



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

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No. 2431
217

DISTRICT COURT,
CARVER COUNTY, MINN.

Dr H. Lankester
Plaintiff

vs.
Isaac Fine & Minneapolis
& St. Louis Ry. Co. Harbinger
Defendant

Harold A. Welch
Plaintiff's Attorney

Defendant's Attorney

Date of Entry Mar 13th 1914

Register of Actions E Page 217

Term Tried.....191.....

Judgment for Money

Amount of Judgment, \$ 1697

Date of Judgment February 16 1915

Judgment Book D Page 1292

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

Date of Docketing Feb. 16th 1915

STATE OF MINNESOTA, }
County of Carver } ss. Eighth Judicial District

Dr. Howard Lankester, Plaintiff

vs.

Isaac Fine, Defendant

M. & St. L. Ry. Co., Garnishee.

Sir: You will Please to Take Notice, That the issue Law and fact
in the above entitled action will be brought on for Trial and hearing, at the next
March Term of the District Court to be held in and for the County of
at the Court House in the City of Chaska, in said County on the 8th
day of March 15 A. D. 1915, at the opening of said Court on that day, or as soon there-
after as counsel can be heard.

Dated March 1st

1915

Yours respectfully,

Frederick Mueckel

To H. A. Welch,

Attorney for Defendant.

Attorney for Plaintiff

217

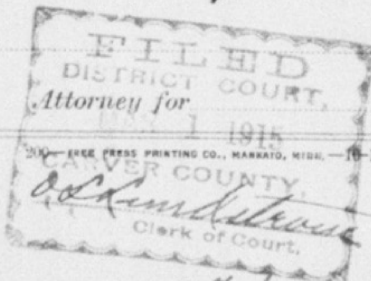
District Court,
8th Judicial District
County of Carver

Notice of Trial.

Due service of the within Notice is
hereby admitted this 1st
day of March 1915
at Chaska Minn

Attorney for

Kloster



State of Minnesota, County of Carver, ss.

I, Francis Mueller, do solemnly depose and say that I served the within Trial Notice on Harold A. Welch, Attorney for the Plaintiff in the above entitled cause, on March 1st, 1915, by delivering the same to Charles H. Chaska, Clerk of the County of Carver, and a true copy thereof.

Subscribed and sworn to before me this 1st day of March 1915.

Notary Public for Carver County, Minn.

John Mueller

Francis Mueller

DISTRICT COURT,

8th

Judicial District,

County of

Carr

Dr. Howard Lonkester

vs.
Isaac Line &
Mt St L Ry Co.

NOTE OF ISSUE

Issue of

Rox & Co. Corp.

LAST PLEADING SERVED

Feb 13

1905

H. A. Welch

Attorney for Plaintiff

Francis Muekel

Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the

March

A. D. 1905

Term

of this Court.

Yours respectfully,

Francis Muekel

Attorney for

Defendant

Filed

Mar 1st

1905

Office Clerk of Supreme Court

St. Paul, Minn.

Sept 5 191*6*

Received and filed this day:

Return	0
Printed Record—Ten Copies	0
Appellant's Brief—Ten Copies	0
Respondent's Brief—Ten Copies	0
Appellant's Reply—Ten Copies	0
Stipulation	0
Satisfaction of Judgment	0
\$10.00 Clerk's fees	0
.....	0

In Case of

Dr Howard Lancaster

vs.

Fine

I. A. CASWELL, Clerk

(Chap. 177, Laws 1915, requires payment of \$10.00 Clerk's fees in advance by Appellant.)



SIDE OF CARD IS FOR ADDRESS

Clare District Court

Attorney and Counselor at Law,

Chaska

MINNESOTA

FILED
DISTRICT COURT,

SEP 6 1916

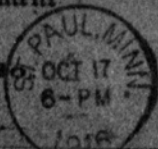
CARVER COUNTY,

Clerk of Court.

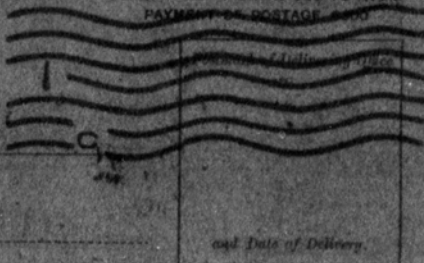
Post Office Department

OFFICIAL BUSINESS

Original Reg. No.



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300



RETURN TO:

(Name of sender.)

Street and Number, }
or Post Office Box, }

Post Office at

CHASKA, MINN.

County

State

The postmaster who delivers the registered article must see that this card is properly signed, legibly postmarked, and mailed to the sender, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form 1548.

Received from the postmaster registered article, the original number of which appears on the reverse side of this card.

5100

Date of delivery _____, 191 _____

(To be filled in by person signing receipt.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

(Signature or name of addressee.)

(Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See sec. 935, P. L. and R.)

When the above receipt has been properly signed, it must be postmarked with the name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

Office Clerk of Supreme Court

St. Paul, Minn.

191

6

Received and filed this day:

In Case of

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
\$10.00 Clerk's fees..... O
Notice of Motion..... O
Original Papers..... O
Settled Case..... O

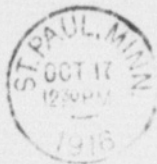
Lankster

Fin

vs.

I. A. CASWELL, Clerk

(Chap. 177, Laws 1915, requires payment of \$10.00 Clerk's fees in advance by Appellant.)



THIS SPACE IS FOR ADDRESS

FILED
DIST. CT. COURT
1916
CLERK OF COURT
JACKSON COUNTY
JACKSON, MINN.

Ed. Lindstrom, Esq.
Attorney at Law,

Chaska,

MINNESOTA

Clerk Dist. Court,

Office Clerk of Supreme Court

St. Paul, Minn.

Sept 23 191*6*

Received and filed this day:

Return	0
Printed Record—Ten Copies	0
Appellant's Brief—Ten Copies	0
Respondent's Brief—Ten Copies	0
Appellant's Reply—Ten Copies	0
Stipulation	0
Satisfaction of Judgment	0
\$10.00 Clerk's fees	0

Orig. Ex 1

In Case of

Lau Kester

VS.

Fine

I. A. CASWELL, Clerk

(Chap. 177, Laws 1915, requires payment of \$10.00 Clerk's fees in advance by Appellant.)



THIS IS THE PLACE FOR ADDRESS

FILED
DISTRICT COURT
SEP 25 1916
GARVER COUNTY
Clerk of Court

Chas. District Court,
Attorney and Counselor at Law,

Chaska

MINNESOTA

St. Paul, Minn. *Oct. 15,* 1908

PAY TO THE
ORDER OF

PAY TO THE ORDER OF Mrs. Stone & Lankester \$50.⁰⁰/₁₀₀

Fifty ⁰⁰ DOLLARS

Payment in full. H Thrice

Stone Hauler
Norwich, N.Y.

1 to 3 7/8 oz



State of Minnesota

In District Court,

ss.

County of Carver,

Eighth Judicial District.

---o---

Doctor Howard Lankester,
Plaintiff,

vs.

Notice of Motion.

Isaac Fine, Defendant,

To Doctor Howard Lankester, Plaintiff and to Harold A. Welch, his Attorney;

You are hereby notified that the defendant, on the affidavit hereto attached and the Complaint herein, will move the Court at a special term thereof, to be held at Chambers, in the Office of Hon. P. W. Morrison in the Village of Norwood, Carver County, Minn., at ten oclock in the morning of the First day of December A. D. 1914, or as soon thereafter as the Court in its discretion, will hear Counsel, for an Order directing the Plaintiff to make his Complaint more definite and specific in the following respects:

First, To setout the exact days and dates the alleged professional services were so performed.

Second. To designate more particularly the nature or character of the professional services alleged to have been so performed.

Third, To set out whether the defendant agreed orally or in writing to pay the value of the alleged professional services so performed, and for the costs and disbursements.

Ronald Muekel
Attorney for Defendant,

Old Post-office Building,

Chaska, Minn.,

Service of the foregoing Notice of Motion hereby accepted together with Affidavit thereto attached and copy of said Notice of Motion and Affidavit received this 15 day of October A. D. 1914.

Harold A. Welch
Attorney for Plaintiff.

State of Minnesota,

In District Court,

ss.

County of Carver

Eighth Judicial District.

Doctor Howard Lankester,
Plaintiff.

vs.

Affidavit and Notice of Motion.

Isaac Fine, Defendant.

Isaac Fine, the above named defendant being first duly sworn on oath, says:

I

That he is the defendant in the above entitled action.

II,

That the complaint herein was served on him on the 5th day of October, A. D. A. D. 1914,; that no answer or demurrer thereto has yet been served and that the time for answering or demurring thereto has not yet expired.

III,

That paragraph 11 of the plaintiff's Complaint is so indefinite and uncertain that the precise nature of the charge is not apparent to a juror, in the following respects:

First: The plaintiff is unable to know from said Complaint the nature or character of professional services, alleged to have been performed by plaintiff at defendant's instance and request.

Second: The plaintiff is unable to ascertain from said Complaint the exact days and dates the alleged professional services were performed.

Third. The plaintiff is unable to ascertain from said Complaint whether the alleged agreement on the part of defendant to pay the value of said alleged professional services, was oral or in writing.

State of Minnesota, County of Carver ss.

Sworn to before me this 5th day of Oct. 1914.

John H. H. H.
Judge of Probate,
Carver Co. Minn.,

In District Court,

Eighth Judicial District.

215

Doctor Howard Lankester,
Plaintiff.

Vs.

Isaac Fine, Defendant.

Notice of Motion &
Affidavit.

Filed Oct. 15, 1914
O. L. Lundstrom
By N. O. Muehlberg *Chas*
Deputy.

Francis Muekel, Attorney
for Isaac Fine.

(215)

State of Minnesota,

County of *Carver*

DISTRICT COURT,

Eighth

Judicial District.

Mr. H. Lankester, Plaintiff
vs
Isaac Fine, Defendant

State of Minnesota,

County of *Carver**Harold A. Welch*

being duly sworn, says,

that he is *attorney for*

said Plaintiff in the above entitled action; that a Summons has been issued in said action; that a cause of action exists therein in favor of said Plaintiff and against said Defendant for the recovery of money, as will more fully appear by the complaint of said Plaintiff, which has been filed with the Clerk of said Court at said County of *Carver*

And deponent further states that he believes that

The Minneapolis and St. Louis
Railway Company

has ~~property, money and~~ effects in *their* hands and under *their* control, belonging to the said Defendant *Isaac Fine* in said action, and that said *property* *in the hands of Minneapolis & St. Louis Ry Co* ~~is indebted to said Defendant~~ *and that the value of said property and effects, and each of the same, exceeds the sum of twenty-five dollars, and the amount of said money exceeds the sum of twenty-five dollars, and the amount of said indebtedness exceeds the sum of twenty-five dollars.*

Harold A. Welch

Subscribed and sworn to before me, this

13th

day of

*Nov.**1904*

O. L. Lundstrom
Clk Dist Court

217

DISTRICT COURT

● Eighth Judicial District.
County of Carver

Dr. H. Lundström
Plaintiff

vs
Isaac Fine
Defendant

Affidavit for Garnishment.

Filed this 13th day of
November A. D. 1908
O. L. Lundström
Clerk of said Court.

Harold A. Welch
Plaintiff's Attorney

E 217

Original

State of Minnesota,
County of Carr

ss.

DISTRICT COURT,

Eighth

Judicial District.

