



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

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No. ~~7~~ 3021

DISTRICT COURT,

CARVER COUNTY, MINN.

Daniel Scharmer et al.
Plaintiffs.

vs.

J. J. Effertz, as Trustee
Defendant

W. C. & W. J. Odell
Plaintiff's Atty

Geo. J. Porter
Defendant's Atty

Date of Entry *Feb 24th* 1906

Register of Actions, Page *438*

Term Tried *March* 1906

Judgment for *Plaintiffs*

Amount of Judgment, \$ *599.34*

Date of Judgment *June 1st* 1906

Judgment Book *D* Page *227*

Default Judgment Book _____ Page _____

Date of Docketing _____ 19

United States of America,)

District of Minnesota,

FOURTH Division.

ss.

I, CHARLES L. SPENCER, Clerk of the United States District Court for the District of Minnesota, do hereby certify that I have carefully compared the copy, attached to this certificate, with its original, which is in my custody as such Clerk, and that the said copy is a full, true and correct transcript from such original and of the whole thereof

In Testimony Whereof, I have hereunto set my official signature as the Clerk aforesaid and affixed the seal of said Court at MINNEAPOLIS. in

the FOURTH Division of said District this 30th day of July A. D. 1906.

CHARLES L. SPENCER, Clerk.

By Margaret C. Norman Deputy Clerk.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In the matter of

JOSEPH LOTTER,
Bankrupt

In BANKRUPTCY No. 1290

This matter coming on for hearing before the Court on the return of an order to show cause, why the respondents Daniel Scharmer and Jacob Radde be not perpetually enjoined and restrained from proceeding against Trustee of said above named bankrupt to enforce a certain judgment obtained ^{by} said respondents against said trustee in the District Court of the Eight Judicial District of the State of Minnesota, in and for the County of Carver.

James A. Kellogg, Esq., appearing on behalf of said trustee and Odell & Odell appearing on behalf of said respondents:

Now, after being fully advised in the premises, and upon due consideration,

ORDERED: That said respondents be and they are restrained from causing the levy of execution upon said judgment to be made, and that they present such judgment to the Referee in Bankruptcy as a claim against said estate to be there disposed of as the rights of the parties may be made to appear.

Dated July 28th, 1906.

Wm Gochren
Judge

Form 24. 1m.

Office of _____

Court No. _____

State of Minnesota,

County of *Carver*
District Court.

Daniel Scharmer
et al Plaintiff

L. J. Effertz Trustee
et al Defendant

Due and personal service of the within

CARVER COUNTY, FILED admitted

this *JUL 21 1906* 190

Geo. F. Porter Attorney for

GEO. F. PORTER,

Attorney for *Def.*

305 Temple Court,
MINNEAPOLIS, MINN.

(438)

State of Minnesota, } ss.
County of Crow

I hereby certify and return, that on the
12th day of Sept 1902, at the Town of Waconia
in the County of Crow in said State, I served the within Summons
and Complaint upon the within named defendant, H. J. Coffey
by then, and there handing to and leaving with him a true
copy of said Summons & Complaint

Dated this 13th day of Sept 1902

Sheriff's Fees, Return, \$ 1.00
Mileage 24 \$ 2.40
3.40

By G. A. Gatz Sheriff Crow County, Minn.
Deputy.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----::-----
Daniel Scharmer and Jacob Radde

Plaintiffs

vs

F. J. Effertz as Trustee of the Estate and
Effects of Joseph Lotter, Bankrupt

Defendant
-----::-----

Said plaintiffs for their complaint in the above entitled action respectfully
state and show to the Court:

(1). That on, to-wit, the 28th day of February A.D. 1905, the above named Joseph
Lotter was, upon his voluntary petition, duly adjudged bankrupt in and by the District
Court of the United States for the District of Minnesota, Fourth Division. In Bankrupt-
cy, and thereafter, and on, to-wit, the 16th day of March A.D. 1905 said above named F. J.
Effertz was duly and regularly appointed Trustee of the Estate and Effects of said
Joseph Lotter, bankrupt, and thereafter and on said day duly qualified as such Trus-
tee and now is and at all the times herein mentioned was the duly appointed, quali-
fied and acting Trustee of the Estate and Effects of said Joseph Lotter, said bank-
rupt.

(2). That on, to-wit, the 7th day of September A.D. 1905, by an order duly made and
entered in said bankruptcy proceedings said District Court of the United States for
the District of Minnesota, Fourth Division, duly granted to these plaintiffs leave of
court to bring and prosecute this action against said F. J. Effertz as Trustee afore-
said of the estate and effects of said bankrupt.

(3). For a First Cause of Action

Said plaintiffs as a part of their statement of this cause of action re-
peat and re-allege paragraphs 1 and 2 and aver that said plaintiffs are and at all
the times herein mentioned were the owners, seized in fee, and lawfully entitled to
the possession of that certain piece or parcel of land situate, lying and being in
the County of Carver and State of Minnesota and known and described as follows, viz:

Commencing at the northwest corner of Lot No. 7 of Block No. 29 of the Village of Waconia in said County and State, running thence south fifty eight feet; thence east forty four feet to a point on the line between Lots No. 8 and 9 of said Block; thence north along said line fifty eight feet; thence west forty four feet to the place of beginning. Being a part of the north half of Lots No. 7 and 8 of Block No. 29 of the Village of Waconia according to the plat of said Village on file and of record in the office of the Register of Deeds in and for said County of Carver, and that each of said plaintiffs is and at all the times aforesaid was the owner of an undivided one half of said premises.

(4). That on, to-wit, the 1st day of April A.D. 1905 said defendant, as Trustee aforesaid of the estate and effects of said bankrupt wrongfully and unlawfully entered upon and took possession of said premises and ousted said plaintiffs therefrom and has ever since wrongfully and unlawfully withheld and now wrongfully and unlawfully withholds the possession thereof from plaintiffs to their damage in the sum of, to-wit, two hundred and fifty dollars.

(5). For a Second Cause of Action

Said plaintiffs as a part of their statement of this cause of action repeat and re-allege paragraphs 1, 2 and 3 hereof and aver that on, to-wit, the 1st day of April A.D. 1905, said defendant, as Trustee aforesaid of the estate and effects of said bankrupt entered upon and took possession of said premises and has ever since used and occupied the same and the value of the use and occupation of said premises during the time the defendant as such Trustee has so held possession thereof is, to-wit, the sum of two hundred and fifty dollars, no part of which has ever been paid to the damage of said plaintiffs in said sum.

