, from the judgment rendered by said Justice of the Peace in the cause, on the 26th day of December 1913, in favor of said plaintiff

and against said defendant

therein; and that the said appeal is made in good faith, and not for the purpose of delay.

Subscribed and sworn to before me this

5th

day of

January

A. D. 1914

(5)

Theodor Sons
 R. P. Lundstrom
 Clerk of the District Court
 Justice of the Peace

(5)

IN JUSTICE'S COURT

County of

Carr

Otto Eise

Plaintiff

.vs.

Theodor Saus

Defendant

APPEAL AFFIDAVIT

Filed this *6th* day of *Jan.*
A. D. 191*4*

● *Albert Klauke*
Justice of the Peace

2121000

E 164

W. C. Dull

Attorney for Defendant

State of Minnesota,

County of

Carver

ss.

In Justice's Court

Before

Albert C. Klauke

Justice of the Peace

Otto Eckel

Plaintiff

Theodor Sours

vs.

Defendant

Know all Men by these Presents, That we, Theodor Sours, said
above named Defendant

in the above entitled action, as principal, and Paul Sours and Philip
Sours of said County and State as sureties,
 are held and firmly bound unto Otto Eckel, said Plaintiff

in the above entitled
 action, in the sum of One Hundred Dollars,
 lawful money of the United States, to be paid to the said Otto Eckel, said
Plaintiff, his heirs, executors, administrators or assigns,
 for which payment well and truly to be made, we jointly and severally bind ourselves
 and each of our heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this 5th day of January 1914

The condition of this obligation is such, that whereas the said Theodor
Sours, said Defendant

appeals to the District Court, in and for said County, from a certain judgment
 rendered by said Justice of the Peace in said cause, on the 26th
 day of December 1913, in favor of said Plaintiff

and against said
Defendant
 for the sum of _____ Dollars.

NOW, THEREFORE, If the said Appellant shall prosecute his appeal with
 effect, and abide the order of the Court therein, then this obligation shall be void;
 otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this

5th day of January A. D. 1914

Signed, Sealed and Delivered in Presence of

W. C. Baell

O. P. Lundstrom

Theodor Sours
Paul Sours
Philip Sours

Seal

Seal

Seal

Seal

State of Minnesota,

County of

Carron

ss.

On this

17th

day of

January

A. D. 1914, before me, a

Clark of District Court

Theron Sore, Paul Sore and Philip Sore

within and for said County, personally appeared

East

to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

A. J. Sundstrom
Clark of District Court

State of Minnesota,

County of

Carron

ss.

Paul Sore and Philip Sore

being duly sworn, say, each for himself, that he is one of the sureties within named; that he is a resident of the State of Minnesota, and that he is worth the sum of One Hundred Dollars, above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me this 8th day of January 1914

A. J. Sundstrom
Clark of the District Court

Paul Sore

Philip Sore

IN JUSTICE'S COURT

County of

Carron

Otto Eckel

Plaintiff

-vs-

Theron Sore

Defendants

APPEAL BOND

I hereby approve the within Bond and the sureties thereon.

Dated

191

Justice of the Peace

Filed this

9th

day of

January

A. D. 1914

A. J. Sundstrom
Clark of the District Court

212 1000

E 164

W. C. O'Neill

Attorney for Defendants

State of Minnesota,
County of Carver } ss.
Oto Eck

In Justice's Court
Before Albert C. Klauke
Justice of the Peace

Theodor Sons . vs.