Mr. H. Lankester, Plaintiffvs
Isaac Fine, DefendantMinneapolis & St. Louis Railway Co, GarnisheeThe STATE OF MINNESOTA, To Minneapolis & St. Louis
Railway Company

above named Garnishee :

Whereas, The affidavit of
attorney forHarold A. Welchthe above named Plaintiff, has been made and filed with the Clerk of said Court at his office in
the said County, in an action therein pending, wherein the saidMr. H. Lankester

Plaintiff and against

Isaac Fine

Defendant, stating that he believes that

Minneapolis & St. Louis
Railway CompanyGarnishee above named has or property, ~~money and~~ effects in their hands and under
their control, belonging to the above named Defendant, and that said Garnishee
~~indebted to said Defendant, and that the value of said property and effects, and each of the same,~~
~~exceeds the sum of twenty-five dollars, and the amount of said money exceeds the sum of twenty-five~~
~~dollars, and the amount of said indebtedness exceeds the sum of twenty-five dollars.~~

Therefore, You, the said Garnishee, are hereby required to appear before the

Clerk of District Courtat his office in city of Chaska in the County of
Carr and State aforesaid, on4th day of Dec. 1904, at 10 o'clock in thenoon of that day, and then and there answer, under oath, such questions as may be put to
you, the said Garnishee, touching your indebtedness to said Defendant and as to any property, money
or effects of the Defendant in your possession or under your control.And if you neglect to appear at the time above specified, or within two hours thereafter, you will be
defaulted, and judgment will be rendered against you for the amount of the damages and costs recovered
by the Plaintiff in the action against the Defendant.Dated Nov. 13 1904Harold A. Welch

Plaintiff's Attorney

NOTICE TO DEFENDANT.

State of Minnesota,

DISTRICT COURT,

County of

Carver

ss.

Eighth

Judicial District.

Mr. H. Laukester, Plaintiff

vs
Horse Line, Defendant

Minneapolis & St. Louis Railway Company

To the above named Defendant :

Sir: You Will Please to Take Notice, That the within Garnishee Summons was served by

Harold A. Welch

upon

C. D. Coty

the above named Garnishee, on the 13th day of Nov. A. D. 1904 at city of Chaska in the County of Carver and State aforesaid, by handing to and leaving with him

personally, a true and correct copy of the same, and then and there tendering and paying to said Garnishee his fees for attendance and mileage \$1.12 And you will further take notice, that you are hereby required to appear and take part in the examination of said Garnishee which is to take place at the time and place specified in the within Garnishee Summons.

Dated Nov. 13

1904

Harold A. Welch

State of Minnesota,

County of

Carver

ss.

Harold A. Welch

came before me personally, and first being duly sworn, deposes and says, that on the 13th day of November A. D. 1904, at the city of Chaska in said County, he served the within Summons upon the within named Garnishee, by delivering a true and correct copy thereof to the said Garnishee, and paid to him in advance the sum of \$1.12

his fees for one day's attendance and mileage. And he further says that on the 13th day of Nov. 1904, at the city of Chaska in said County, he served upon the within named Defendant a copy of the within Summons together with a Notice to said Defendant, of which the foregoing is a copy, stating the time, place and manner of service of said Summons upon said Garnishee, signed by Harold A. Welch Attorney for Plaintiff thereon and requiring the said Defendant to appear and take part in the examination.

Subscribed and sworn to before me, this 13th day of Nov. 1904

Harold A. Welch

O. L. Lundstram
Clerk of the Dist. Court.

DISTRICT COURT

Judicial District,

County of Carver

Mr. H. Laukester

vs

Horse Line &

Minneapolis & St. Louis

Ry. Co. Garnishee

Garnishee Summons and

Notice to Defendant.

Filed this 13th day of

November A. D. 1904

O. L. Lundstram
Clerk of District Court.

E2.17

Illegible
(Light Ink)

State of Minnesota,
County of Carver.

In District Court,
Eighth Judicial District.

Dr. H. Lankester, Plaintiff
vs
Isaac Fine Defendant
C. D. Cotey, Garnishee

the above named garnishee pursuant
to the command of the summons duly issued and served in said
action duly appeared before the undersigned Clerk of said Court
at the time and place fixed by said summons for such appearance.

H. A. Welch, Esq., appeared for said plaintiff and Francis
Buechel, Esq., appeared for said defendant.

Thereupon said Garnishee after having been by me duly sworn
made disclosures as follows:

My full name is Clinto J. Cotey.

I live at Chaska, Minnesota.

My business is Station agent.

For the Minneapolis and St. Louis.

I was station agent for the Minneapolis and St. Louis R.R. Co on
November 13th. 1914.

I know Isaac Fine.

I know of my own knowledge that Isaac Fine made a shipment of goods
prior to the 13th day of November 1914 over the Minneapolis and
St. Louis Railroad.

I keep records of the shipment of goods over
the Minneapolis and St. Louis Railroad.

I call that record freight forwarded book.

I have that book with me.

The Garnishee discloses by offering in evidence and exhibits
a letter press copy of the original weigh bill No. 2131, dated
November 12th 1914, and shipped by Isaac Fine, at Chaska, Minnesota
to Isaac Fine at St. Paul, Minnesota.

The articles shipped are as follows:

10 boxes boots and shoes,

20 boxes of clothing.

- 1 bundle of Awning.
- 3 bundles awning rods.
- 1 bundle sample books.
- 1 bundle paper rack.
- 1 bundle ladder.
- 1 bench,
- 3 rolls wrapping paper.
- 1 heating stove.
- 2 old bicycles.
- 1 clothes rack.

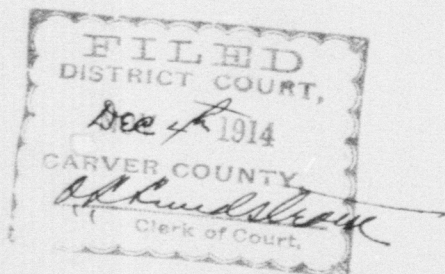
Garnishes discloses that these goods are now in the possession of the Minneapolis and St. Louis Railroad Company at St. Paul, Minnesota.

Subscribed and sworn to before me
this 4th. day of December, 1914.

C. J. C. C.

O. L. Lundstrom
Clerk of the District Court.
Chaska, Minn.

*Attorney for Defendant objects and
excepts to the foregoing disclosure and
the signing thereof because the same
does not contain all the material
statements disclosed therein.*



State of Minnesota,

County of Carver.

DISTRICT COURT.

Eighth Judicial District.

Howard Lankester,

Plaintiff

vs.

Ike Fine,

Defendant

and

Minneapolis & St. Louis Railway Company,

Garnishee

Know all Men by these Presents, That Ike Fine,

the defendant above named, as

principal and Louis Steinberg and Meyer Binstok,

as sureties, are held and firmly bound unto Howard Lankester,

the plaintiff above named,

in the sum of One Hundred and Fifty (\$150.00) DOLLARS,

lawful money of the United States to be paid unto the said plaintiff, his heirs, representatives or assigns; for which payment well and truly to be made we bind ourselves and each of our heirs and legal representatives, jointly and severally, firmly by these presents.

The Condition of this Obligation is Such, That whereas certain property, money and effects of said defendant in the possession and control of the garnishee above named has been garnished in said action, now therefore, if the said defendant shall pay any judgment recovered against him in said action, or an amount thereon equal to the value of the money, property and effects so garnished, then this obligation shall become void; otherwise it shall be and remain in full force and effect.

Signed with our hands and sealed with our seals this 16th day of December, 1914.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Sylvia Waage

L. J. Dobner

Ike Fine

(SEAL)

Louis Steinberg

(SEAL)

Meyer Binstok

(SEAL)

(SEAL)

State of Minnesota,

County of Ramsey

ss.

Be it Known, That on this 16th

day of December, A. D. 1914, before me personally appeared

Ike Fine, Louis Steinberg and Meyer Binstok,

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

Leonard J. Dobner

Notary Public, Ramsey County, Minn.

My Commission Expires Jan. 4, 1915.

State of Minnesota,

County of

Ramsey

} ss.

Louis Steinberg and Meyer Binstock

being duly sworn, each for himself on oath says that he is a resident of and freeholder in the State of Minnesota; and that he is worth the sum below specified opposite his name over and above his debts and other liabilities, and exclusive of his property exempt from execution, to wit:

said Louis Steinberg the sum of One Hundred Fifty (\$150.00) Dollars

said Meyer Binstock the sum of One Hundred Fifty (\$150.00) Dollars

said the sum of Dollars

said the sum of Dollars

Subscribed and sworn to before me this

16th day of December,

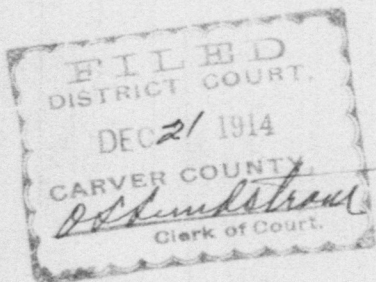
1914

Leonard H. Bohrer
Notary Public.

Ramsey County, Minn.

My Commission Expires Jan. 4, 1915.

Y & Binckley
Meyer Binstock



217

District Court,
Carver County

Howard Lancaster
Plff

vs
The Fine Bell

Manufacturing Company
Def

Bond to Release Property
in Garnishment

I hereby approve the within Bond
and the sureties therein, release the
property of defendant Isaac
Fine in the hands of said
Dated A. D. 19

Garnishee and hereby discharge
said Garnishee,

Dated this 21st of Dec. 1914.

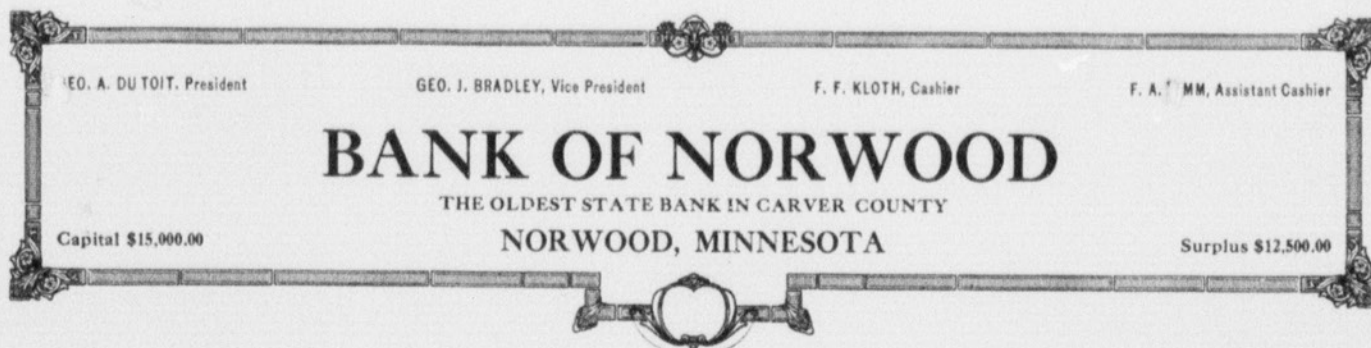
W. Morrison
Judge of above named Court.

George Muecke
Plaintiff's Attorney.

No. 274.

F 217

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

EIGHTH JUDICIAL DISTRICT

Doctor Howard Lankester,
Plaintiff

vs

O R D E R

Isaac Fine,
Defendant

Whereas judgment in the above entitled action was duly entered in the office of the Clerk of the District Court of Carver County, Minnesota upon the defendant's default in answering and whereas a motion to set aside said judgment was served on plaintiff the same to be heard in the Chambers of the Honorable P. W. Morrison, Judge of the above entitled Court, at Norwood, Carver County, Minnesota on the the 5th, day of January 1915 at opening of said Court, and whereas there was no appearance on part of defendant to prosecute said motion, it is hereby ordered:

That the said matter is hereby dismissed for want of prosecution and that the plaintiff be awarded Ten Dollars Costs.,

Dated Jan. 5th. 1915

P. W. Morrison
Judge

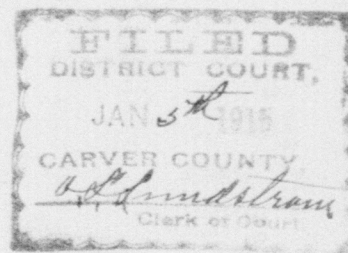
State of Minnesota
County of Carver

District Court
8th Judicial Dist.