(6). For a Third Cause of Action

Said plaintiffs as a part of their statement of this cause of action repeat and re-allege paragraphs 1 and 2 hereof and aver that on, to-wit, the 1st day of April A.D. 1905 and at the time said defendant entered upon and took possession thereof said plaintiffs were the owners, seized in fee, and in the lawful possession of the land and premises mentioned and described in paragraph 3 of this complaint and there

then was situated upon said premises a building in which prior to that time had been carried on the business of general blacksmithing and in said building and attached thereto and a part thereof and used in the prosecution of the business carried on in said building was certain machinery consisting in part of an engine with shafting, pulleys and belting, a boring or press machine, four vices, three anvils, an emery stand with polishing wheels, two tire shrinkers, a punching machine, a saw summer, a tire bender, three bellows and a blower. That on, to-wit, the day aforesaid, and while said building so situated upon said premises was so equipped with the machinery aforesaid, said defendant as Trustee aforesaid of the estate and effects of said bankrupt wrongfully and unlawfully entered upon said premises and into said building and took and held possession thereof, and while so wrongfully and unlawfully in the possession thereof said defendant as such Trustee on, to-wit, the 8th day of July A.D. 1905 wrongfully, wilfully and maliciously tore out and severed said machinery from said building and wrongfully, wilfully and unlawfully converted the same to his use as such Trustee. That at the time said defendant so severed from said building and converted said machinery the same was a part of the realty so owned by these plaintiffs, and said defendant in so severing said machinery from said building and converting the same injured and damaged the premises so owned by these plaintiffs and lessened the value thereof in, to-wit, the sum of one thousand dollars, to the damage of said plaintiff in said sum.

Wherefore plaintiffs demand judgment against said defendant as trustee aforesaid as follows, viz:

First. That plaintiffs have and recover from said defendant the possession of the land and premises mentioned and described in paragraph 3 of this complaint.

Second. For damages for the detention of said premises from said plaintiffs in the sum of two hundred and fifty dollars.

Third. For the value of the use and occupation of said premises in the sum of two hundred and fifty dollars.

Fourth. For damages for injury and damage to said premises in the sum of one thousand dollars.

Fifth. For such other and further relief in the premises as to the court may

-4-

seem meet and proper and for their costs and disbursements herein.

W. B. & W. D. O'Neal

Attorneys for Plaintiffs.
Chaska, Minn.

DISTRICT COURT,
Eighth JUDICIAL DISTRICT.

Daniel Schamner and Jacob Radde
Against Plaintiff's
L. J. Effertz, as Trustee of the Estate and
Effects of Joseph Lotter, Bankrupt Defendant.
Summons.

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, which complaint is hereto annexed and herewith served upon you ~~has been filed in the office of the Clerk of said District Court, at the City of Chaska, County of Carver and State of Minnesota~~ and to serve a copy of your answer to the said complaint on the subscriber at ^{his} office, in the City of Chaska, in said County of Carver, within twenty _____ 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 aforesaid, the Plaintiff in this action will ~~apply to the Court for the relief demanded in said complaint~~ have the amount Plaintiff's ~~and~~ entitled to recover ascertained by the Court, or under its direction, and take judgment against you for the amount so ascertained ~~take judgment against you for the sum of~~ _____ Dollars (\$ _____) with interest thereon at the rate of _____ per cent. per annum, from and since the _____ day of _____ A. D. 190 _____ together with the costs and disbursements herein.

Plaintiff's Attorney, Chaska, Minnesota.

No. _____

State of Minnesota,

County of Carver

IN DISTRICT COURT,

Eighth Judicial District.

Daniel Schanauer
and Jacob Radde
Plaintiffs

vs.

J. J. Efferly as Trustee of the Estate etc.
Defendant.

(Original)

SUMMONS AND COMPLAINT.

W. C. Odell,
Attorneys for Plaintiff,

CHASKA, MINN.

CARVER COUNTY,
FILED

MAR 6 1906

H. O. Muehlberg Clerk.

(438)

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Daniel Scharmer and Jacob Radde

Plaintiffs

vs

F J Effertz as trustee of the Estate
and effects of Joseph Lotter Bankrupt
Defendant.

Now comes the defendant, by his attorney George F Porter
and for his defense to the complaint herein alleges and shows to the
court:

1

Defendant admits the allegations of said complaint contained in
paragraph one thereof.

11

Defendant alleges that if the order mentioned in paragraph two was
entered as alleged therein it was without due notice to this defendant
or his attorney and is therefore of no ~~was~~ force and effect and upon
information and belief denies that any such order was ever entered.

Further answering defendant denies each and every allegation
in each and every cause of action as set forth in said complaint and
each and every part thereof.

WHEREFORE defendant prays that he be hence dismissed
and that he have judgment against said plaintiffs for his costs and
disbursements herein.

George F Porter
Attorney for Defendant
305 Temple Court
Minneapolis Minn.

STATE OF MINNESOTA
COUNTY OF HENNEPIN^{ss}

George F Porter being first duly sworn deposes and
says;

That he is the attorney for the defendant in the above entitled
action.

That he has read the foregoing answer and that the same is true
to the best of his knowledge, information and belief and that the
reason he verifies said answer is because defendant is absent from the
County of Hennepin wherein this deponent resides.

George F Porter

Subscribed and sworn to before me
this 26th day of September A D 1905

James C. [Signature]
Notary Public
Hennepin County
Minnesota

Recd Sept 27, 1906.

Copy

Form 5. 12-7-04. 1m.

Office of _____

Court No. _____

State of Minnesota,

County of Hennepin,

District Court.

Samuel Schames & Jacob Radde
Plaintiff

F. J. Offenberg & Son
Defendant

Answer

Due and personal service of the within

admitted

this _____ day of _____ 190_____

Attorney for _____

GEO. F. PORTER,

Attorney for *Defendant*

305 Temple Court,
MINNEAPOLIS, MINN.

CARVER COUNTY,
FILED

MAR 7 1906

J. O. Muehlberg Clerk.

(438)

State of Minnesota,
County of Carver.

District Court
Eighth Judicial District

-----0-----
Daniel Scharmer and Jacob Radde, Plaintiffs,
against
F. J. Effertz, as trustee of the Estate and
Effects of Joseph Letter, Bankrupt.

VERDICT.

-----0-----
We the jury in the above entitled action find that the plaintiffs are the owners and entitled to the possession of that certain piece or parcel of land situate, lying and being in Carver County, State of Minnesota, and known and described as follows, viz:

Commencing at the Northwest corner of lot number 7 of block number 29 of the Village of Waconia in said county and State, running thence south 58 feet, thence east 44 feet to a point on the line between lots numbered 8 and 9 of said block, thence north along said line 58 feet, thence west 44 feet to the place of beginning,—being a part of the north half of lots number 7 and 8 of block number 29 of the Village of Waconia, according to the plat of said village on file and of record in the office of the register of deeds in and for said county of Carver.

And we further find in favor of the plaintiffs and against the defendant, and assess ^{their} damages in the sum of

Five Hundred fifty (\$550.) Dollars.

Dated at Chaska, Minnesota, this 7th day of March, A.D. 1906.

John L. Powers
Foreman.

Stay of 60 days.

Block number 22 of the Atlas of Wisconsin in said county and
 containing at the northwest corner of lot number 1 of
 as follows, viz:
 in Carver County, State of Wisconsin, and known and described
 that certain piece or parcel of land situate, lying and being
 Plaintiff and the owners and entitled to the possession of
 as the land in the above entitled section 11 of that the
 Estate of Joseph Lyster, Defendant
 L. J. Lyster, as trustee of the estate and
 vs -
 F. J. Eppert as
 Trustee of the estate
 and effects of
 Joseph Lyster, Defendant

Verdict

CARVER COUNTY,
 FILED
 MAR 7 1906
 H. O. Mushlberg, Clerk.