Plaintiff

Defendant

To Said Plaintiff and John J. Taky Esq. his Attorney:

PLEASE TAKE NOTICE, That the above named defendant

appeals to the District Court in and for said County
from the judgment rendered by said Justice of the Peace, in the above entitled cause, on
the 26th day of December 1913, in favor of said

plaintiff
and against said defendant

therein, for the sum of _____ Dollars;

and that the said appeal is taken upon questions of Law alone

Dated this 5th day of January 1914

(7)
W. C. Odell
Attorney for Defendant

163
(7)

7579

IN JUSTICE'S COURT
County of Carver

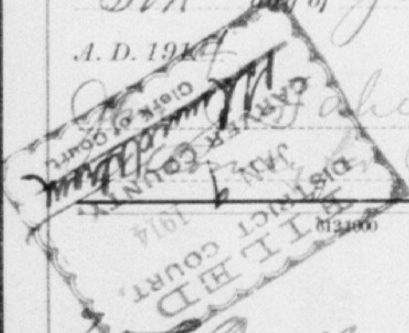
Otto Eke
Plaintiff

vs.
Theodor Saur
Defendant

NOTICE OF APPEAL

Filed this 6th day of Jan.
A. D. 1914
Albert Klauke
Justice of the Peace

Due and personal service of the within
Notice of Appeal is hereby admitted at
Chasra. Minn. this
5th day of January
A. D. 1914



W. B. O'Connell
Attorney for Defendant

State of Minnesota,
County of _____ } ss.
being duly sworn, says, that on the _____
of _____
personally by delivering to and leaving with him a true and correct copy thereof _____
in said County, he served the within Notice of Appeal upon
the within named _____
_____ day of _____ 1914, at the

Subscribed and sworn to before me this _____ day of _____ 1914
Justice of the Peace

No. 3379

DISTRICT COURT,
Carver County, Minnesota

The State of Minnesota
Plaintiff

vs.

Theodore Sans
Defendant

John F. Foley
Plaintiff's Attorney

H. C. Odell
Defendant's Attorney

Date of Entry *January 12* 191*7*

Register of Actions, *E* Page *165*

Term Tried *7* 191

Judgment for *1000*

Amount of Judgment, \$

Date of Judgment 191

Judgment Book Page

Default Judgment Book Page

Date of Docketing 191

State of Minnesota,)
County of Carver.) ss

In Justice Court,
County of Carver.

Before Albert C. Klancke, Esq.,
Justice of the Peace.

The STATE OF MINNESOTA, Plaintiff,)

-vs-)

Theodore Sons, Defendant.)

An appeal having been made from the judgment rendered by me in said action, I hereby make return of the proceedings had before me therein, pursuant to the Statute, as appears from my docket, viz:

Norwood, Minnesota, Dec. 19th, 1913. John Urmann came before me and made written complaint, under oath, that at the Town of Hancock, in said County, Theodore Sons, on Dec. 5th, 1913, then and there being, did, wilfully, unlawfully and wrongfully commit the offense of Assault and Battery upon the person of him, the said John Urmann, , in this, that Theodore Sons, then and there being, did in a violent and angry manner assault, beat, strike and ill-treat him, the said John Urmann, contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Minnesota and prayed that said Theodore Sons may be arrested and dealt with according to law. Complaint filed. Warrant issued for the apprehension of said Theodore Sons, and delivered to Constable Henry Heinen for service. Warrant returned by Constable Henry Heinen , Dec. 27th, 1913, with his certificate thereon that by virtue of the within warrant he had apprehended the said Defendant and have him in court and in custody. Warrant filed. Constable's fees, \$1.20.

Dec. 27th, 1913. Case called State represented by Co. Attorney John J. Fahey. Defendant present in court. Charge as contained in complaint and warrant read to Defendant, who enters a plea of "Not/Guilty" thereto. Upon motion of the Defendant, and with consent of State, this cause of action is continued for trial until the 29th day of December, 1913, at 10 o'clock in the forenoon of said day. Defendant required to and enters into a Recog-

nizance in the sum of Twenty-five Dollars for his appearance at said date and hour with Philip Sons and Paul Sons as sureties. Recognizance approved and filed. This cause of action continued for trial until Dec. 29th, 1913, at 10 o'clock, a.m.

Dec. 29th, 1913. 10 o'clock, a.m. Case called. Defendant present. John J. Fahey^{Esq.} appeared as counsel for the State.

W. C. Odell, Esq., appeared as counsel for the Defendant.

Upon motion of counsel for the Defendant, with consent of counsel for the State, this cause of action be and the same is continued for trial until the 10th day of January, 1914, at 10 o'clock in the forenoon of said day.