Mr. Howard Lancaster
Plaintiff
vs

Isaac Fane
Defendant

Order Dismissing
Motion to set aside of
Judgment.



H. A. Welch
Plaintiff's Attorney.

State of Minnesota.

DISTRICT COURT.

County of Carver ss.

Eighth

Judicial District.

Mr. H. Lankester

Plaintiff

Isaac Fine and against

Bill of Costs and Notice of Taxation.

Minneapolis & St. Louis Railway Company
Defendant. Isaac Fine

Costs by Statute, - - - - - \$

DISBURSEMENTS.

Affidavits, - - - - -

Sheriff's Fees, - - - - -

Clerk's Fees (to be taxed), - - - - - 5.85

Subpoenas, - - - - -

Jury Fee, - - - - -

WITNESS' FEES.

NAMES OF WITNESSES.	RESIDENCE.	MILES TRAVEL.	DAYS ATTENDANCE.	
<u>E.H. Coby</u>	<u>Chaska</u>	<u>2</u>	<u>1</u>	<u>1.12</u>

The above Bill of Costs and Disbursements
Reviewed and allowed at
Dated February 16th 1915.
State of Minnesota,

\$ 6.97

A. H. Lundstrom
Clerk.

County of Carver ss.

Harold A. Welch

being duly sworn, on oath says that he is.....the attorney of the
plaintiff.....in the cause above entitled; that the foregoing is a true and
correct statement of the costs and disbursements of said plaintiff.....in the
above entitled proceeding, and that all of the items of said disbursements have been actually and necessarily
paid or incurred therein by and on behalf of said plaintiff.....; that each of said witnesses
resides at the place above stated opposite his name, and actually attended upon the trial of said cause the num-
ber of days above set forth, and traveled necessarily in going from his place of residence to the place of trial of
said action and in returning to his said place of residence, by the usual route of travel between said places, the
number of miles above set opposite his name, and was a necessary and material witness for said.....
.....and was duly sworn, examined and testified in behalf of said
.....upon the trial of said cause.....

Subscribed and sworn to before me this 29th day of Jan A. D. 1895

O. L. Lundstrom
Clerk Dist. Court, Chaska, Minn.

SIR: Please take notice that the costs and disbursements of the plaintiff in the foregoing entitled action will be taxed by and before O. L. Lundstrom Clerk of the above named Court, at his office in the Court House, at Chaska, Minn. Minnesota, on Tuesday the 16th day of Feb. 1895 at 11 o'clock in the forenoon of said day, and that the foregoing is a statement of the items of costs and disbursements that will then and there be claimed on behalf of said plaintiff and inserted in the judgment in said action that will then and there be entered.

Very respectfully,

Harold A. Welch

Attorney for Plaintiff

To Francis Muekel
Attorney for Defendant

State of Minnesota } ss
County of Carver }

Harold A. Welch being duly sworn deposes and says he served the within notice on Francis Muekel, attorney for defendant on the 13th day of February 1895 by handing to and leaving with him a true copy of the same.

Harold A. Welch

Subscribed and sworn to before me this 16th day of Feb. 1895

O. L. Lundstrom
Clerk of Dist. Court.

Original
#217
STATE OF MINNESOTA.

County of Carver

Court District

Dr. H. Lundstrom

against

Assessors of Minneapolis &
St. Louis Packing Company
of Minneapolis, Minnesota

Notice of Taxation of Costs.

Due service of the within notice is

admitted this day

of A. D. 1895

Attorney for

Filed February 16th 1895

O. L. Lundstrom

Clerk.

Harold A. Welch

Attorney for Plaintiff

#217

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State of Minnesota,
County of Carver

ss.

District Court,
Eighth Judicial District.

Dr. Howard Lankester, Plaintiff

vs

Isaac Pine, Defendant &

The Minneapolis & St. Louis Railroad Co. Garnishee

JUDGMENT.

Judgment having been heretofore entered in said Court in favor of said plaintiff and against said defendant for the sum of Ninety Three Dollars and said Garnishee having heretofore disclosed that he had property in his hands belonging to defendant and that the same was of a greater value than Twenty Five Dollars. Subsequently to wit: on the 23rd. day of December 1914, a bond releasing the garnishee was furnished by defendant and the same is now on file in the office of the Clerk of the District Court.

Now, Therefore on Motion of H. A. Welch, Attorney for plaintiff, It is Ordered, Adjudged, and Determined that Plaintiff have and recover of said defendant as principal and of Louis Steinberg and Moyer Binstok as sureties in the sum of Ninety Three Dollars and Six and 97/100 Dollars costs and Disbursements allowed against said Garnishee, and that he have execution therefore.

Dated at Chaska, Minn. this 16th. day of February, A.D. 1915.

By the Court,

O. L. Lundstram
Clerk

No. 217

DISTRICT COURT,

Eighth Judicial District,

County of *Carver*

Dr. Howard Lauder

AGAINST

*Sease Fire Dept.
Minneapolis & St. Louis
Railroad Co. Garnishee*

JUDGMENT ROLL.

Filed this *16th* day of
February A. D. 19*05*

at *7* o'clock *P.*M.

R. J. Lundstrom
Clerk.

By *492* Deputy.

State of Minnesota,

COUNTY OF CARVER

ss.

I HEREBY CERTIFY AND RETURN, That at the

City of Chaska County and State aforesaid, on the
5th day of October A. D. 1914, I served the Summons
and Complaint hereto attached upon the within named Isaac Fine

by then and there handing to and leaving with personally a true and correct copy thereof.

Dated this 5th day of October 1914

G. A. Gatz
Sheriff of Carver County, Minn.

Sheriff's fee service, \$ 1.00

Travel \$.20

Total \$ 1.20

paid

By _____ Deputy

STATE OF MINNESOTA

COUNTY OF CARVER

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT

Doctor Howard Lankester

Plaintiff.

vs

S U M M O N S

Isaac Fine,

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to answer the complaint of the plaintiff in the above entitled action and to serve a copy of your answer on the subscriber at his office in the city of Chaska, Minnesota within twenty days after service upon you, exclusive of the day of service and if you fail to answer said complaint within said time, the plaintiff will take judgement against you in the sum of Sixty Eight Dollars with interest thereon since the 26th. day of October 1908 at six per cent per annum, and his costs and disbursements herein.

Dated October 5th. 1914

Harold A. Welch
Plaintiff's Attorney
Chaska, Minn.

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Doctor Howard Lankester
Plaintiff.

vs

C O M P L A I N T

Isaac Fine,
Defendant.

Plaintiff for his complaint in the above entitled action
complains of defendant and alleges:

That on and between the 27th. day of August 1908
and the 26th. day of October 1908, plaintiff, at the defendants
special instance and request, performed professional services
for which the defendant agreed to pay said plaintiff the value
That the value of said services is One Hundred Eighteen Dollars.
thereof. That no part thereof has been paid except the sum of
Fifty Dollars and there is now due and owing this plaintiff the
sum of Sixty eight Dollars with interest thereon from the 26th.
day of October 1908, at six percent per annum.

WHEREFORE? Plaintiff demands judgement in the sum and amount of
Sixty eight dollars with interest thereon from the 26th. day of
October 1908 and six percent per annum, and his costs and disbursements
herein.

Harold A. Welch
Plaintiff's Attorney
Chaska, Minn.

L A E
HAROLD A. WELCH

CAMERON, WIS.

CHASKA, MINN.

Original

State of Minnesota
County of Carver

District Court
Eighth Judicial District

Mr. Howard Laukator
Plaintiff.

vs

Isaac Fine

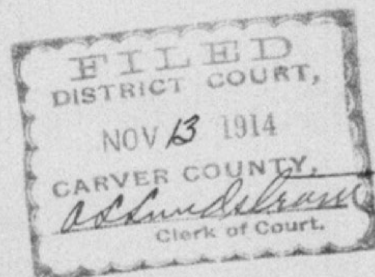
Defendant

Summons

Complaint

Harold A. Walsh
Chaska, Minn.
Plaintiff's Attorney.

E 221



State of Minnesota, }
County of Carver

DISTRICT COURT,

Eighth

Judicial District.

Mr. Howard Laufester
Plaintiff
AGAINST

Affidavit of Disbursements.

Isaac Fine
Defendant

PLAINTIFF'S COSTS AND DISBURSEMENTS.

Statute Costs, Costs waived on entering Judgement.

Affidavits, - - - - -

Sheriff's Fees, - - - - -

Clerk's Fees to be added, - - - - -

Total Costs and Disbursements, - - - - -

AMOUNT CLAIMED IN SUMMONS.

Principal, - - - - - 68.00Interest, - - - - - 25.00Total amount of Judgment to be Entered, - - - - - \$ 93.00

State of Minnesota, } ss.
County of Carver

Harold A Welch

being duly sworn, on oath says that he

is the attorney for the plaintiff in the above entitled cause; that the above billand each item thereof, of costs and disbursements above specified, are hereby waived ~~are just, correct and necessary, and~~on entering Judgement ~~have been actually and necessarily paid or incurred therein.~~Harold A WelchSubscribed and sworn to before me this 18th day of December 1904

State of Minnesota,
County of Carver

DISTRICT COURT,
Eighth Judicial District.

Mr. Howard Lankester
Plaintiff

vs

Isaac Fine
Defendant

Affidavit of No Answer.

State of Minnesota,
County of Carver

ss.

Harold A. Welch

came personally before me, and having been first duly sworn, he doth depose and say, that he is
the Attorney for the plaintiff in the above entitled action; which
is one arising on contract for the recovery of money only; that the summons therein has been personally served upon said defendant, and that proof of such personal service of said summons has been filed with the Clerk of this Court; that more than twenty days have elapsed since the said service of said summons, ~~and that no appearance by or on behalf of defendant has been made in said action and~~
no answer or demurrer, or copy of either, has been served upon or received by the plaintiff, nor his attorney in this cause, and prays judgment according to law.

Harold A. Welch

Subscribed and sworn to before me this

18th day of December 1904
J. R. Lundstram
Clerk Dist. Court

DISTRICT COURT,

Carver County.

Mr. Howard Lankester
Plaintiff

against

Isaac Fine
Defendant

AFFIDAVIT OF NO ANSWER, ETC.

Filed this 18th day of
December A. D. 1904
J. R. Lundstram
Clerk.

Harold A. Welch
Attorney for Plaintiff

No. 74.

F 221

State of Minnesota,
County of Carver } ss.

IN DISTRICT COURT
Eighth Judicial District

Mr. Howard Lankester
Plaintiff

— AGAINST —

Isaac Fine
Defendant

State of Minnesota,
County of Carver } ss.

Harold A. Welch

being duly sworn deposes and says that he is the attorney for the

Judgment Creditor in the above entitled action; that to the best of affiant's information and belief the full

name of the Judgment Debtor is Isaac Fine

Clothing & Gents Furnishings that his occupation is that of dealer in
Clothing & Gents Furnishings; that his place of residence is Town, Village, City of
Chaska County of Carver

State of Minnesota; that his postoffice address is 2100 St. Paul

Ramsey County State of Minnesota

Harold A. Welch

Subscribed and sworn to before me this 18th

day of December A. D. 1914

O. L. Lundstrom
Clk Dist Court County, Minnesota

My Commission Expires

221

State of Minnesota,

County of Carver

DISTRICT COURT

Eighth Judicial District

Dr. Howard Fankert

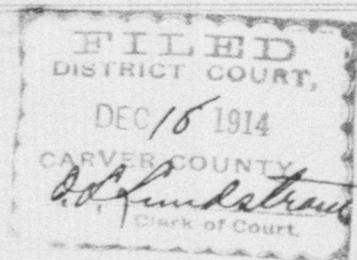
Plaintiff

—AGAINST—

Lease Time

Defendant

Affidavit as to Occupation, Etc., of the
Judgment Debtor



E 221

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(Light Ink)

State of Minnesota,

DISTRICT COURT.