State of Minnesota,

COUNTY OF HENNEPIN, } ss.

being first duly sworn, says that on the 3rd day of May A. D. 1906

~~he served a copy of the notice of motion, order, and~~ ^{offered:} ~~he served the summons~~
~~and complaint~~ hereto attached on W.C. & W.F. Odeur attys for plaintiffs

~~the defendant therein named, at the usual place of abode of said defendant by then and there handing~~

~~to and leaving with~~ ^{by mailing true correct copies of each thing to the said}
W.C. & W.F. Odeur at Clark Curran County Minnesota

~~of the said defendant personally, a true and correct copy of said summons and complaint and of each~~
~~thereof,~~ ^{being then resident therein and a person of suitable age and dis-}

~~cretion, and that he knew the person so served to be the same person mentioned in said summons~~

~~and complaint as defendant therein;~~

Subscribed and sworn to before me this 5th day of May 1906

NOTARIAL
SEAL

Notary Public Hennepin County, State of Minnesota

My commission expires April 15, 1911

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHT JUDICIAL DISTRICT

-:-:-:-:-

Daniel Scharmer and Jacob Radde,
Plaintiffs

- vs -

F. J. Effertz, as Trustee of the estate and
effects of Joseph Lotter, Bankrupt.
Defendant

-:-:-:-:-

To W. C. and W. F. Odell, Esqs., attorneys for plaintiffs.

TAKE NOTICE, That on the affidavits hereto attached and herewith
served upon you, the defendant will move the court at the time and
place fixed by the court to show cause and hereto attached for an
order granting the defendant a further stay of Ten (10) days pending
motion for a new trial, and for such other relief as may be just.

Geo. H. Potter & J. W. Smith

Attorneys for defendant
305 Temple Court,
Minneapolis, Minnesota.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

EIGHT JUDICIAL DISTRICT

Daniel Scharmer and Jacob Radde,
Plaintiffs,

- vs -

F. J. Effertz, as Trustee of the estate
and effects of Joseph Lotter, bankrupt,
Defendant.

Upon the application of the defendant above named by J. W. Smith,
and upon duly considering the same and the premises herein,
IT IS ORDERED, That the plaintiffs herein, and each of them,
show cause if any they have before this court at Chambers on Saturday
the 5th day of May, 1906, at -- 2 -- o'clock in the after noon
hereof, or as soon thereafter as counsel can be heard, in the Village City
of Norwood, County of Carver, in said State, why the relief asked in the
said motion in said action and hereto attached and expressly made part
hereof, be not granted upon the following grounds, to-wit:

First,- That defendant has not the time in which to give the
regular and usual Eight (8) days statutory notice for the hearing of
said motion, and if the plaintiff is compelled to give the same, the
plaintiff would suffer injury and the relief sought in said motion
would be ineffectual, and that such exigencies justifies the shortening
of the said trial and the notice of said motion.

Second,- Upon the ground set forth in the said notice of motion
and affidavit hereto attached and hereby expressly made a part of this
order to show cause.

IT IS FURTHER ORDERED, That a true copy of this order and of the
said notice of motion and affidavit which is hereto attached, be

(2)

forthwith served upon W. C. and W. F. Udell, Esq., the attorneys for
the plaintiffs herein, and that such service may be made by mailing
copies of this order, notice of motion and affidavit ^{to the said W. C. and W. F. Udell Esq.} at Chaska,
Minnesota.

Dated this 2nd day of May, 1906.

By the Court

Per Morrison
District Judge.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

EIGHT JUDICIAL DISTRICT

Daniel Scharmer and Jacob Radde,
Plaintiffs

- vs -

F. J. Effertz, as Trustee of the estate
and effects of Joseph Lotter, bankrupt.
Defendant.

J. W. Smith, being first duly sworn on his oath, says that the
ve ~~stayed~~ ^{initiated} action duly came on for trial on the 6th day of March, 1906,
on the 7th day of March, 1906, resulted in a verdict for the plain-
tiffs in the sum of Five hundred fifty and no/100 Dollars (\$550.00);
That thereupon a stay of Sixty (60) days was granted, pending the
ion for a new trial; that said stay will expire on the 5th day of
, 1906.

Affiant further states that George F. Porter, Esq., was at all the
times herein mentioned the attorney of record for the defendant above
named; that affiant was engaged to appear in said case at the trial
reof on the said 6th day of March, 1906, on account of the absence
of George F. Porter, he being with-out this state at the time of the
said trial. That since this case was tried on the dates above, ^{mentioned} the
said George F. Porter has been with-out this state practically all of
time, and that he is still with-out this state; that affiant was
informed and believed that the said George F. Porter would return to
this state in time to prepare a motion for the new trial herein; that
affiant is now informed and believes that the said George F. Porter
will return to this state on or about the 4th day of May, 1906, and that
if a further stay of Ten (10) days is granted the said George F. Porter
will have sufficient time within which to prepare a motion for a new trial
herein.

(2)

That this affidavit is made for the purpose of obtaining a further stay of Ten (10) days pending the motion for a new trial; that affiant has not the time to give the regular and usual eight (8) days notice of motion by reason of the exigencies herein stated, and therefore prays an order of this court shortening the time for the service of the same so that said order to show cause and the motion in said action for the purpose aforesaid can be heard before this court at Chambers, on the 5th day of May, 1906, at 2 o'clock in the after moon thereof, or as soon thereafter as counsel can be heard.

WHEREFORE, Affiant prays an order of this court directing the said defendants to show cause, if any they have why said motion for a further stay of Ten (10) days should not be granted.

Further affiant sayeth not.

-----*J. W. Smith*-----

Subscribed and sworn to before me this first day of May, A. D, 1906.

-----*A. H. Robinson*-----

Notary public,
Hennepin County, Minnesota.

My commission expires April 15, 1911

(Original)

Form 5. 12-7-04. 1M.

Office of _____

Court No. _____

State of Minnesota,

County of ~~Augusta~~ Carver

District Court.

Daniel Schamus & Jacob Ross
Plaintiff's.

vs.

F. J. Effert & Sons
Defendant.

Affidavit; Notice & Order

Due and personal service of the within

admitted

this _____ day of _____ 190_____

Attorney for _____

GEO. F. PORTER,

G. W. Smith
Attorney for Defendant.

305 Temple Court,
MINNEAPOLIS, MINN.

CARVER COUNTY,
FILED

MAY 7 1906

H. O. Muehlberg

(438)

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

(In District Court.
(8th Judicial District.
(.....)

Daniel Scharner and Jacob Radde,
Plaintiffs.

-vs-

F.J. Effertz, as trustee of the estate and
effects of Joseph Lotter, Bankrupt, Bankrupt,
Defendant.
.....)