Jan. 10th, 1914. 10 o'clock, a.m. Case called.

John J. Fahey, Esq., appeared as counsel for the State.

W. C. Odell, Esq., appeared as counsel for the Defendant.

Upon stipulation of counsel, this cause of action is continued for trial until One o'clock, p.m.

One oclock, p.m. Case called.

John J. Fahey, Esq., appeared as counsel for the State.

W. C. Odell, Esq., appeared as counsel for the Defendant.

Parties ready for trial. State opens case and calls John Urmann, complaining witness,

John Urmann, called, sworn and testified on direct examination.

Cross-examined by counsel for the Defendant.

Otto Eckl, a witness for the state, called, sworn and testified in behalf of the State on direct e-xamination. Cross-examined by counsel for the Defendant.

State rests. Defendant rests. Testimony closed.

State and Defense waive argument of case.

After considering the evidence adduced at the trial of said cause, IT IS ADJUDGED AND DETERMINED, That the Defendant, Theodore Sons, is guilty as charged in the complaint and warrant and

THEREFORE, he be required to pay a fine of Twenty Dollars, and the costs of this action taxed at \$5.02, or upon failue to pay said fine and costs be confined in the common jail of said county for a period of Twenty Days.

Dated at Norwood, this 10th day of Jan., 1914.

Albert C. Klancke,
Justice of the Peace,
Carver County,
Minnesota

Jan. 10th, 1914. Defendant files Appeal Bond in the sum of One Hundred Dollars with sufficient sureties, together with a Notice of Appeal, ~~and~~ showing personal service upon John J. Fahey. counsel for state. Appeal allowed and transcript delivered to Clerk of Dist. Court. Dated Jan. 10th, 1914

Albert C. Klancke, J.P.

BILL OF COSTS

Justice's Fees.		Constable's fees.	
Oath to complainant,	\$.15	Serving warrant on Defendant,	\$.90
Certifying oath to complaint,	15	Mileage, serving Warrant, 7	
Issuing warrant,	25	miles,	70
Entering 2 adjournments,	30		<u>\$ 1.20</u>
Entering 5 files Docket Entries,	75		
Filing 2 papers in case,	10	Witnesses' fees.	
Taxing costs,	15	Otto Eckl, 1 day	\$ 1.00
Entering judgment,	25	Mileage, 12 miles,	72
	<u>\$ 2.10</u>		<u>\$ 1.72</u>

RECAPITULATION.

Justice's fees,	\$2.10
Constable's fees	1.20
Witnesses' fees,	1.72
	<u>\$5.02</u>

State of Minnesota,)
) ss
County of Carver.)

I hereby certify that I have compared the foregoing with the original entries in my docket, and that the same is a full and correct transcript thereof, and of all the proceedings had before me in said cause: that the bond and notice of appeal, together with all the process and other papers relating to the action and filed with me, or had before me therein, are herewith returned and attached, and numbered from (1) to (40), inclusive and that, together with the foregoing transcript, they contain a full, correct and complete statement of all the proceedings had before me in said action.

Albert C. Klancke,
Justice of the Peace,
Carver County,
Minnesota.

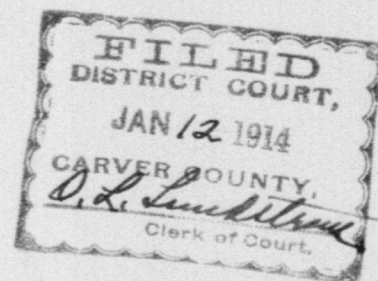
Given under my hand and dated this 10th day of Jan. 1914.

In Justice Court
County of Carver.
~~~~~  
The State of Minnesota.  
Plaintiff.

-163-

Theodore Sons.  
Defendant.