County of Carver

ss.

Ninth

Judicial District.

Dr. Howard Lankester, Plaintiff.

vs

Isaac Pine, Defendant.

JUDGMENT.

The Summons and Complaint in this action having been duly and personally served on the above named Defendant on the 5th. day of October, A. D. 1914, and proof thereof filed with the Clerk of this Court; that more than Twenty days have elapsed since said service of said summons and that no Answer or demurrer or copy of either to said complaint having been served upon or received by the plaintiff's Attorney herein, that said defendant has not appeared in said action in any manner what ever and in in default, due proof of which has been made and filed in this Court;

Now, Therefore, upon motion of Harold A. Welch, Attorney for said Plaintiff, it is hereby ordered, Adjudged and Determined and the Judgment of this Court is that the above named plaintiff have and recover from the above named defendant the sum of Ninety three and 00/100 Dollars the amount and interest claimed in the summons and complaint, and that he have execution therefore.

Dated at Osceola, Minn., this 18th. day of December.

By the Court,

O. L. Lundström
Clerk.

221

DISTRICT COURT,

County of Carver

Dr. Howard Lundquist
Plt

AGAINST

Isaac Pine
Def.

JUDGMENT ROLL.

Filed December 18th A. D. 1904

H. Lundstrom
Clerk of the District Court.

No. 1071.

8483

F 221

State of Minnesota,
ss.
County of Carver,

In District Court,
Vlll, Judicial District.

---0---

Dr. Howard Lankester, Plaintiff.

vs.

Notice of Motion.

Isaac Fine, Defendant .

To H. A. Welch, attorney for plaintiff.

You will hereby take notice that the above defendant will at the general March Term, A. D. 1915, of the above named Court, (with Term begins on the 8th day of March 1915) on the 9th day of March 1915, at the hour of Ten o'clock in the forenoon of said day, or as soon thereafter as the Court in its wisdom, will hear the defendant, move the Court for an Order, setting aside and vacating the Judgment entered herein on December 19th 1914 against him and for leave to defend ~~in~~ this action on its merits and to serve the said proposed Answer and for such other relief as may be just.

Said Motion will be based on the hereto attached affidavits, and the contents thereof, the proposed Answer, copies of which are herewith served on you and all the files and proceedings in the above entitled cause.

Francis Muekel.
Attorney for Defendant.

State of Minnesota,
ss.
County of Carver,

I, Francis Muekel, on oath depose and say that I served the foregoing Notice of Motion with the Affidavits thereto attached, and the "Answer" of defendant in the above entitled action also thereto attached, on Harold A. Welch, attorney for the above named plaintiff, on the 15 day of February 1915, by delivering to said Harold A. Welch, personally, true copies of said Notice of Motion, Affidavits, "Answer" and all things attached to said Notice of Motion.
Done in Carver County, Minn., the 15 day of February, 1915.

Francis Muekel
Attorney for Defendant.

Sworn to before me this 15 day of February 1915.

John H. Houser
Judge of Probate of Carver
County, Minn.,

Illegible
(Light Ink)

State of Minnesota,
ss.
County of Carver,

I, Francis Muekel, being first duly sworn on oath, depose and say, that I am a regularly licensed practising Attorney at Law, in Chaska, Minn., and that I am the legal representative of the defendant in the above entitled action. That on October 5th, 1914, the Summons and Complaint was served on the defendant in the above entitled action as appears from an inspection of the records in said cause. That thereafter, on about Oct. 10th 1914, the said defendant ^{retained} ~~retained~~ me as his legal representative in said cause, to interpose his defense therein and defend against the plaintiff's Complaint and the allegations thereof. That on Oct. 15th 1914, I prepared a Motion and Notice of hearing thereof and served the same on Harold A. Welch, Attorney for said plaintiff, on Oct. 19 15th, 1914, noticing the same for hearing at a Special Term of the above named Court, to be held at Norwood, Minn., Dec. 1st. 1914, said Notice of Motion etc., being on behalf of the defendant and moving the Court to require the plaintiff to set out more specifically and ~~define~~ definitely, certain things referred to in said Complaint etc., and at that time in to-wit: Oct. 15th, 1914, in view of the probability of said Motion being sustained, it was agreed by and between affiant as the attorney for defendant and Harold Welch, attorney for plaintiff, that said defendant be not required to file his answer in the above entitled action until after the disposition of said Motion by the Court, and that said defendant be not required by the plaintiff to file his answer until the Court acted on said Motion etc., because of the probability that defendant would have to file an amended Answer after said Motion would be acted on. That in accordance with such an arrangement with said Harold A. Welch, as counsel ~~and~~ of Record in said cause, said ^{defendant.} ~~plaintiff~~ proceeded with his said Motion and undertook to have the matter disposed of at the Special Term, Dec. 1st., as aforesaid, but on account of other business before the Court on Dec. 1st. and on account of the fact that a Special Term of said Court was set for Dec. 2nd. 1914 at Shakopee

Scott County, Minn., the said Motion was not heard by the Court and said Motion still remains undisposed of. That the attorney for the plaintiff on Nov. 13th, 1914, filed in the above entitled cause a bill in equity requesting Garnishment Process against the property of defendant in the hands of Minneapolis & St. Louis Ry., Co., and that a disclosure by said Garnishee was made on Dec. 4th 1914, said Harold A. Welch appearing for plaintiff and Francis Maciel, appearing for defendant. That as another proof that such agreement was made between Harold A. Welch and Francis Maciel and whereby *defendant* was relieved from filing his answer until said Motion be acted on by the Court, the said states that Harold A. Welch deposited a bill of costs of \$100.00 more than sixty days after service of the garnishment process, 1914, and stated that it was not the intent of the plaintiff to have defendant's property all held until after the trial, but that a valuation should be agreed upon and the excess of such valuation be released, or that defendant's property be released. That several days prior to Dec. 19th, 1914, Francis Maciel and said defendant, for the release of his property in the hands of the Garnishee and the discharge of said Garnishee, said bill of costs was duly approved by Hon. J. W. Morrison, and the property of defendant ordered released and said Garnishee discharged. That despite the fact that the defendant appeared in the above entitled cause, by his attorney Francis Maciel, and within ten days after the service of the summons and complaint, secured Motion papers on plaintiff's attorney, as shown by the records of files in said cause, and despite the fact that Harold A. Welch in his professional capacity, arranged, agreed and consented that defendant be relieved from filing his Answer in the above entitled cause until after the said Motion was acted on by the Court, because the trial of a bill in equity could not occur before the next March Term, A. D. 1915 of said Court, and because of the probability of the necessity of defendant being obliged to file an amended Answer in the event that said Motion be sustained, ~~and~~ and despite the fact that the defendant has furnished a bond with good and sufficient sureties in the above entitled cause, for the purpose of releasing the property of defendant in the hands of the Minneapolis & St. Louis Ry., Co., and for the discharge of said Railroad Company as Garnishee,

and despite the fact that Francis Muekel, attorney for defendant attended and cross-examined when the Garnishee disclosure was made, Harold A. Welch, attorney ~~for the plaintiff~~ for the plaintiff, on December, 19th, 1914, without any notice or advice to the ~~plaintiff~~ ^{Defendant} or his attorney, wrongfully fraudulently, surreptitiously and in violation of his agreement with the affiant that ~~plaintiff~~ ^{Defendant} be relieved from filing his answer in the above entitled cause until said Motion be disposed of by Court, filed an Affidavit of No Answer, and obtained judgment against the defendant, as is shown by the records and files in the above entitled cause. That the 19th day of December was the 75th day after service of the summons and Complaint on defendant as shown by the records therein, and but for the existence of such agreement hereinbefore set forth, between said Harold A. Welch and defendant's attorney, in the ordinary course of business, plaintiff would not defer taking judgment for such period of time. That through the conduct of plaintiff and his attorney, in so taking judgment, the defendant has suffered an irretrievable and irremediable loss. ^{unless the Court set aside said judgment and permits defendant to Answer} That he has a good and meritorious defense to the complaint and claim of the plaintiff in said cause, that the defendant is not indebted to the plaintiff in any sum whatever and that upon a trial of the issues framed and formed by the plaintiff's Complaint and the defendant's Answer thereto, if defendant be permitted to plead, the plaintiff will be utterly unsuccessful in his case against the defendant. That the defendant submits and offers his Answer to file in the above entitled cause in accordance with the directions of the Court, in such case made and provided.

Francis Muekel
Attorney for Defendant.

Sworn to before me this 21st day of Dec. 1914.

O. L. Lindstrom
Clerk of the Court,
Carver County, Minn.

State of Minnesota,
County of Ramsey *Carver*

In District Court,
S
Eighth Judicial District.

--0--

Dr. Howard Lankester, Plaintiff,

versus.

AFFIDAVIT.

Isaac Fine, Defendant.

State of Minnesota,
ss.
County of Ramsey,

I, Isaac Fine, on oath being first duly sworn, depose and say that I am the defendant in the above entitled action, and say further that I am not indebted to the above named plaintiff, Dr. Howard Lankester, in any sum whatsoever. That I have a receipt in full for all services rendered me and my family by said defendant, which receipt is dated more than six years before the service of the summons on me in the above entitled cause and that said plaintiff has not rendered me or any member of my family ^{any services whatever} within six years immediately next prior the service on me of the summons in the above entitled cause.

That immediately after the service of the summons in the above entitled action, I retained Francis Muekel, as my legal representative to appear and defend on my behalf said action, that I now am acting in good faith and have at all times acted in good faith in the defense of said action, and that if the default and judgment of Dec. 19th 1914, obtained against me and in favor of plaintiff (which judgment was obtained upon the affidavit of "No Answer" of Harold A. Welch, plaintiff's attorney) be set aside and I be permitted to defend and proceed to trial of said cause that I will defeat the claims of the plaintiff. That I have a good and meritorious defense to said Complaint and can satisfactorily prove that I am not indebted to the plaintiff in any sum whatever and that the said plaintiff has not performed any services whatever for me or any member of my family within six years next prior the service of the summons of said cause upon me.

Sworn to before me this
11 days of February,

Leonard J. Dobner

Leonard J. Dobner
Notary Public in and for
Ramsey County, Minn.,

My Commission Expires Jan 2, 1922

State of Minnesota,
ss.
County of Carver,

In District Court,
8th Judicial District.

--o--

Dr. Howard Lankester, Plaintiff,

vs.

Affidavit.

Isaac Fine,

Defendant.