Pursuant to notice duly given, the motion of the Defendant in the above
entitled action for ~~stay~~ an extension of stay of proceedings therein
came duly on for hearing before said Court in Chambers at the Village of
Norwood in said County and State on the 5th day of May, a.d. 1908.

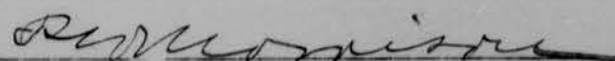
George F. Porter and J.W. Smith Esquires appeared as counsel for the
Defendant in support of said motion.

There was no appearance on the part of the Plaintiff, in opposition
said motion.

After reading the application of the said defendant and being fully
advised in the premises, ORDERED;

That the said motion of the Defendant be
and the same is hereby granted and all proceedings on the part of the
plaintiffs in said cause be and hereby are stayed for a period of twenty
(20) days from date hereof.

Dated at Norwood, Minnesota, this 5th day of May, a.d. 1908.



Judge of the District Court.

State of Minnesota
County of Carver
In witness whereof

Emile Schaeffer
et al.

- vs -
Defendants

G. J. Eppert et al
Plaintiffs

Order for citation
of story of proceedings

CARVER COUNTY,
FILED

MAY 7 1906

H. O. Muehlberg Clerk.

(438)

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

Daniel Scharrer and Jacob Rodde,
Plaintiffs

J. J. Effertz as Trustee of the Estate and Effects of
Joseph Ketter, Bankrupt }
Defendant

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, \$ 550.00
 Interest on same from the 7th day of March 1906 \$ 7.70

COSTS AND DISBURSEMENTS.

Statutory Costs, \$ 10.00
Three Affidavits, \$.75
 Acknowledgments, \$
 Sheriff's Fees, (Summons and Complaint, \$3.00 — Subpoena, \$4.60) \$ 8.00
 Jury Fees, \$ 3.00
 Clerk's Fees (to be taxed), \$ 10.37

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	
<u>John Hume</u>	<u>Waconia</u>	<u>1</u>	<u>March 6, 1906</u>	<u>24</u>	\$ <u>2.44</u>
<u>John Friedrich</u>	<u>Waconia</u>	<u>1</u>	<u>March 6, 1906</u>	<u>24</u>	\$ <u>2.44</u>
<u>Wm. Allmann</u>	<u>Waconia</u>	<u>1</u>	<u>March 6, 1906</u>	<u>24</u>	\$ <u>2.44</u>
<u>Wm. Eggers</u>	<u>Lakewood</u>	<u>1</u>	<u>March 6, 1906</u>	<u>20</u>	\$ <u>2.20</u>
					\$
					\$
					\$
					\$
					\$
					\$

The above Bill of Costs and Disbursements taxed and allowed at \$ 41.64
 Dated June 1st 1906 Total Amount, \$ 599.34

H. O. Muehlberg
 Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota, }
 County of Carver } ss. W. B. Odell
 being duly sworn, says on oath, that he is one of the Attorneys of the Plaintiffs in the above entitled action; that the foregoing is a true and correct statement of the costs and disbursements of said Plaintiffs 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 Plaintiffs; and that each of the above named witnesses was a material witness for the said Plaintiffs in said action, and was duly sworn, and testified on the trial of said action, on behalf of said Plaintiffs. 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
28th day of May 1906

W. B. Odell

Notary Public, Carver County, Minn.
 My Commission expires July 18, 1907

NOTICE OF TAXATION OF COSTS.

State of Minnesota,

DISTRICT COURT,

County of Carver

-ss.

Eighth

Judicial District.

Daniel Schanner and Jacob Radde
Plaintiffs

vs

J. V. Effertz, as Trustee, of the Estate, and Effects of
Joseph Lotter, Bankrupt
Defendants

Sir: Please Take Notice. That on the 1st day of June 1906
at 10 o'clock A. M., application will be made to H. O. Muehlberg, 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 May 28th 1906.

Yours respectfully,

W. B. Muehlberg

To Geo. F. Porter and J. W. Smith, Esqs.
Attorneys for Defendant

Attorneys for Plaintiffs
Chaska, Minn.

(Original)

DISTRICT COURT,

Eighth Judicial District.

County of *Carver*

Daniel Schamner et al.
Plffs.

F. J. Effertz et al.
Defts.

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

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

day of

1906, at

Attorney for

Filed this *1st* day of

June A. D. 1906

H. O. Muehlberg
Clerk.

W. B. Odell
Atty. for Plffs.

(438)

WILLER-DAVIS PRINTING CO., MINNEAPOLIS

State of Minnesota } ss.
County of Carver }

W. B. Odell, being first duly
sworn, says that he is one of the
attorneys of the plaintiffs in the
above entitled action, that on the
28th day of May 1906 he served the
within Bill of Costs and Disburse-
ments and Notice of Taxation on
Geo. F. Porter and J. W. Smith, Esqs.,
Attorneys for the defendant in said
action, by depositing a copy of said
Bill and Notice in the postoffice
at Chaska in said County and
State, the place of residence of af-
fiant, in an envelope secure-
ly sealed, postage thereon pre-
paid, and addressed to said
Porter and Smith, as said attor-
neys, at Minneapolis, Minne-
sota, the place of residence of
said attorneys for defendant,
and that there is a regular
communication by mails be-
tween said cities of Chaska and
Minneapolis.

Subscribed and sworn to before me
this 1st day of June
A. D. 1906.

W. B. Odell
Notary Public, S. D. Co.
(My Comm. Expires Aug. 19, 1909)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Daniel Scharmer and Jacob Balde

Plaintiffs

vs

F. J. Effertz as Trustee of the Estate and
Effects of Joseph Lotter, Bankrupt

Defendant

This cause having been duly brought on for trial in its regular order upon the calendar at the March General Term of said Court and tried on the 7th day of March 1906 before a jury duly empanelled and sworn, and the jury having duly returned its verdict herein in favor of said plaintiffs and against said defendant

Now, On motion of W.C. & W.F. Odell, attorneys for said plaintiffs, It is Ordered, Judged and Determined That said plaintiffs have and recover possession of the premises mentioned and described in the complaint herein from said defendant together with their damages in the sum of Five Hundred Fifty Seven Dollars and Seventy Cents and the costs and disbursements of this action taxed and allowed at the sum of Forty One Dollars and Sixty Four Cents, and that they have execution therefor.

By the Court,

H.O. Muehlberg
Clerk.

State of Minnesota,

County of Carver

District Court.

Daniel Schauer et al.
Plaintiffs

vs.

F. J. Effertz et al.
Defendants.

Judgment

Due and personal service of the within
admitted

this _____ day of _____ 19____

Attorney for
CARVER COUNTY,
FILED

JUN 1 1906

H. O. Muehlberg Clerk.

W. C. Russell
Attorney for _____

Charles M. Miller

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(438)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----:-----
Daniel Scharver and Jacob Ralle

Plaintiffs

vs

F.J. Effertz as Trustee of the Estate and
Effects of Joseph Lotter, Bankrupt

Defendant
-----:-----

Sir:

You will please take notice that the issues 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 5th day of March A.D. 1906, at the opening of said Court on that day, or as soon thereafter as counsel can be heard.