~~~~~  
Transcript
~~~~~  
~~~~~



E165-

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(Light Ink)

CRIMINAL COMPLAINT

STATE OF MINNESOTA)
COUNTY OF CARVER.) SS

John Urmann, being
duly sworn, makes complaint and says, that on the 5th day of Decem-
ber, 1913, at the Town of Hancock, in said County of Carver, Theodore
Sons, then and there being, did wilfully, unlawfully and wrongfully
commit the offense of assault and battery upon the person of said
John Urmann, this complainant, in this, that he, the said Theodore
Sons then and there being did in a violent and angry manner assault,
beat, strike, and ill-treat him, the said John Urmann, the said com-
plainant, contrary to the form of the statute in such case made and
provided and against the peace and dignity of the state of Minnesota,
Wherefore said complainant prays that the said Theodore Sons may be
arrested and dealt with according to law.

John Urmann

Sworn to and subscribed and complained of before me this 19th day
of December, 1913.

Albert B. Klauke
Justice of the Peace.

(1)

Original

In Justice's Court
County of Carver

State of Minnesota

vs.

Theodore Sorens

Complaint

Filed this 19th day
of Dec, 1913.

Albert C. Maucke
Justice of the Peace

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(Light Ink)

CRIMINAL WARRANT

STATE OF MINNESOTA, }
COUNTY OF CARVER. } SS

THE STATE OF MINNESOTA

-TO-

The Sheriff or any Constable of said County:

WHEREAS John Urmann has this day complained to me in writing, on oath, that on the 5th day of December, 1913, at the Town of Hancock, in said County, Theodore Sons, then and there being, did wilfully, unlawfully and wrongfully commit the offense of assault and battery upon the person of him, the said John Urmann, in this, that he, the said Theodore Sons, then and there being did in a violent and angry manner assault, beat, strike, and ill-treat him, the said John Urmann, contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Minnesota, and prayed that the said Theodore Sons might be arrested and dealt with according to law.

Now, therefore, you are commanded to forthwith apprehend the said Theodore Sons and bring him before me to be dealt with according to law.

Given under my hand and dated this 19th day of December, 1913.

Albert C. Klauke
Justice of the Peace.

State of Minn
County of Carver }

Dec 27 1913
70
70

140

I have read and believe that the return
of the within return and I have approved it
as correct and true.
Noted Dec. 27. 1913

Henry Heinen

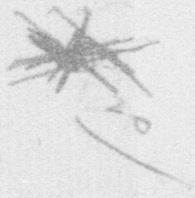
(2)
Original

In Justice's Court
County of Carver

State of Minnesota
vs.
Theodore Sons

Warranted
Filed this 27 day
of Dec. 1913
Albert E. Klauser
Justice of the Peace
Carver County, Minn.

20 days.



State of Minnesota,

In Justice's Court

County of

88.

Before

Justice of the Peace

To John J. Fahy, Esq. and his Attorney:

PLEASE TAKE NOTICE, That the above named

appeals to the District Court in and for said County
 from the judgment rendered by said Justice of the Peace, in the above entitled cause, on
 the 10th day of January, 1914, in favor of said

and against said Defendant, regarding said Defendant
 guilty of the offense of larceny of personal property
 therein, for the sum of Dollars;

and that the said appeal is taken upon questions of

Dated this 10th day of January, 1914

3

W. C. Dull

Attorney for Defendant

IN JUSTICE'S COURT

County of Cass

State of Minnesota,

ss.

County of

being duly sworn, says, that on the

of

day of

in said County, he served the within Notice of Appeal upon

the within named

personally by delivering to and leaving with him a true and correct copy thereof

Subscribed and sworn to before me this

day of

191

Justice of the Peace

NOTICE OF APPEAL

Filed this

10th day of

January

A. D. 1914

Albert C. Reaser

Justice of the Peace

Due and personal service of the within
Notice of Appeal is hereby admitted at

Norwood

this

10th day of

January

A. D. 1914

John J. Fahy

County Clerk

State of Minnesota, } ss.
County of Carr

We, Theodore Sorensen
as principal, and Paul Sorensen and Philip Sorensen
as sureties,
acknowledge ourselves to owe and be indebted unto the State of Minnesota
in the sum of One Hundred Dollars, to be levied of our
several goods and chattels, lands and tenements, to the use of said State, if default
be made in the condition following, to-wit:

The condition of this Recognizance is such, that whereas, at a Justice's Court
held at the office of Albert E. Klauene a Justice of the Peace
in and for said County, for the trial of Said Theodore Sorensen
for the offense hereinafter stated, the said Theodore Sorensen

was convicted of having, on the 5th day of December 1913,
in said County, (convicted) of the crime of Assault and Battery

as follows: The said Theodore Sorensen did then and there
upon the person of one John Sorensen, the said John
Sorensen being a peaceable citizen of said County, and
did then and there strike and beat the said John Sorensen
with his hands and fists, and did then and there
draw a knife and stab the said John Sorensen in the
back, to the great damage of the said John Sorensen
and to the injury of the peace of said County.

and upon conviction the said Court did adjudge and determine that the said
Theodore Sorensen should pay a fine of \$ 20.00 and
the costs of prosecution, taxed at \$ 5.00, and in default of payment of said
fine and costs, be imprisoned in the common jail of said County for 20 days;
and, whereas, said Theodore Sorensen desires to appeal
from said judgment;

Now, Therefore, If the said Theodore Sorensen

shall personally be and appear before the District Court on the first day of the next
general term thereof, to be held in and for the said County of Carr
and abide the judgment of said Court therein, and in the meantime keep the peace
and be of good behavior, and shall not depart the said Court without leave duly
granted, then this Recognizance shall be void; otherwise to remain in full force and
effect.

Taken and acknowledged before me
this 1st day of January 1914

Albert E. Klauene
Justice of the Peace

Theodore Sorensen
Paul Sorensen
Philip Sorensen

(4)

State of Minnesota,

ss.

County of *Carver*

Paul Sons and Philip Sons
being duly sworn, say, each for himself, that he is one of the sureties in the foregoing Recognizance; that he is a resident and freeholder of the State of Minnesota, and that he is worth the sum of *One Hundred* Dollars, above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me this

10th day of *January* 191*4*.

Albert E. Klauke
Justice of the Peace

Paul Sons
Philip Sons

(4)

IN JUSTICE'S COURT

County of

THE STATE OF MINNESOTA

AGAINST

Theodore Sons

RECOGNIZANCE

UPON APPEAL

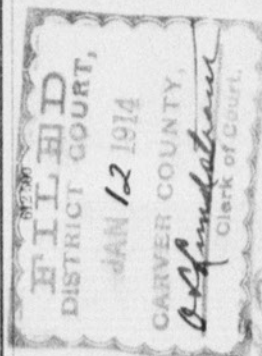
I hereby approve the within Recognizance and the sureties thereon.

Dated *January 10th* 191*4*.

Albert E. Klauke
Justice of the Peace

Filed this *10th* day of *January*
A. D. 191*4*.

Albert E. Klauke
Justice of the Peace



No.

4653380

DISTRICT COURT,

Carver County, Minnesota

Herman Gieson and
Auguste Gieson
Plaintiffs

vs.

Joseph Metz et al.
Defendant

Alfred E. Riety
Plaintiff's Attorney

Defendant's Attorney

Date of Entry

Jan. 23rd 1914

Register of Actions

E

Page *166*

Term Tried

March Term 1914

Judgment for

Amount of Judgment, \$

Date of Judgment

191

Judgment Book

Page

Default Judgment Book

Page

Date of Docketing

191

GENERAL TERMS

In Dakota County--the First Monday in May and the
Second Monday in November.

SPECIAL TERMS

Second and Fourth Tuesday of Each Month Except
the Months of July and August.

...OFFICE OF...

CLERK OF COURT
DAKOTA COUNTY
MINNESOTA

T. S. RYAN, Clerk

FIRST JUDICIAL DISTRICT
DAKOTA COUNTY
STATE OF MINNESOTA

JUDGES

Hon. ALBERT JOHNSON, Red Wing
Hon. WILLARD L. CONVERSE, South St. Paul

HASTINGS, MINN., Nov. 1st 1915.