D Francis Muekel, on oath depose and say that I am ~~the~~ and have ~~been~~ at all times since October 6th 1914, been the legal representative of the above defendant in the above entitled cause. That I refrained from filing an Answer on behalf of defendant by virtue of the representation of H. A. Welch, attorney for plaintiff, as set forth in another affidavit hereto attached. That the judgment rendered herein on Dec. 19th 1914, was rendered without any knowledge or suggestion to this affiant, that immediately upon learning that such judgment was rendered, to-wit on December 21st 1914, I prepared affidavits and a Motion Notice on said 21st day of December and served the same on plaintiff's attorney, H. A. Welch, noticing the hearing ~~thereof~~ of said Motion to occur at Ten O'clock in the forenoon of January 5th 1915, at Norwood or as soon thereafter as the Court would hear the same. That through inevitable circumstances, to-wit: the terrible condition of the Roads, defendant's attorney Francis Muekel did not arrive at Norwood at Ten O'clock of said day, but arrived a few minutes after said time and after the plaintiff's attorney induced the Court to dismiss said Motion for want of prosecution, That within a few minutes after such dismissal occurred, defendants, appeared, and upon learning of such dismissal, asked for the re-instatement of said Motion, The Court refusing so to do without the stipulation of plaintiff's attorney, H. A. Welch. That upon application of defendant's Attorney, the plaintiff's attorney, H. A. Welch agreed that the said Motion be heard upon stipulation, but that he desired to ~~for~~ ^{defer} making such stipulation until he filed the Order dismissing said motion that it carry the

costs allowed the plaintiff's attorney. That after said Order dismissing said Motion, the attorney wholly refused to stipulate that said Motion be heard, which refusal necessitates the defendant's renewal of said Motion.

Francis Muekel.

Sworn to before me this 15 day of February A. D. 1915.

John Klauer
Judge of Probate, Carver
County, Minn.,

State of Minnesota,
County of Carver,

ss.

In District Court,
VIII Judicial District.

---0---

Dr. Howard Lankester, Plaintiff,

versus

Answer.

Isaac Fine,

Defendant.

Comes now the plaintiff, and for his Answer to the
plaintiff's Complaint in the above entitled action, alleges:

1.

That he is not indebted to the plaintiff in any sum
whatever.

11,

The defendant denies each and every allegation contained
in the plaintiff's said Complaint, and demands proof thereof.

WHEREFORE, defendant demands that the above entitled
action be dismissed at plaintiff's costs and defendant have
judgment against the plaintiff for his costs and disbursements.

Dated this 21st of Dec. 1914.

Francis Muekel
Attorney for Defendant.

State of Minnesota
County of Carver

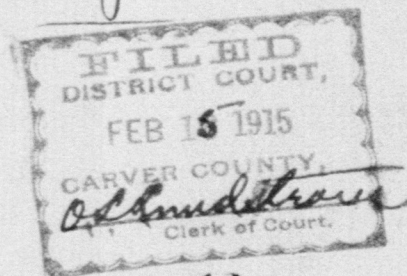
In District Court
VIII Judicial Dist.

Dr Howard Gankster
Plaintiff

vs

Isaac, Fine,
Defendant

Notice of Motion



(221)

Francis Muekel
Atty for Defendant.

217

DISTRICT COURT,

Eighth

Judicial District,

County of

Carver

Mr. Howard Lankester

Plaintiff

vs. Isaac Line

Minneapolis & St. Paul & Northern Pacific Ry. Co.

NOTE OF ISSUE

Issue of Law & Fact

LAST PLEADING SERVED

190

Harold A. Welch

Attorney for Plaintiff

Francis Munkel

Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the Oct. 11
A. D. 1905 - General Term
of this Court.

Yours respectfully,

Harold A. Welch

Attorney for

Plf.

Filed

September 30th 1905

E 217

State of Minnesota,
County of Carver,

In District Court,
VIII, Judicial District.

Dr. Howard Lankester, Plaintiff,
versus

Order.

Isaac Fine, Defendant
Minneapolis, & St. Louis Ry., Co.,
Garnishee.

On this 9th day of March A. D. 1915, in accordance with the Notice of Motion of the above named defendant in the above entitled action, the Motion of the defendant to set aside the judgment rendered in the above entitled action in favor of the plaintiff and against the above named defendant, and to set aside the default in the above entitled action and for leave of the defendant to file his answer, being called for hearing, and the Court after listening to the arguments of counsel for plaintiff and defendant and being advised in the premises, and the Court determining that the motion of the defendant should be sustained in all respects, The defendant's Motion is sustained.

It is therefore, hereby determined that the judgment of the plaintiff and against the defendant rendered in the above entitled cause, be and the same is hereby set aside and held for naught and the default in the above entitled cause is and the same is hereby set aside and the defendant Isaac Fine, has and is hereby allowed ten days in which to answer the Complaint of the plaintiff in the above entitled cause. It is also ordered that the plaintiff receive the sum of Ten Dollars from the defendant as his costs, which payment shall be made within ten days from date hereof.

Dated this 9th day of March 1915.

Wm. Morrison
Judge VIII Judicial District

State of Minnesota
County of Carver.

Dr Horrold Quakerster

Isaac Line
et al.

Order setting aside
judgment & granting
Defendant leave to answer.

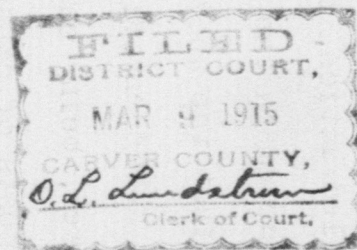
Filed

March 9th 1915

O. L. Lundström, Clerk

By H. O. Muehlberg, Deputy

Francis Muehlberg
att'y for Defendant



State of Minnesota,
County of Carver, ss.

In District Court,
Vlll, Judicial District.

--o--

Dr. Howard Lankester, Plaintiff.

vs.

Answer.

Isaac Fine, Defendant.

Comes now the defendant Isaac Fine, and complying with the Order of Court permitting him to Answer plaintiff's Complaint in the above entitled cause, for and as his Answer thereto, the defendant alleges and avers:

First, The defendant denies each and every allegation set forth in plaintiff's Complaint and demands proof thereof.

Second: The defendant denies that he is debted to the plaintiff in any sum whatever and also specifically denies that the ~~defendant~~ plaintiff performed services for the defendant in manner and form as alleged in plaintiff's Complaint.

Wherefore the defendant demands that the above cause entitled be dismissed at plaintiff's costs and the plaintiff take naught.

James Muecke
Attorney for Defendant

State of Minnesota,
County of Ramsey ss.

I, Isaac Fine, being first duly sworn on oath, depose and say that I am the defendant in the above entitled action, that I have heard read the foregoing Answer and that the statements and allegations therein contained are true ~~xxxixxxxxxx~~ of my own knowledge, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Isaac Fine

Sworn to before me this 15 day of March, 1915.

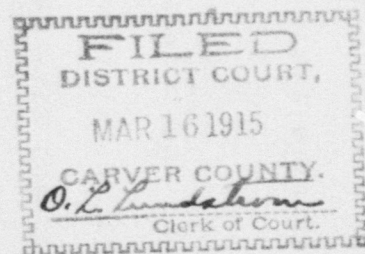
Leonard J. Dobson
Notary Public in and for
Ramsey County, Minn.,

My commission expires Jan. 2, 1922

Dr Arnold Conkter

Deac Fine

Answer



(E. 221)

Verd met 18 - 1915

State of Minnesota, } ss. Eighth Judicial District.
County of Carver }

Mr. Howard Lankester
Plaintiff

vs.
Isaac Fire

Minneapolis & St. Louis ^{Telephone} Co. Defendant

Sir: You Will Please to Take Notice, That the issue of Law & Fact
in the above entitled action will be brought on for Trial
at the next General Term of the District Court to be held in and for the County of
Carver at the Court House, in the City of Chaska
in said County, on the 11th day of Oct. A. D. 1912, at the
opening of said Court on that day, or as soon thereafter as Counsel can be heard.

Dated Sept. 30 1912

Yours respectfully,

Harold A. Welch

To Francis Munkel
Attorney for Defendant

Attorney for Plaintiff

#. 217,
original

DISTRICT COURT

Eighth Judicial District
County of *Carver*

Mr. Howard Lankester
Plaintiff

Isaac Fife, Defendant
Minneapolis & St. Louis
Railway Company,
Garnishee

NOTICE OF TRIAL

Due service of the within Notice is
hereby admitted, this *1st*

day of *Oct*, 19 *15*, at

Shoska, Minn.

Ernest Muehl

Attorney for Defendant

Harold A. Melch

Attorney for Plaintiff

E217
JAMES DAY COMPANY, MINNEAPOLIS



State of Minnesota,

DISTRICT COURT,

County of Carver,

Eighth

Judicial District

Dr. H. Lankester

Plaintiff

No.

217.

Against

List of Jurors.

Isaac Fine, Defendant,

Minneapolis & St. Louis Ry. Co. Garnishee.

Defendant

Attorneys Mark Here

NAMES

REMARKS

1 Clarence Funk
 2 Geo. Peterson
 3 Henry Plocher
 4 Henry Luthy
 5 John Lynn
 6 Simon Stener
 7 Emil Hestke
 8 August Richter
 9 Alfred Rabbe
 10 George Ohland
 11 Henry Nellen
 12 Emil Fadel
 13 F. D. Carlson
 14 Crist Rolf

1 - pg-

Dated 7th

No. ¹¹ 217

STATE OF MINNESOTA,

County of Carver,

DISTRICT COURT.

Dr. Howard Lukester

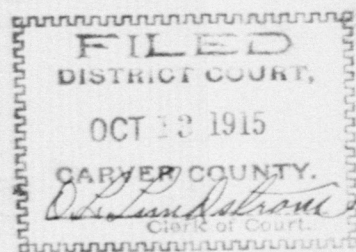
Plaintiff

Against

Isaac Fine, et al

Defendant

JURY LIST



No. 982.

E 217

State of Minnesota,
County of *Carver*

} ss.

IN DISTRICT COURT OF SAID COUNTY,

8th Judicial District.*October*Term, 19*15*

IN THE MATTER OF

Dr. Howard Lauksten

vs.

Plaintiff

Isaac Trine

Defendant

We, The Jury impaneled and sworn in the above entitled action, find for the plaintiff and
assess *his* damages in the sum of \$ *58⁰⁰*

fifty eight & no. 00

DOLLARS,

100

*with cost and no interest**C. E. Lunn*

Foreman.

Dated at *Chaska* this *13th* day of *October* A. D. 19*15*

#217

DISTRICT COURT,

8th

Judicial District

October

Term, 1905

State of Minnesota,

County of

Crow

ss.

VERDICT FOR PLAINTIFF

IN THE MATTER OF

Dr. Harold Loukota

vs.

Plaintiff

Isaac Gine

Defendant

Filed in open Court the

13th

day of

October

1905

R. Sundstrom

Clerk.

No. 903.

E217

State of Minnesota,
County of Carver, ss

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff,

vs.

Notice of Motion.

Isaac Fine, Defendant.
M. & ST. L. Ry., Co., Garnishee.

To Dr. Howard Lankester, and to H. A. Welch, his attorney:

Sir:

You will please hereby take notice that the defendant, Isaac Fine, will at two oclock in the afternoon of March 13th, 1916, (the first day of the regular March Term, 1916 of the above named Court) or as soon thereafter as the above named Court will hear Counsel, in the Court-house in Chaska Carver County, Minn., move the above named Court or Judge thereof for an Order setting aside the Verdict rendered and returned in the above entitled action and granting a New Trial of the above entitled action, on the grounds and for the reasons and alleged ~~XXXXXXXXXXXX~~ errors committed by the Court hereinafter shown and set forth, to-wit:

I.

Because the Court erred in overruling defendant's Motion for a continuance or postponement of the trial of the above entitled action.

II.

Because the Verdict rendered therein is contrary to law.

III.

Because the Verdict rendered therein is not justified by the evidence.

IV.

Because the Court erred (in the Crossexamination of defend nt) in ruling that the defendant could not show payment under the pleadings; the defendant's Answer being a general denial, which ruling was duly excepted to and which ruling defendant herein assigns as error.

V.

That upon Cross-examination of defendant, the defendant offered in evidence "Defendant's Exhibit #1," the plaintiff made the following objection, " Objected to on ground that there is no foundation laid----

2.

nothing to show that any more than \$50.00 paid; and that we admit. The Court making the following ruling thereon, towit: " Objection sustained in view of the admissions in the Answer". To which ruling the defendant duly excepted and which defendant assigns herein as error.