Dated Feb. 21st, 1906.

Yours Respectfully,

W. L. W. Odell

Attorneys for Plaintiffs,

Chaska, Minn.

To

George E. Porter, Esq.,

Attorney for Defendant.

Original (4)
District Court
Carver County
Daniel Schanner et
al.

-vs-

F. J. Efferty as Trustee
etc.

Notice of Trial

The written Notice of
Trial served on me this
23rd day of February 1906
J. A. Porter
P. H. B. W. 2/24

CARVER COUNTY
FILED

FEB 24 1906

H. O. Muehlberg, Clerk.
(438)

W. C. & W. S. Ocell
Attys. for Plffs.
Charles, Minn.

PUBLIC SALE

Machinery and Tools of

JOS. LOTTER, Bankrupt.

**F. J. Effertz, Trustee, will sell at Public Auction
in the blacksmith shop of Jos. Lotter in Waconia on**

SATURDAY, JULY 8, 1905,

COMMENCING AT 10 A. M. SHARP,

THE FOLLOWING DESCRIBED PERSONAL PROPERTY TO WIT.

1 10 horse gasoline engine, shafts pulleys and connections	1 Swedge block	1 large pipe stock and dies
1 turning lathe	1 emory grinding machine	3 vices
1 scale	1 " polishing plate	1 set horse teeth trimming tools
1 saw rig with two saws	1 leveling block	1 box stove
1 post drill	1 mandrel	3 anvils
1 tire bender	1 tire shrinker and shears	1 horse clipping machine
1 punch and shears	combined	1 section flue expander 2 1-2 in.
	1 heavy tire shrinker	1 " roller " "

A lot of blacksmith tools too numerous to mention such as hammers, punches, tongs, cold-chisels, wrenches, etc.

TERMS: STRICTLY CASH.

F. J. EFFERTZ, Trustee.

JOHN KUNZE Auctioneer.

Refused

No. 3043.

DISTRICT COURT,
Eighth Judicial District,
County of *Carver*

See Back

NOTE OF ISSUE

Issue of *Fact*
LAST PLEADING SERVED

Sept. 27, 190*6*

W. B. & M. D. Odell
Attorney for Plaintiff &

Geo. F. Porter
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. 190*6* *Second* Term
of this Court.

Yours respectfully,

W. B. & M. D. Odell
Attorneys for *Plaintiffs*

Filed *Feb 24*, 190*6*

MILLER-DAVIS PRINTING CO., MINNEAPOLIS
(438)

STATE OF MINNESOTA, }
COUNTY OF CARVER. }

DISTRICT COURT, No. 2388
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO *William Allmann*

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the day of *March* A. D. *1906*, at *10* o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

Daniel Schamer & Jacob Radde plaintiff, S., and
T. J. Effertz as Trustee of Lost & Effect of Joe Lotter Bankrupt defendant, on
the part of the *Pltff* and remain in attendance till said cause is disposed of; and
for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and
damages sustained thereby to the party aggrieved.

WITNESS The Hon. *P. W. MORRISON*, Judge of said Court, at Chaska,
this *5* day of *March* A. D. *1906*

Seal

H. O. Muehlberg Clerk.

W. B. & W. F. Odell Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpœna on the within named
Wm. Allman by reading said Subpœna to him in his
presence, in County and State aforesaid, on this 5th day of March 1906
189

Fees

60

By

Swan Lusty

Deputy Sheriff.

G. A. Gatz
Sheriff of Carver County.

No. _____

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

AGAINST

SUBPENA.

Issued _____ 189.....

H.O. Muehlberg
Clerk District Court.

RETURNED AND FILED

March 6th 1896
H.O. Muehlberg
Clerk.

On part of _____

244

Geo. D. Barnard & Co., Prs., St. Louis.

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT,

No. 2390

EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO

John Friedrich

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the *Sixth* day of *March* *1906* A. D. ~~189~~, at *10* o'clock in the forenoon, to testify in a

certain action now pending in the District Court, then and there to be tried, between

Daniel Scharmer & Jacob Radde plaintiff *S.*, and
T. J. Effertz as Trustee of Est & Effects of Jos Lotter Bankrupt defendant on
the part of the *Pltff* and remain in attendance till said cause is disposed of; and

for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. *P. W. MORRISON* ~~*Francis Cadwell*~~, Judge of said Court, at Chaska,
this *5th* day of *March* *1906* A. D. ~~189~~

Seal

H. O. Muehlberg Clerk.

W. C. & W. F. Odell Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpoena on the within named
John Erickson by reading said Subpoena to him in his
presence, in County and State aforesaid, on this 5th day of March 1906

Fees

60

By

Swan Lusty

Deputy Sheriff.

G. A. Gatz
Sheriff of Carver County.

No. _____

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

AGAINST _____

SUBPENA.

Issued _____ 189_____

H. O. Muehlberg
Clerk District Court.

RETURNED AND FILED

Mar. 6th 1896
H. O. Muehlberg Clerk.

On part of _____

228

Geo. D. Barnard & Co., Prs., St. Louis.

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

No. 2387

THE STATE OF MINNESOTA

TO *William Eggers*

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the *Sixth* day of *March* ¹⁹⁰⁶ A. D. ~~189~~, at *10* o'clock in the forenoon, to testify in a

certain action now pending in the District Court, then and there to be tried, between

Daniel Scharrer & Jacob Radde plaintiff s., and
T. J. Effertz as Trustee of Es. & Effects of Joseph Lotter Bankrupt. defendant on
the part of the *Plff* and remain in attendance till said cause is disposed of; and

for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. ^{P. W. MORRISON,} ~~Francis Cadwell,~~ Judge of said Court, at Chaska,
this *5* day of *March* ¹⁹⁰⁶ A. D. ~~189~~

Seal

H. O. Muehlberg Clerk.

W. C. & W. F. Odell Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpoena on the within named
Wm. Eggers by reading said Subpoena to him in his
presence, in County and State aforesaid, on this *5th* day of *March* 19*06*

Fees *1.70*

By *Spau Lusty*

G. A. Gatz
Sheriff of Carver County.

Deputy Sheriff.

No. _____

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

AGAINST

SUBPENA.

Issued

189.....

H.O. Muehlberg
Clerk District Court.

RETURNED AND FILED

Mar. 6th

1906

H.O. Muehlberg Clerk.

On part of _____

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT, No. 2389
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO

John Kunze

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the *Sixth* day of *March* A. D. *1906*, at *10* o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

Daniel Schanner & Jacob Radde plaintiff *S.*, and
L. J. Effertz as Trustee of Est. & Effect of Jos Lotter Bankrupt defendant *on*
the part of the *Pltff* and remain in attendance till said cause is disposed of; and

for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The *P. W. MORRISON, N.*
Hon. Francis Cadwell, Judge of said Court, at Chaska,
this *5th* day of *March* A. D. *1906*

Seal.

H. O. Muehlberg

Clerk.