O. E. Lundstrom.

Chaska.

Minnesota.

Dear Sir.

The files in case of Ferdinand Siemon and Augusta Siemon -vs-
Joseph Mertz et.al. recieved, and your letter in regards to the order.
In regards to the order will say as I understand it the Original must
remain in the files , If you will look at the 1913, Statuets on Page
1671-#7722 it will explain it, However I am sending you a copy of the
order,

Very Resp Yours.

T. S. Ryan.

Copy of Order.

State of Minnesota

District Court

County of Carver

Eighth Judicial District.

Ferdinand Ziemon and

Augusta Ziemon, Plaintiffs,

-vs-

ORDER.

Joseph Mertz, et. al.

Defendants,

The motion of Emma Diessner, one of the defendant in
The above action, for a change of venue herein, having come on
for hearing before this court on the 11th. day of October, 1915,
at the city of Chaska, Minnesota, Francis Muckel appearing in
support of said motion and for said Emma Diessner, and Alfred E.
Rietz appearing as counsel for plaintiffs herein.

NOW, THEREFORE, it is hereby ordered that the above
entitled action be and the same is hereby transferred to the
District Court of Dakota County, First Judicial District of
Minnesota, and the Clerk of the District Court of Carver County
is hereby ordered to transfer all files and records herein to the
Clerk of the District Court of Dakota County, Minnesota, forthwith.

Dated this 25th. day
of October, 1915.

P.W.Morrison.

Judge of the District Court.

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiff,

-vs-

Joseph Mertz, Roswell P.
Russell, Henry R. Diessner,
Emma Diessner, Ferdinand
Gatz, Bertha Gatz and all
the unknown heirs of any
or all of said parties, also
all other persons unknown
claiming any right, title,
estate, interest or lien in
the real estate described in
the complaint herein,

J U D G M E N T.

Defendants.

The above entitled action having duly come on
for hearing and having been duly heard by the above named
Court, in the above County and State, on the 24th day of March,
1914, and the Court having duly made and filed its Findings
of Fact and Order for Judgment therein.

NOW, THEREFORE, in pursuance of said Order for
Judgment and upon all the files and records herein, IT IS
HEREBY ADJUDGED AND DECREED:

1. That Ferdinand Ziemon and Augusta Ziemon the plaintiffs
are the owners in fee, free and clear of all liens or encumbrances,
of those certain premises situate in the County of Carver and
State of Minnesota, and described as follows; to-wit: Lots One
(1) and Two (2) of Block Forty (40) in the village of Waconia,
according to the plat thereof on file and of record in the
office of the Register of Deeds in and for Carver County, Minnesota.

2. That neither Joseph Mertz, Roswell P. Russell, Henry R. Diessner, Emma Diessner, Ferdinand Gatz, Bertha Gatz nor any other defendant named or unnamed in said action have any right, title, estate or interest in or encumbrance or lien upon said premises.

BY THE COURT

Dated at Chaska, Minnesota,
this 8th day of June, 1914.

(SEAL)

Clerk of Court

Copy.

STATE OF MINNESOTA

COUNTY OF CARVER

District Court

Eighth Judicial District.

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiffs,

-vs-

Joseph Mertz, et al,

Defendants.

JUDGMENT.

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiff,

-vs-

Joseph Mertz, Roswell P.
Russell, Henry R. Diessner,
Emma Diessner, Ferdinand
Gatz, Bertha Gatz and all
the unknown heirs of any
or all of said parties, also
all other persons unknown
claiming any right, title,
estate, interest or lien in
the real estate described in
the complaint herein,

J U D G M E N T.

Defendants.

The above entitled action having duly come on
for hearing and having been duly heard by the above named
Court, in the above County and State, on the 24th day of March,
1914, and the Court having duly made and filed its Findings
of Fact and Order for Judgment therein.