VI.

On cross examination of the plaintiff, the defendant offered to introduce in evidence " Defendant's Exhibit #1, on behalf of defendant to show payment of the indebtedness that Dr. Lankester claimed at the time the Check was given, The plaintiff objecting thereto, " as incompetent irrevelent and immaterial--- part of the defendant's case. There is no question that \$50.00 ~~was~~ having been paid on the account". The Court making the following ruling thereon, towit: " There is no claim that \$50.00 wasnt paid--- Objection sustained. To which ruling the defendant duly excepted and which ruling defendant assigns herein as error.

VII.

On the direct examination of the defendant in his won behalf, the ~~Exmrt~~ plaintiff objected to defendant testimony "as incompetent" The Court making the following ruling thereon--- "You cant show payment, you practised long enough to know that-- under a general denial" To which ruling the defendant duly excepted and which ruling the defendant assigns herein as error.

VIII.

When defendant was first called to the witness stand, upon cross examination, he ~~XXXXXXXX~~ testified--- "That is the check I gave Dr. Lankester-- I gave it to him myself the day after he talked with me. Q. I will ask you to note the words in the corner there ^{Payment} in full" who wrote those words? The plaintiff objected thereto "as immaaterial". The Court sustained the objection. Which ruling the defendant complains of and which ruling the defendant assigns herein as error.

IX.

Onrre-direct examination of the defendant on his own behalf, the defendant was asked " What if anything did Dr. Lankester say at the time a bout this check being in full" The plaintiff objecting thereto "as incompetent". The Court making the following ruling thereon, " You cant show payment under the pleadings, Objection sustained" to which ruling

3.

the defendant duly excepted and which ruling the defendant assigns herein as error.

You will further take notice that said Motion will be based on the minutes of the Court, the transcript of all the proceedings had on the trial of the above entitled action, showing the rulings of the Court etc., all embraced in the transcript heretofore served on you constituting the defendant proposed Settled Case in said action and upon the transcript of all proceedings and the Court's minutes as contained in the Settled case in the above entitled action.

Francis Mikel
Attorney for Defendant.

State of Minnesota

County of

Carver

ss.

Francis Muekel being first duly sworn upon oath says
that he is the atty for defendant in the foregoing
and within entitled action; that he has heard read the foregoing
that the same is true of his own knowledge, except as to
matters therein stated on information and belief, and as to such matters he believes it to be true.

Subscribed and sworn to before me this day of
19

Notary Public Minnesota

My Commission Expires

State of Minnesota

County of

Carver

ss.

District COURT.
JUDICIAL DISTRICT.

AGAINST

Plaintiff.

SUMMONS

Defendant.

The State of Minnesota to the Above Named Defendant:

You are hereby summoned and required to answer the com-
plaint of the Plaintiff in the above entitled action, which complaint is hereto annexed and herewith served
upon you Court, at the
County of and State of Minnesota, and to serve a copy of your answer to the
said complaint on the subscriber, at office, in the of
in said county of within days after service of this summons upon
you, exclusive of the day of such service; and if you fail to answer the said complaint within the time afore-
said, the plaintiff in this action will take judgment against you for the sum of
Dollars, (\$) with interest at the rate of per
cent per annum since the day of 19
together with Plaintiff's costs and disbursements herein.

Dated 19

Plaintiff's Attorney.

Minn.

State of Minnesota

County of

Carver

ss.

and says, that at the

Francis Muekel
and Charles

being first duly sworn upon oath deposes

in said County and State, on the

25

day of

Feb

1916 he served the within

Notice of Motion upon

the

the

leaving with said

therein named, personally, by

at the house of the usual abode of said

at his office in

with

person of suitable age and discretion, then resident therein, a true and correct copy of said

Subscribed and sworn to before me this

26 day of

Feb

1916

Francis Muekel

My Commission Expires

Notary Public

John H. Gleason

Carver County, Minn.

217

State of Minnesota

County of

Carver

Court

D. J. Gunkel

Plaintiff.

vs.

Lease Fine -

Defendant.

Due and personal service of the within

admitted

this day of

Notice of Motion

Attorney for

FRANCIS MUEKEL

CHASKA, MINN.

FILED

DISTRICT COURT,

MAR 13 1916

CARVER COUNTY,

Clerk of Court.

217

State of Minnesota
County of Carver

District Court
Eighth Judicial District.

-----0-----

Dr. Howard Lankaster, Plaintiff,

vs.

Isaac Fine, Defendant.

-----0-----

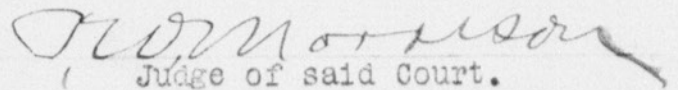
The defendant in the above entitled action, pursuant to notice duly given, brought on for hearing a motion on the 21st day of March, 1916, at the City of Chaska, in said county, for a new trial of said cause upon the grounds and for the reasons stated in said notice of motion.

Francis Muekel, Esquire, appeared as counsel for the defendant in support of such motion;

H. A. Welch, Esquire, appeared as counsel for the plaintiff in opposition thereto.

After giving all matters and things involved in said cause due consideration, it is ordered, that the said motion of the defendant be, and the same hereby is, in all respects denied.

Dated at Chaska, Minnesota, this 22d day of March, 1916.


Judge of said Court.

217

State of Minnesota
County of Carver
In District Court

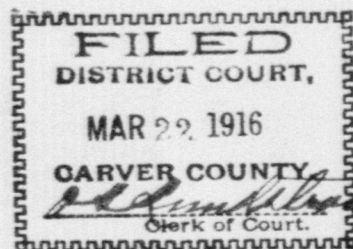
Dr. Harold L. J. K. S. S.

- vs -

Isaac Thiel

Def.

Order praying
motion for
new trial



F217

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Dr. Howard Lankester,
Plaintiff.

vs

Isaac Fine, Defendant
Minneapolis & St. Louis Railway,
Garnishee.

Please take notice that whereas a motion for new trial was made to the above Court on the 21st. day of March 1916 pursuant to notice by the above named defendant, the above Court did on the 22nd. day of March file his order in the Clerk of the District Court's Office denying said motion.

You will further take notice that the above named plaintiff will abide by said Order.

Dated March 22nd. 1916.

Harold A. Welch
Attorney for Plaintiff
Chaska, Minnesota

STATE OF MINNESOTA
COUNTY OF CARVER (SS

Harold A. Welch being duly sworn says that he served the above notice on Francis Muekel, attorney for the above named defendant by handing to and leaving with him a true copy thereof on the 22 day of March. 1916.

Harold A. Welch

Subscribed and sworn to before me
this 22 day of March 1916.

John H. Haines
Probate Judge

Original

217

State of Minnesota
County of Carver

Mr. Howard Lankester
Plaintiff

vs
Isaac Fine
Defendant
Minneapolis + St. Louis Ry.
Garminke

Notice

FILED
DISTRICT COURT,
MAR 22 1916
CARVER COUNTY.
Clerk of Court.

F 217

Harold A. Welch
Plaintiff's attorney

of record, 1916.
and leaving also him a true copy thereof on the 1st day
attorney for the above named defendant by mailing to
says that he served the above notice on Francis Wacker,
Harold A. Welch being duly sworn

Subscribed and sworn to before me

Notary Public in and for the State of Minnesota.
Notary Public in and for the State of Minnesota.

STATE OF MINNESOTA
COUNTY OF CARVER
DISTRICT COURT

State of Minnesota,
County of Carver,

In District Court,
8th Judicial District

Dr. Howard Lankester, Plaintiff.

vs.

Isaac Fine, Defendant
and Minneapolis & St. Louis Ry., Co.,
Garnishee.

To Harold A. Welch, Attorney for the above named plaintiff and
to Oscar L. Lundstrom, Clerk of the Court aforesaid.

Please hereby take
notice that the defendant above named, hereby appeals to the Su-
preme Court of the State of Minnesota, from the Order made by
the above named District Court, and entered in the above entitled
action on March 22nd. 1916, in favor of the plaintiff and against
the defendant, (wherein and whereby the Motion of the defendant for
a new trial was in all respects denied,) and the whole thereof, a
copy, of which Order herein appealed from, being hereto attached
and made a part hereof.

Dated this 11th day of April 1916.

Francis Muekel
Attorney for Isaac Fine,

Service of the foregoing Notice of Appeal and copy of Order, ac-
cepted and copy thereof received this 11th day of April, A. D. 1916.

O. Lundstrom
Clerk of District Court, 8th
Judicial District, in and for
Carver County, Minn.,

Service of the foregoing Notice of Appeal and copy of Order there-
to attached, accepted this 11th day of April, 1916 and copy there-
of received this 11th day of April . A.D. 1916.

Harold A. Welch
Attorney for Dr. Howard Lankester.

State of Minnesota.
County of Carver,

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

vs.

Isaac Fine, Defendant
and Minneapolis and St. Louis, Ry.Co..
Garnishee.

The defendant in the above entitled action, pursuant to Notice duly given, brought on for hearing a Motion on the 21st day of March, 1916, at the City of Chaska, in said County, for a new trial of said cause upon the grounds and for the reasons stated in said Notice of Motion.

Francis Muekel, Esquire, appeared as counsel for the defendant in support of such Motion;

Harold A. Welch esquire, appeared as Counsel for the plaintiff in opposition thereto;

After giving all matters and things involved in said cause due consideration, it is Ordered that the said Motion of the Defendant be, and the same hereby is in all respects denied

Dated at Chaska, Minnesota, this 22nd. day of March 1916.

P.W.Morrison,
Judge of said Court.

Copy.

State of Minn
County of Carver
217

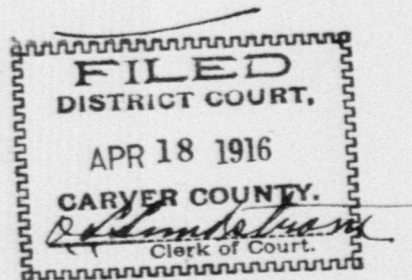
In District Court.

Dr. Donald Conkster

vs.

Isaac Fine, ^{and}
M & St L. Ry Co.
Complainee.

Notice of Appeal



Francis Muehl
Atty for Defendant
E 217

State of Minnesota,
County of Carver,

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff,

vs.

Isaac Fine, Defendant.

Comes now the defendant and requests the Court to specify a time and place where defendant may present to the above named Court, his proposed settled Case in the above entitled action for signature and settlement; and to move the Court for a new trial of the above entitled action.

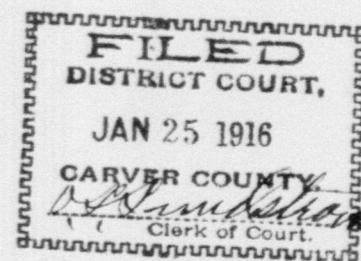
Francis Muekel
Atty for Defendant.

On application of the defendant in the above entitled action, for the time and place at which he may present his proposed settled case for signature and settlement and to move the Court for a new trial in the above entitled action, It is hereby ordered that at Chambers in ~~Forward~~ *Asleu* ~~County~~ *Carver* County, Minn., at *1:30* clock in the forenoon of the *24* day of January A. D. 1916, the defendant in the above entitled action may present his proposed settled case for settlement and move the Court for a New trial.

Dated this 3rd day of January A.D.1916.

H. W. Morrison
Judge of 8th Judicial
District of Minnesota.

217



E217

State of Minnesota,
County of Carver, ss.

In District Court,
8th Judicial District

Dr. Howard Lankester, Plaintiff.

vs.

Stipulation.

Isaac Fine, Defendant.