W. B. Adell & W. T. Odell Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY and return that I served the within Subpoena on the within named
John H. H. H. by reading said Subpoena to him in his
presence, in County and State aforesaid, on this *5th* day of *March* 19*06*

G. A. Gatz
Sheriff of Carver County.

Fees

1.70

By

Swan Leuty

Deputy Sheriff.

No.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

AGAINST

SUBPENA.

Issued 189.....

H.O. Muehlberg
Clerk District Court.

RETURNED AND FILED

Mar. 6th 1896
H.O. Muehlberg
Clerk.

On part of

UNITED STATES DISTRICT COURT.
FOURTH DIVISION. DISTRICT OF MINNESOTA.

.....

In the matter of
Joseph Lotter,
Bankrupt,
IN BANKRUPTCY.

.....

Before Honorable William Lochran, Judge.

Upon reading and filing the affidavit of F. J. Effertz, and it appearing therefrom, that he is the duly appointed, qualified and acting trustee of the estate and effects of the above named bankrupt, and it further appearing therefrom that Daniel Scharmer and Jacob Radde have and are threatening to forcibly take possession of property claimed by said trustee as assets of said estate,

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said Daniel Scharmer and Jacob Radde, and each of them, be and the same hereby are enjoined and restrained from taking possession or attempting to take possession of any of the real or personal property in said petition described, and from removing said personal property from the blacksmith building wherein the same is located at Waconia, Minnesota, or from entering said building and premises, or from ⁱⁿ any manner interfering with the trustee herein until such time as said matter may be properly brought before the Court and the rights of said Daniel Scharmer and Jacob Radde and said trustee, and each of them, shall be fully determined.

Let a copy of this order be served on said Daniel Scharmer and Jacob Radde, and each of them forthwith.

Dated Minneapolis, Minnesota, June 15th, A. D. 1905.

W. C. Meunier
United States District Judge. *Refuse*

Copy

Court No. _____ Office No. _____

United States District Court,
DISTRICT OF MINNESOTA.

Fourth Division.

IN BANKRUPTCY

In the matter of

Joseph Latta

Bankrupt.

Served June 16, '05

Filed _____ 190 _____

at _____ o'clock _____ M.

Peffer & Co.

GEORGE F. PORTER, *and*

Sancti Richter

Attorney for *Trustee*

305 Temple Court,

MINNEAPOLIS, MINN.

This Indenture, Made the Twenty fourth day of February in the year of our Lord one thousand eight hundred and ninety Two Between Daniel Scharmer and Amelia Scharmer his wife of Waconia Minn, parties of the first part, and Jacob Radde of the same place party of the second part:

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Two Thousand (\$2000) DOLLARS, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have **Granted, Bargained, Sold, Released, Conveyed and Confirmed,** and do by these presents Grant, Bargain, Sell, Release, Convey and Confirm, to the said party of the second part, his heirs und assigns, Forever, all that parcel of land lying and being in the County of Carver and State of Minnesota, known and described as follows, to-wit: ^(Block 29) The undivided one half of Lot Seven (7) and Eight (8) described as follows. Commencing at the North West corner of Lot Seven (7) Block Twenty Nine (29) running from said point due south fifty eight feet to a point, thence due east Forty four feet to a point on line between Lots Eight & Nine in said Block, thence along said line due North Fifty Eight feet, thence due west forty four feet to place of Beginning.

To Have and to Hold the Same, Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said party of the second part, his heirs and assigns, Forever.

And the said Daniel Scharmer and Amelia Scharmer his wife

of the first part, do hereby, for their heirs, executors, administrators, and each and every of them, covenant and agree to and with the said party of the second part, his heirs and assigns, in the manner and form following, that is to say: That they were at the time of ensealing and delivery of these presents, the true, lawful and rightful owner of said premises hereby conveyed, and have therein a good, sure, perfect and indefeasible estate in fee simple; and that they have full right, power and authority to grant, bargain, sell, remise, release, convey and confirm the said premises unto the said party of the second part, his heirs and assigns, in manner and form aforesaid; and that the said premises are free of all incumbrances whatever; and that the said party of the second part, his heirs and assigns, shall quietly enjoy and possess the said premises, and that they will Warrant and Defend the title to the same against all lawful claims.

In Testimony Whereof, The said parties of the first part have hereunto set their hands and affixed their seal of the day and year first above written.

SEALED AND DELIVERED IN PRESENCE OF

Ed. Kaeder

Wm. Radde

Daniel Scharmer Seal
Amelia Scharmer Seal
Seal
Seal

State of Minnesota, } ss.
County of Carver

Be it Remembered, That on the 24th day of February A. D. 1892, before the undersigned came Daniel Scharmer and Amelia Scharmer his wife to me known to be the individual person or persons described in and who executed the foregoing Deed, and they in due form of law acknowledged that they executed the same as freely and voluntarily, for the uses and purposes therein expressed, as their free act and deed.

A. Ed. Kaeder
Notary Public
Carver Co
Minn

5629
WARRANTY DEED.

Daniel Scharmers Wife
TO

Jacob Radde

OFFICE OF REGISTER OF DEEDS, }
COUNTY OF CARVER.

I hereby certify that the within Deed was
filed in this office for record on the 25th
day of Feb. A. D. 1893, at 2³⁰
o'clock P. M., and was duly recorded in
Book 9 of Deeds, on page 2/2

L. K. Sexton
Register of Deeds.

By _____ Deputy.

Taxes paid and transfer entered this
25th day of February 1893

L. Struett
County Auditor.

By _____ Deputy Auditor.

FREDERICK GREINER,
Register of Deeds and Dealer in Real Estate,
CHASKA, CARVER COUNTY, MINN.

due sent to State *

KNOW ALL MEN BY THESE PRESENTS: That the
Jacob Radde and Mathilde Radde his wife
 of the County of Carver and State of Minnesota held and firmly
 bound unto Joseph Lotter of the same place
 of the County of Carver and State of Minnesota in the sum of One Thousand & 00/100
Joseph Lotter Dollars, to be paid to the said
 heirs, executors, administrators or assigns, for which payment well and truly to be made, we bind
 ourselves, our heirs, executors and administrators firmly by these presents.

Whereas, The said Jacob Radde has this
 day bargained and sold unto the said Joseph Lotter his
 heirs, executors, administrators and assigns, those certain lot or parcels of land, situate, lying and
 being in the County of Carver and State of Minnesota, designated and described

as follows, to-wit: The undivided one half of the Part of lots 1 & 2
Block 29 in the village of Waconia to wit:

Commencing at the North West corner of Lot 7 of said
Block 29 in said Village of Waconia, running thence
South fifty eight (58) feet to a point, thence East
forty four (44) ft. to a point on line between lots 8 & 9
in said Block, thence along said line North
Fifty eight (58) feet, thence West forty four (44) feet
to the place of beginning according to the plat
of said Village on file and of Record in the
Office of the Register of Deeds in and for Carver Co.
Minnesota.