NOW, THEREFORE, in pursuance of said Order for
Judgment and upon all the files and records herein, IT IS
HEREBY ADJUDGED AND DECREED:

1. That Ferdinand Ziemon and Augusta Ziemon the plaintiffs
are the owners in fee, free and clear of all liens or encumbrances,
of those certain premises situate in the County of Carver and
State of Minnesota, and described as follows; to-wit: Lots One
(1) and Two (2) of Block Forty (40) in the village of Waconia,
according to the plat thereof on file and of record in the
office of the Register of Deeds in and for Carver County, Minnesota.

2. That neither Joseph Mertz, Roswell P. Russell, Henry R. Diessner, Emma Diessner, Ferdinand Gatz, Bertha Gatz nor any other defendant named or unnamed in said action have any right, title, estate or interest in or encumbrance or lien upon said premises.

BY THE COURT

Dated at Chaska, Minnesota,
this 8th day of June, 1914.

(SEAL)

Clerk of Court

Original.

STATE OF MINNESOTA

COUNTY OF CARVER

District Court

Eighth Judicial District

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiffs,

-vs-

Joseph Mertz, et al,

defendants.

JUDGMENT.



State of Minnesota,
County of Carver,

in District Court,
Eighth Judicial District.

Ferdinand Ziemon and Aug-
usta Ziemon, Plaintiffs &
Respondent.

vs

NOTICE OF APPEAL.

Joseph Hertz, Russell P.
Russell, Henry R. Diessner,
Emma Diessner, Ferdinand
Gatz, Bertha Gatz, et al.
Defendants, & Appellant

To Alfred F. Riets, Attorney for the above named plaintiffs, and to Oscar
L. Lundstrom, Clerk of said District Court.

Please take notice that the above named Emma Diessner, defendant
and sole appellant in the above entitled action, hereby appeals to the
Supreme Court of the State of Minnesota, from all that Certain Order dated
11th of July, 1914, and filed in the above entitled cause on the 13 day
of July, 1914, wherein and whereby the Motion of the said Emma Diessner,
for a New Trial of said action was denied, and from the whole of said Order.

Dated this 6th day of August, 1914.

Francis Muekel
Attorney for Emma Diessner,
Chaska, Minn.,

Due service of the foregoing Notice of Appeal hereby accepted and copy
thereof received for, this ____ day of ~~Aug~~ August, A. D. 1914.

Attorney for Plaintiffs
Ferdinand Ziemon &
Augusta Ziemon.

Due service of the foregoing Notice of Appeal hereby accepted and
copy thereof received for this 10th day of August, 1914.

Clerk of Dist. Court,
8th Judicial Dist.
of Minnesota.

State of Minnesota,
County of Carver,

In District Court
Eighth Judicial District.

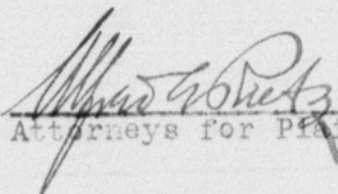
Ferdinand Ziemon & Augusta
Ziemon, Plaintiffs.

vs.

Joseph Mertz, Roswell P. Rus-
sell, Henry Diessner et al.
Defendants.

Receipt and Acceptance of Ser-
vice of Answer of Ferdinand
Gatz & Bertha Gatz, Dfdts.

Receipt of copy and acceptance of service thereof,
of the Answer of defendants Ferdinand Gatz and Bertha Gatz made this 25th
day of February A. D. 1914.


Attorneys for Plaintiff.

State of Minnesota, Supreme Court

October TERM, A. D. 191 4

No 203

Ferdinand Ziemon and Augusta Ziemon,
vs. Respondents,

Joseph Mertz, et al.,
Emma Diessner, Defendants,
Appellant.

Pursuant to an order of Court duly made and entered in this cause February 11 A. D. 191 5

It is here and hereby determined and adjudged that the order of the Court
below, herein appealed from, to-wit, of the District Court of the Eighth Judicial District, sitting
within and for the County of Carver be and the same hereby is in all things reversed.

And it is further determined and adjudged that the Appellant above named, do have and recover of said
Respondents

herein the sum and amount of

Eighty-seven and 65/100 DOLLARS, (\$ 87.65)

costs and disbursements in this cause in this Court, and that execution may be issued for the enforcement thereof.