The defendant in the above entitled action not yet having obtained from the Official Court Reporter of the above named Court, the transcript of the short-hand notes taken on the trial of the above entitled action, which, the defendant desires to use as and for his proposed settled case in the above entitled action; it is hereby stipulated that the defendant have until February 4 1916 in which to obtain serve and present his proposed settled case, to the above named Court of the Judge thereof, for signature and settlement thereof, and to move the Court or Judge thereof for a new trial of the above entitled action,

Dated this 23rd day of December
1915.

Howard A. Huleb
Attorney for Plaintiff.
Francis Muekel
Attorney for Defendant.

217

State of Minnesota

County of Carver.

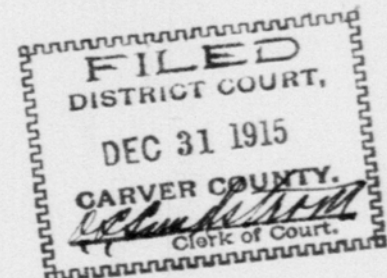
Dr. H. Lankester,

vs.

Isaac Fine,

Stipulation to extend time to prepare present etc.,

Proposed Settled Case



H. A. Welch, Attorney
for Plaintiff.

Francis Muekel, Attorney
for Defendant.

E 217

State of Minnesota,
County of Carver, ss.

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

vs.

Stipulation.

Issac Fine, Defendant.

It is expressly agreed and stipulated by the parties plaintiff and defendant in the above entitled action, through their attorneys, respectively, that the time in which the defendant Isaac Fine, may prepare, serve and present his proposed settled case for settlement, signature and certification as the settled case in the above entitled action, and move the Court for a new trial of the above entitled action; be and such time is hereby extended to January 2nd, 1916. That it is the intention that the within Stipulation shall grant the defendant such extension of time without an Order of the above named Court of the Judge thereof.

Dated at Chaska,
Nov. 24th, 1915.

Harold A. Bruleh
Attorney for Plaintiff.

Francis Muekel
Attorney for Defendant.

#217

FILED
DISTRICT COURT,
NOV 24 1915
CARVER COUNTY
Wm. H. H. H.
Clerk of Court.

E217

State of Minnesota,
County of Carver,

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

vs.

Stipulation.

Isaac Fine, Defendant,
and Minneapolis & St. Louis Ry. Co.,
Garnishee.

Whereas the defendant on March 13th, 1916, presented to the above named Court, his proposed Case, for signature and settlement thereof as and for the Settled Case in the above entitled action, and the Order of said Court making, certifying and constituting the same the Settled Case in said above entitled action, recites that the defendant presented the same on March 20th 1916; It is hereby stipulated by the plaintiff and defendant through their attorneys, that the above Court amend said Order to conform to the facts in the matter, that is to say, that said Court amend said Order, so that it reads " that the defendant presented his proposed Case in the above entitled action on March 13th, 1916" instead of " that the ~~defendant~~ defendant presented his proposed case in said action on March 20th 1916."

Dated this 11th of April 1916.

Harold A. Stelch
Attorney for plaintiff,

Francis Muecke
Attorney for defendant.

217
State of Minn
County of Carver
District Court
8th Judicial Dist

Howard Lunkester

vs.

Joan Fine

Stipulation
Amend Order Making
+ Constitutionally
Case
FILED
DISTRICT COURT,
APR 11 1916
CARVER COUNTY.
Clerk of Court.

Francis Muekel
att'y for Defendant
E217

State of Minnesota,
ss.
County of Carver,

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

vs.

Motion for Continuance or
Change ~~Transfex~~ of Venue.

Isaac Fine, Defendant.

The defendant in the above entitled action moves the Court for a continuance of the above entitled action to the next succeeding general term of the above named Court, or for a transfer of said action to the District Court of Hennepin County, Minn., for the reasons set forth in the hereto appended affidavits.

Francis Muekel
Attorney for Defendant.

State of Minnesota,
ss.
County of Carver

I Isaac Fine on oath depose and say that I am the defendant in the above entitled action, that my wife and daughter Frances Fine are material witnesses and are absent from the State of Minnesota. That prior to the time the above entitled action was set for trial, my wife and said daughter went to ~~New York~~ ^{Boston} and other places in the East visiting. That upon learning that said cause would ~~xxxxxx~~ was set for trial I endeavored to reach my said wife and daughter in order that they return and attend said trial but that I have been unable to locate them. That I cannot write and was obliged to have others write for me and that I have been unable to locate them.

That my wife and daughter if present would testify that I am not indebted to the plaintiff for any services for which he claims money, in his Complaint and that I paid ~~tax~~ in full for all such services. That I am unable to prove such fact without the presence of my wife and daughter. That I am a resident of St. Paul. The plaintiff is a resident of Minneapolis, and that all the witnesses are residents of St. Paul and Minneapolis. That if a continuance is granted or the said action transferred to Hennepin County or Ramsey County, it will be

to, the interest of justice and convenience for the parties, plaintiff and defendant.

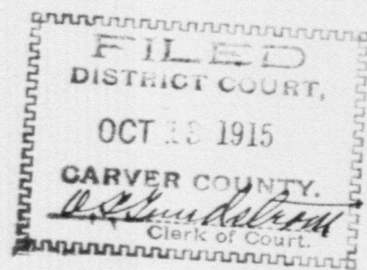
That my daughter will testify that I paid the plaintiff in full for all services for which he claims money due, in his said Complaint.

John F. Fiske

Sworn to before me this 13th day of Oct. 1915

John F. Fiske
Judge of Probate
Carver County, Minn.

#217



E217

State of Minnesota,
County of Carver, ss.

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

vs.

Isaac Fine, Defendant.

Order extending time to prepare
and present Case and move for New
Trial.

Now on this 21 day of October 1915, it appearing to the Court that the
October Term, A. D. 1915 of said Court will be adjourned sine die on
or before October 23rd. 1915, and the defendant desires to make a Motion
for New Trial of the above entitled action and that the Verdict returned
therein be vacated and set aside; and that the Court Reporter of said
Court cannot before November 30th 1915, make a transcript of the evi-
dence and all proceeding had in the above entitled action, in order to
enable the defendant to prepare and present his Bill of Exceptions of
Case for settlement by the Court, Therefore, upon application of the de-
fendant it is hereby ordered and the defendant is hereby ^{granted} ~~granted~~ *granted 2 1/2 weeks for.* ⁴ ~~granted~~ forty
days from date hereof to prepare and present his Bill of Exceptions or
~~xxxxx~~ Case in the above entitled action for settlement, and to make
his Motion for New Trial in said cause.

*Dated this 21st
Oct 1915*

OW Morrison
Judge 8th Judicial District.

#217

Harold Lonkster

or

Isaac Frie

Filed

October 21st 1915

O. L. Lundstrom, Clerk
By H. O. Muehlberg, Deputy.

E 217

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(Light Ink)

State of Minnesota,
County of Caver, ss.

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff,

vs.

ORDER.

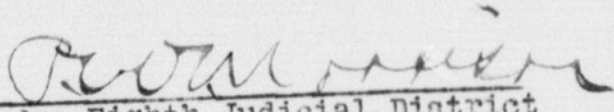
Isaac Fine, Defendant.

Now on thi 24th day of January 1916, it appearing to the Court that the defendant served notice off plaintiff's Attorney that at Chambers, in Glencoe, Mc.Leod County, Minn., at the Court-house, at 1.30 Oclock in the afternoon of the 24th day of January, 1916, he would present to the abovenamed Court or the Judge thereof his proposed settled case in the above entitld action for sighture and settlement; and it furt futher apparing that the plaintiff and defendant thru their respective attorneys stipulated that defendant's Motion for new trial be made to the above named Court or the Judge thereof at Two oclock P. M. on January 1916, at Chambers at Glencoe, McLeod County, Minn., and after the defendant's proposed settled case is presented for signature and settlement as and for the settled case in said action, and it appearing ^{to} the Court's satisfaction that an error in the date was made at ~~wh~~ which ~~time~~ the above named Court ~~would~~ or Judge thereof would be at Glencoe, Minn., at which time and place said proposed settled Case and Motion for new trial was to have been presented and heard, and that ~~z~~ the defendant is free from blame for such error and that defendant can not serve notice according to law within the time he is premitted to ~~ix~~ present his proposed settled case and move for new trial without an extension of time in which so to do; and that defendant is entitled to an extension of time in which to serve his proposed settled case and notice of presentation thereof for settlement and Notice of ~~Motion~~ for New Trial, now then;

The Court on its Own Motion, hereby grants and extends to the defendant, and the time in which the defendant ~~shall~~ may serve his proposed settled case and serve his Motion for New Trial in the above entitled

action; serve ~~notice~~ his proposed settled case and notice of presenta-
tion thereof for signature and settlement, on ~~defendant's~~ ^{plaintiff's} attorney; and
serve his Notice of Motion for new trial in the above entitled action
on ~~defendant's~~ ^{plaintiff's} Attorney, is hereby extended to March ¹⁵⁻⁴ ~~10th~~, A. D. 1916.
Let Execution be stayed
in the meantime.

Dated at Norwood, January 24th, 1916,
at 5.00 O'clock P. M.


Judge Eighth Judicial District

RECEIVED
JAN 25 1916
DISTRICT COURT
EIGHTH JUDICIAL DISTRICT
NORWOOD, MASS.

217

FILED
DISTRICT COURT,
JAN 25 1916
CARVER COUNTY.
Ed Lindstrom
Clerk of Court.

E 217

State of Minnesota,
County of Carver,

In District Court,
8th Judicial District.

Dr. Howard Lankester, Plaintiff.

versus.

STIPULATION.

Isaac Fine, Defendant.

Whereas the defendant has appealed from an Order in the above entitled cause, to the Supreme Court of Minnesota and has filed his appeal Bond therein and the plaintiff through his attorney, Harold A. Welch, has entered objections to the sureties on said Bond etc., It is hereby stipulated that if said Bond so filed in said cause, be approved by one of the Judges of the District Court of Ramsey County, Minn., it shall constitute a proper and sufficient Bond in said cause as an appeal Bond, or if such Bond be not approved by a Judge of the District Court in and for Ramsey County, Minn., then a personal bond properly approved by ~~the~~ one of the Judges of the District Court in and for Ramsey County, Minn., or a surety bond be filed by the defendant in said cause as and for his appeal Bond therein.

Dated this 26th of June, 1916.

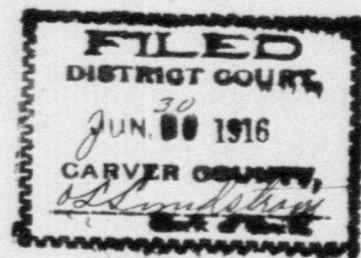
Harold A. Welch
Attorney for Plaintiff.

Francis Muekel
Attorney for Defendant.

*undertaking on appeal received by
me this 30th day of June 1916!*

Francis Muekel

#217



E 217

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

EIGHTH JUDICIAL DISTRICT

Dr. Howard Lankester, Plaintiff

vs

Isaac Fine, Defendant

Minneapolis & St. Louis

Railway Company, Garnishee

Whereas there has been filed in the office of the

clerk of the District Court an appeal bond bearing the date the 22nd. day of March 1916, approved by the Judge of the above Court on the 18th. day of April and filed the 22nd. day of April 1916, together with notice of appeal in the above entitled action you will take notice that the plaintiff above named objects to the sufficiency of said bond and excepts thereto and particularly the sufficiency of the sureties therein named.

Now therefore you will please take notice that the plaintiff above will apply to the above named Court on the 22nd. day of May 1916 at 10 O'Clock in the forenoon at the Court House in the city of Shakopee, Scott County, Minnesota for an order requiring said sureties on said bond to appear and be examined by said Court as to their ability to justify on said bond. Or in lieu of said examination the defendant above named shall file a surety bond or a licensed surety company doing business in the State of Minnesota.