Now, Therefore, The condition of this obligation is such, that if the said Jacob Radde

his heirs, executors, administrators or assigns, shall make, execute and deliver a good and sufficient
 Warranty Deed, ^{with full covenants} ~~in fee simple~~, free from all incumbrances (except such as may arise by virtue of any tax
 assessed subsequent to the execution of this instrument) of the above described premises, upon being paid
 the full sum of One Thousand (\$1000.00) Dollars,
 according to the conditions of one promissory note bearing even date herewith
of like amount given by said Joe Lotter and wife to said
Jacob Radde, due in two years from date, with interest
payable annually at the rate of 5% per annum.

then this obligation to be null and void, otherwise to remain in full force and effect.

In Testimony Whereof, They have hereunto set their hand and seal
 this 29th day of January A. D. 1903.

Signed, Sealed and Delivered in Presence of

A. Ed. Koeder
Paul A. Radde

Jacob Radde Seal
Mathilda Radde Seal
 Seal
 Seal

State of Minnesota,
County of Carver } ss.

On this _____ day of _____ A. D. 190____, before me, a
_____ within and for said County, personally appeared

_____ to me known to be the person described in and who executed the within instrument, and acknowledged
that he executed the same as their free act and deed.

STATE OF MINNESOTA,

County of Carver

ss.

I, Anton Ed Kaeder within and for said County
do hereby certify that on this 29th day of January A. D. 1903, before
the undersigned personally came Jacob Radde and Mathilde Radde his wife
to me well known to be the identical persons described in and who
executed the foregoing Bond and they acknowledged that they executed
the same freely and voluntarily.

-ss- Anton Ed Kaeder
Notary Public

BK 13-p. 15-

(copy)
BOND FOR DEED

Office of Register of Deeds,

County of _____ Minn.

I hereby certify that the within Instru-
ment was filed in this office for record on
the _____ day of _____
A. D. 190____, at _____ o'clock _____ M.,
and was duly recorded in Book _____
of _____ on page _____

Register of Deeds.

By _____ Deputy.

4-00-1000

Reff's Ex G

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Daniel Scharmer and

Jacob Radde

Plaintiff

No. 1.

Against

List of Jurors.

F. J. Effertz, as Trustee &c

Defendant

Attorneys Mark Here	NAMES	REMARKS
1	S. M. Abbott	
2	Julius Bandemer & DPH 1	
3	Adam Hill	
4	M. P. Campbell	
5	J. L. Powers	
6	Paul Mohrbacher	P1
7	J. J. Schlechter	
8	W. H. Baylor	
9	Aug. Hauster	
10	Louis Selts	P2
11	Geo. J. Bell	
12	Math. Conlin	
13	John G. Skarlund	
14	Geo. Knott	
15	Fred N. Johnson	
16	John Boyle	
17		
18		
19		
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25		
26		
27		
28		
29		
30		

No.

STATE OF MINNESOTA,

County of *Carver*

DISTRICT COURT.

Daniel Schanner

Jacob Radde
Plaintiff

Against

J. J. Effertz, as Trustee
for J. J. Lott, Receiver
Defendant

JURY LIST.

CARVER COUNTY,
FILED

MAR 7 1906

H. O. Muehlberg, Clerk

PIONEER PRESS CO., ST. PAUL, MINN.

No. 3022

DISTRICT COURT,
CARVER COUNTY, MINN.

In re Estate James Proff
George Proff Adm'r. Plaintiff.

vs.

Defendant.

W.C. & W.F. Bell
Plaintiff's Attorney.

Thos. F. Chasen
Defendant's Attorney.

Date of Entry *February 24th, 1906*

Register of Actions *"D"* Page *439*

Term Tried *March General* 1906

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

DISTRICT COURT,

Eighth Judicial District,
County of *Carver*

*In re Estate James P.
Croff - George Croff,
Appellant.*

NOTE OF ISSUE

Issue of *Law*
LAST PLEADING SERVED

Jan. 17, 190*6.*

W.C. & W.B. Odell
Attorneys for *Plaintiff*
Appellant

J. F. Crauen
Attorney for *Defendant*
Respondent

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the *March*
A. D. 190*6*, *General* Term
of this Court.

Yours respectfully,

W.C. & W.B. Odell
Attorneys for *Appellant*

Filed *Feb 24th* 190*6*

(759)
MILLER-DUFFIN & COMPANY, MINNEAPOLIS

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

In the Matter of the Estate
of James F. Croff, Deceased

George Croff

Appellant

It is hereby stipulated by and between the parties to the above entitled appeal
said appeal be and hereby is dismissed.

W. H. M. O'Connell
Attorneys for Appellant

Thos F. Craven
Attorney for Respondent

District Court
Carver County
In re Estate James
P. Croff
George Croff
Appellant
Supplication for Dismissal

CARVER COUNTY,
FILED

APR 3 1906

H.O. Muehlberg... Clerk

No. 7. 3023

DISTRICT COURT,

● **CARVER COUNTY, MINN.** ●

P. O'Brien

Plaintiff

vs.

Wm. Gesell

Defendant

John J. Fahy

Plaintiff's Atty

W. C. & W. J. Odell

Defendant's Atty

Date of Entry Feb 24 1906

Register of Actions, Page 440

Term Tried _____ 19

Judgment for _____

Amount of Judgment, \$ _____

Date of Judgment _____ 19

Judgment Book _____ Page _____

● Default Judgment Book _____ Page ●

Date of Docketing _____ 19

Original

STATE OF MINNESOTA,
County of Carver,

DISTRICT COURT,
Eighth Judicial District.

P. O'Brien, Plaintiff,

-vs-

William Gesell,
 Defendant.

The above entitled action having been in all things
compromised and settled, it is hereby stipulated and agreed
by and between the above named parties and their respective
attorneys that the said action be and the same hereby is
dismissed on the merits, without costs to either party.

Dated Feb. 26, 1906.

John J. Fahy
Attorney for Plaintiff.
Wm. Gesell
~~Attorney for~~ Defendant.

P. O'Brien.
- vs -
Wm. Gesell.

Stipulation for
Settlement.

CARVER COUNTY,
FILED
FEB 28 1906
H. O. Muehlberg, Clerk.

No. 3043

(7.)

DISTRICT COURT,

Eighth Judicial District,
County of *Carver*

P. O'Brien

Plaintiff

Wm. Gezell

Defendant

NOTE OF ISSUE

Issue of *Fact*

LAST PLEADING SERVED

Feb. 7 190*6*

John J. Fahey
Attorney for Plaintiff

W. C. O'Sullivan
Attorneys for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the *March*
A. D. 190*6* *General* Term
of this Court.

Yours respectfully,

W. C. O'Sullivan

Attorney for *Defendant*

Filed *Feb. 24th* 190*6*

MILLER & DAVIS PRINTING CO., MINNEAPOLIS

(470)

No. 8. 3024

DISTRICT COURT,

● **CARVER COUNTY, MINN.** ●

Kunda Rath
Plaintiff

vs.
Daniel Rath
Defendant

John J. Fahy
Plaintiff's Atty
W.C. + W.F. Odell
Defendant's Atty

Date of Entry Feb. 24 1906

Register of Actions, Page 441

Term Tried March Term 1906

Judgment for _____

Amount of Judgment, \$ _____

Date of Judgment _____ 19 _____

Judgment Book _____ Page _____

● Default Judgment Book _____ Page _____ ●

Date of Docketing _____ 19 _____

Kunda

Nunda
~~Honda~~ Rath, Plaintiff

District Court
8th Judicial District

××××××××××

VS

Daniel Rath, Defendant.