Dated and signed February 11, 1915. A. D. 191

BY THE COURT.

Attest:

I. A. CASWELL
Clerk.

Statement for Judgment

Statutory Costs \$25.00	Printer \$31.90	Clerk \$2.75	Acknowledgments \$
Return \$5.00	Postage and Express \$	Filing Mandate \$	Transcript \$12.00
Serving notice of Taxation of Costs \$1.00			Total \$ 87.65

State of Minnesota, } ss.
SUPREME COURT

I, I. A. Caswell, Clerk of said Supreme Court,
do hereby certify that the foregoing is a full and true copy of the Entry of Judgment in the cause therein
entitled, as appears from the original remaining of record in my office; that I have carefully compared the
within copy with said original and that the same is a correct transcript therefrom.

Witness my hand and seal of said Supreme Court at the

Capitol, in the City of St. Paul February 11, A. D. 1915

I. A. Caswell, Clerk.

STATE OF MINNESOTA
SUPREME COURT

Transcript of Judgment

Filed *March 8th* A. D. 1915

O. L. Lundstrom Clerk.

By *W. O. Muehlberg* Deputy

Office Clerk of Supreme Court

St. Paul, Minn.

191

8/25

4

Received and filed this day:

Return. O
Printed Record—Ten Copies. . . O
Appellant's Brief—Ten Copies. . O
Respondent's Brief—Ten Copies. . O
Appellant's Reply—Ten Copies. . O
Stipulation O
Satisfaction of Judgment. O
O

In Case of

Zimmer

vs
Mintz

I. A. CASWELL, Clerk

Cases are now placed on Calendar without the filing of note of issue or notice of argument.



THIS SIDE OF CARD FOR ADDRESSES ONLY

Chief District Court

Attorney and Counselor at Law,

Chaska

MINNESOTA.

Illegible
(Light Ink)

Hon. I. A. Caswell,
Clerk of the Supreme Court,
St. Paul, Minn.

Dear Sir:- Enclosed please find original papers in re Ferdinand
Ziemon and Augusta Ziemon vs Joseph Wertz, Roswell P. Russell,
Henry R. Diessner, Emma Diessner, Ferdinand Gatz, Bertha Gatz et al.
Defendants and Appellants. as follows:

1. Summons & Complaint.

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiffs,

-vs-

Joseph Mertz, Roswell P.
Russell, Henry R. Diesner,
Emma Diesner, Ferdinand
Gatz, Bertha Gatz and all
the unknown heirs of any
or all of said parties, also
all other persons unknown
claiming any right, title,
estate, interest or lien in
the real estate described in
the complaint herein,

NOTICE TO PRODUCE.

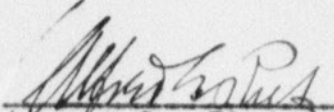
Defendants.

TAKE NOTICE that you are hereby required to produce,
on the trial of this cause a deed dated during the latter
part of the year 1913, and executed, or purported to be executed
between Emma Diesner and Ferdinand Gatz and to convey Lots
One (1) and Two (2) of Block Forty (40) in the village of
Waconia, according to the plat thereof on file and of record
in the office of the Register of Deeds in and for Carver County
Minnesota

And you are hereby notified that in case of your
failure to produce said deed the ~~said~~ plaintiff
will introduce secondary evidence of its contents
on the trial of this action.

To Emma Diesner, one of the
defendants above named
and

Francis Muekels, Esq., her
attorney.


Attorney for Plaintiffs,
Farmington, Minnesota.

Copy.

STATE OF MINNESOTA

COUNTY OF DAKOTA.

District Court

Eighth Judicial District.

Ferdinand Ziemon and
Augusta Ziemon,

Plaintiffs,

-vs-

Joseph Mertz, et al,

Defendants.

NOTICE TO PRODUCE.

Alfred E. Rietz,
Attorney for Plaintiffs,
Sanford Building,
Farmington, Minnesota.