Dated April 25th. 1916.

Harold A. Hulse
Attorney for Plaintiff
Chaska, Minnesota

STATE OF MINNESOTA

COUNTY OF CARVER

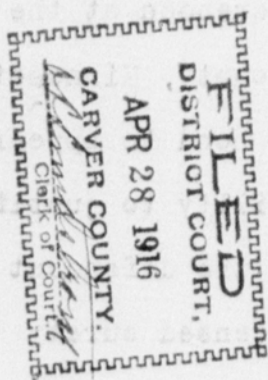
SS
(

Harold A. Welch being first duly sworn says he served the within notice on Francis Muekel , attorney for defendant in said action by handing to and leaving with Amend Bury on the 27th day of April 1916 at the residence of Amend Bury a true and correct copy of said notice; that the residence of Amend Bury is the usual abode of said Francis Muekel he being an unmarried man and having no other place of abode; that Amend Bury is a suitable person of age and discretion.

Harold A. Welch

Subscribed and sworn to before me
this 28th day of April 1916.

J. S. Thompson
Clerk of District Court
Carver Co. Minn.



E 217

217

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State of Minnesota,

Carver

County of

DISTRICT COURT,

8th

Judicial District.

Dr. Howard Lankester, Plaintiff

vs.

Isaac Fine, Defendant, and

Minneapolis and St. Louis Ry., Co.,
Garnishee/

Whereas, The

Defendant

in the above entitled action

appeal to the Supreme Court of the State of Minnesota from the Order

made

and entered therein on the 22nd/ day of March 19 16

Now, Therefore, We Isaac Fine,

and A. Sobelman and M. Binstok,

do

undertake, promise and agree to and with said

Dr. Howard Lankester,

that said Isaac Fine,

him shall pay all costs and charges that may
be awarded against on such appeal

Conditioned, however, that our liability hereunder shall not exceed the sum of

Two Hundred Fifty and no/100 - - - - - Dollars.

Dated this 6th day of April 19 16

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

*Henry Gallick**D. J. McDonald**A. Sobelman* (SEAL)*M. Binstok* (SEAL)*The Firm* (SEAL)

State of Minnesota,

Ramsey

County of

On this 7th day of April 19 16, before me, personally

appeared Isaac Fine, A. Sobelman and M. Binstok,

to me known to be the person described in, and who executed, the
foregoing bond, and acknowledged that they executed the same as their free act and deed.*D. J. McDonald*

My Commission Expires Mar. 3-1922

Notary Public, Ramsey County, Minn.

State of Minnesota,

County of Ramsey

ss.

A. Sobelman

M. Binstok and Ike Fine

being duly sworn, each for himself on oath says, that he is a resident of and freeholder in the State of Minnesota; and that he is worth the sum below specified opposite his name over and above his debts and other liabilities, and exclusive of his property exempt from execution, to wit:

said M. Binstok the sum of Two Hundred Fifty - - - - Dollars

said A. Sobelman the sum of Two Hundred Fifty - - - - Dollars

said the sum of Dollars

said the sum of Dollars

Subscribed and sworn to before me this

7th day of April

1916

D. J. Macdonald

Notary Public.
County, Minn.

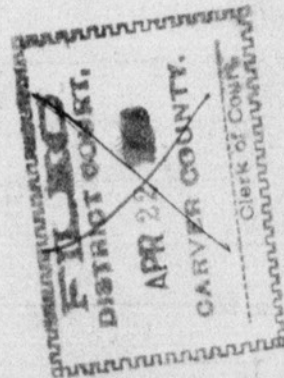
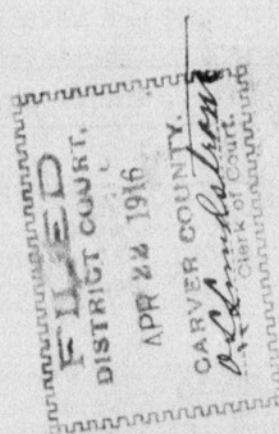
Ramsey

My Commission Expires Mar 3-1922

A. Sobelman

M. Binstok

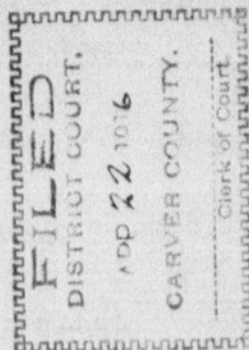
Ike Fine



E 217

DISTRICT COURT

County of Carver



UNDERTAKING ON APPEAL

The within undertaking and the

sureties therein are hereby approved

this 18th day

of April 1916

any 24th 1916

District Judge.

Travis M. Muel

Attorney.

No. 102

STATE OF MINNESOTA

SUPREME COURT

SS.

MANDATE

The State of Minnesota,

To the Honorable Judge and Officers of the District Court of the *Eight* Judicial District

sitting within and for the County of *Cannon* Greeting;

Whereas, Lately in your Court, in an action therein pending, between

Dr. Howard Lankester

Plaintiff and

Isaac Fine

Defendant

a certain order ~~judgment~~ was entered therein

March 22

1916

from which action of your Court an appeal thereafter was taken to this Court;

And Whereas, The said cause came on to be heard before our Supreme Court, and was argued by counsel;

On Consideration Whereof, It is now here ordered and adjudged by this Court that the order ~~judg-~~
~~ment~~ of the Court below herein appealed from, be, and the same hereby is, in all things *affirmed*

and that judgment be entered accordingly. A copy of the entry of Judgment thereupon in this Court is herewith transmitted and made part of this Remittitur.

Now, Therefore, This MANDATE is to you directed and certified, to inform you of these proceedings had in our Supreme Court, in said hereinbefore mentioned cause, and the same is hereby and herewith REMANDED to your Court for such other or further record and proceedings therein as may be by law necessary, just and proper, under and by virtue of the said order herein made.

Witness, The Honorable CALVIN L. BROWN, Chief Justice of
the Supreme Court aforesaid, and the seal of said Court at

St. Paul, this *8th* day of *November* 191*6*

J. F. Cassel,

Clerk of the Supreme Court.

By _____ Deputy.

SUPREME COURT

STATE OF MINNESOTA

MANDATE

TO THE DISTRICT COURT OF

Carver

County.

FILED
DISTRICT COURT,

NOV 10 1916

CARVER COUNTY.

W. H. H. H. H.
Clerk of Court.

Attorney for.....

LOUIS F. DOW CO., ST. PAUL

State of Minnesota, } ss.
County of Carver.

DISTRICT COURT,
Eighth Judicial District.

Mr. Howard Lankester, Plaintiff
vs
Isaac Fire, Defendant
W & St. L. Ry. Co Garnishee

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, \$ 58.00
Interest on the same from the 13th day of Oct. 1915 \$ 3.73

COSTS AND DISBURSEMENTS.

Statutory Costs, Double \$ 20.00
Affidavits, \$
Acknowledgments, \$
Sheriff's Fees, \$ 1.20
Jury Fees, \$
Clerk's Fees (to be taxed), \$ 9.45

WITNESS FEES, VIZ:

(Give name of each Witness, Residence, Number of Days and Dates of Attendance and Number of Miles Traveled.)

Names.	Residence.	No. Days Attendance	Dates of Attendance.	No. Miles Traveled.	
C. H. Coty	Chaska.	1	Dec. 4 - 1914	2	\$ 1.12
					\$
					\$
					\$
					\$
					\$
					\$

The above Bill of Costs and Disbursements taxed and allowed at \$ 31.73

Dated November 10th 1916 Total Amount, \$ 93.50

O. Sundstrom
Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota, } ss.
County of Carver.

H. A. Melch

being duly sworn, says on oath, that he is the Attorney of the Plaintiff in the above entitled action; that the foregoing is a true and correct statement of the costs and disbursements of said plaintiff in the above entitled action, and that the foregoing items of disbursements, and each item thereof, have been actually and necessarily paid or incurred therein, by and on behalf of said plaintiff; and that each of the above named witnesses was a material witness for the said plaintiff in said action, and was duly sworn, and testified on the trial of said action, on behalf of said plaintiff. That each of said witnesses actually and necessarily traveled the number of miles above set opposite his name, in going from his said place of residence to, and returning to said place of residence from, the place of trial of said action, and for the purpose of so testifying, actually and necessarily attended said Court the number of days and on the dates hereinbefore stated; and that the residence of each of said witnesses is at the place above stated.

Subscribed and sworn to before me this

3rd day of Nov 1916

John Glaeser
Notary Public, Carver County Minn.

H. A. Melch

NOTICE OF TAXATION OF COSTS.

State of Minnesota,
County of Carver.

DISTRICT COURT,
Eighth Judicial District.

Mr. Howard Lankester - Plf.
vs
Base Line Dept.
M. & St. L. Ry. Co. Garnishes

Sir: Please Take Notice, That on the 10th day of November 1916,
at 10 o'clock A.M., application will be made to O. L. Lundstrom Esq.,
Clerk of said Court, at his office in the Court House in the city
of Chaska in the County of Carver and State of Minnesota, to have the
within bill of costs and disbursements taxed and inserted in the judgment then and there to be entered herein.

Dated Nov. 3 1916

Yours respectfully,

To Francis Munkel
Attorney for Plf.
H. A. Melch
Attorney for

District Court,
Eighth Judicial District,
County of Carver.

Mr. Howard Lankester

vs
Base Line Dept.

M. & St. L. Ry. Co. Garnishes

Notice of Taxation of Costs and Bill
of Costs and Disbursements.

Due service of the within bill of disbursements and affidavit to same, and notice of taxation thereof, by delivery of copy thereof, is hereby admitted this

day of Nov 1916, at

Attorney for

Filed this

A. D. 1916

Clerk.

No. 13.

E-221

State of Minnesota, }
COUNTY OF CARVER. } ss.

DISTRICT COURT.

Eighth Judicial District.

Dr. Howard Lankester, Plaintiff

vs

vs.

Plaintiff.

JUDGMENT

Isaac Fine

M. & St. L. Ry. Co. Garnishee

Defendant.

The above entitled cause came on duly for trial by the Court and a jury duly impaneled and sworn to try the issues between the parties thereto on the 13th day of October 1915. Harold A. Welch

appeared in behalf of the plaintiff, and

Francis Muekel

appeared in behalf of the defendant. The said jury, having heard the evidence, the arguments of counsel, and the instructions of the Court, on the 13th day of October

1915, duly rendered their verdict in substance as follows: We, the Jury impaneled and sworn in the above entitled action find for the plaintiff and assess his damages in the sum of \$58.00 with costs but no interest.

Now Therefore, Pursuant to said verdict and on motion of Harold A. Welch

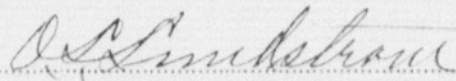
attorney for said Plaintiff

IT IS ORDERED, ADJUDGED AND DECREED, That and Determined and the Judgment of this Court is that the plaintiff have and recover from said Defendant Isaac Fine as principal and of Louis Steinberg and Meyer Binstock as sureties the sum of \$58.00 in lawful money of the United States with interest thereon from the 13th day of October 1915 at the rate of 6% per annum, and for his Costs and Disbursements herein taxed and allowed in the sum of \$31.77, aggregating in the total to \$93.50, and that he have Execution therefor.

Witness the Hon. P.W. Morrison

Judge of said Court

and the seal thereof this 10th day of November 1916.



Clerk.

DISTRICT COURT,
COUNTY OF CARVER.

Dr Howard Laukette
Plaintiff

AGAINST

Isaac Line Defendant
Wm St & Ryle Carver

JUDGMENT ROLL.

Filed *November 10* 191*6*

J. L. Smith
Clerk of the District Court.