1. Issue of fact for trial by Jury
2. Last pleadings served Feb.15,1906.

John J. Fahoy,

Attorney for Plaintiff.

W.C. & W.F. Odell,

Attys. for Defendant.

The clerk will please file this note of issue and enter the cause on the calender for the next general term of the court to be held at Chaska, Minnesota, on the 5th day of March, 1906.

Calvin J. Fahay,
Atty for P. & F.
Horswood, Minn

(8)

Kunda Rath,
-vs-
Daniel Rath,

Note of Issue

CARVER COUNTY,
FILED

FEB 24 1906

H. O. Muehlberg Clerk.

(441)

No. 3025

DISTRICT COURT,

● **CARVER COUNTY, MINN.** ●

Peter Druke
Plaintiff

vs.

Minneapolis & St. Louis R.R. Co.
Defendant

W. C. & W. F. Odell
Plaintiff's Atty

John I. Dille
Defendant's Atty

Date of Entry Feb. 24 1906

Register of Actions, Page 442

Term Tried _____ 19

Judgment for _____

Amount of Judgment, \$ _____

Date of Judgment _____ 19

Judgment Book _____ Page _____

● Default Judgment Book _____ Page ●

Date of Docketing _____ 19

No. 3043.

(3.)

DISTRICT COURT,

Eighth Judicial District,
County of Cannon

Peter D. Drake

vs. Plaintiff

The Minneapolis & St. Louis
Railroad Company, Defendant

NOTE OF ISSUE

Issue of Fact
LAST PLEADING SERVED

Sept 15 1905

W. W. O'Connell
Attorney for Plaintiff

John J. Dille
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. 1906 General Term
of this Court.

Yours respectfully,

W. W. O'Connell
Attorney for Plff

Filed Feb 24th 1906

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(442)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Peter Druke

Plaintiff

vs

The Minneapolis & St. Louis
Railroad Company

Defendant

Sir:

You will please take notice that the issues 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 5th day of March A.D. 1906, at the opening of said Court on that day, or as soon thereafter as counsel can be heard.

Dated Feb. 21st, 1906.

Yours Respectfully,

W. C. Dille

Attorneys for Plaintiff,

Chaska, Minn.

John I. Dille, Esq.,

Attorney for Defendant.

original

District Court
Carver County

Peter Drucker

-vs-

Minneapolis & St. Louis
Railroad Company

Notice of Trial

Received copy of this
notice and returned
same due service thereof
this 23rd day of Feb

1906,

John Dille
Attorney for Drucker,

W. B. M. D. Dille

Attys. for Plff.
Charles, Minn.

CARVER COUNTY,
FILED

FEB 24 1906

H. O. Muehlberg, Clerk.

(442)

No.

3026

DISTRICT COURT,

CARVER COUNTY, MINN.

Anton Knoblauch

Plaintiff

vs.

Henry Baer

Defendant

Thos. F. Craven

Plaintiff's Atty

Halbert & Halbert

Defendant's Atty

Date of Entry *Feb 26* 19 *06*

Register of Actions, Page *443*

Term Tried *March* 19 *06*

Judgment for *Plaintiff*

Amount of Judgment, \$ *288.13*

Date of Judgment *Mar. 15th* 19 *06*

Judgment Book *"D."* Page *217*

Default Judgment Book Page

Date of Docketing *Mar. 15th* 19 *06*

STATE OF MINNESOTA,
SUPREME COURT.

MANDATE.

The State of Minnesota,

To the Hon. Judge and Officers of the District Court of the Eighth Judicial District,

sitting within and for the County of Carver Greeting:

Whereas, Lately in your court, in an action therein pending, wherein
Anton Knoblauch was
Plaintiff, and
Henry Baer was
Defendant
a certain order was entered therein September 8, 1906,
from which order said Defendant
appealed to this Court,

And Whereas, The same was duly argued, heard and submitted at the General April
Term, A. D. 1907, of our Supreme Court. After mature deliberation thereupon had, our Supreme
Court did adjudge, determine, decree and ORDER "That the order of the
Court below, herein appealed from, be, and the same hereby is, in all things affirmed

and that the Respondent-Plaintiff above named have judgment 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 Hon. CHARLES M. START, Chief Justice of the
Supreme Court aforesaid, and the seal of said Court,
at St. Paul, this 20th
day of July A. D. 1907

C. A. Pederson
Clerk of the Supreme Court.

SUPREME COURT,
STATE OF MINNESOTA.

MANDATE
TO THE DISTRICT COURT OF
Carver County.

Anton Knoblauch,
Respondent.

AGAINST
Henry Baer,
Appellant.

CARVER COUNTY,
FILED

JUL 26 1907

H. O. Muehlberg Clerk

W. C. Adell

Attorney for *Respondent*

(443)

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,

Plaintiff.

VS.

Henry Baer,

Defendant.

SUPERSEDEAS BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, Henry Baer, principal, and Thomas W. Bastyr, of the City of St. Paul, County of Ramsey and State of Minnesota, and John Jacobs of the County of Carver, and State of Minnesota, as sureties, are held and firmly bound unto Anton Knoblauch in the above entitled action, in the sum of Six Hundred Dollars (\$600) lawful money of the United States, to be paid unto the said Anton Knoblauch, his heirs, executors, administrators or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, WHEREAS, the said Defendant, Henry Baer, desires to perfect his appeal to the Supreme Court, from the Order of the above named Court, made in such action denying the motion of said Defendant to set aside the judgment secured by Plaintiff by default in the above entitled action, which said Order was dated the 8th day of September, A.D., 1905, and was filed in the above named Court on said date.

NOW, THEREFORE, We, the undersigned, agree to pay all costs and charges which may be awarded against the said Henry Baer on said appeal and will pay all the costs of said appeal, and the damages sustained by Plaintiff in consequence thereof, if said Order or any part thereof is affirmed, or said appeal dismissed, and abide and satisfy the judgment or Order which Appellate Court may give therein.

up to the sum above named.

Signed, Sealed and Delivered in
Presence Of

Henry Baer (Seal)
Thomas W. Bastyr (Seal)
J. S. Peterson
A. L. Linnion
E. Simons } as to *John Jacobs* (Seal)

STATE OF MINNESOTA,)
(ss.
COUNTY OF RAMSEY.)

BE IT KNOWN That on this 24th day of May, A. D.
1907, before me personally appeared Henry Baer and Thomas W. Bastyr,
to me known to be two of the persons described in and who executed
the foregoing bond, and each for himself acknowledged the same to be
his own free act and deed.

Hugh T. Wallert
NOTARY PUBLIC, RAMSEY COUNTY, MINN.
MY COMMISSION EXPIRES OCT. 14th, 1913.

STATE OF MINNESOTA,)
COUNTY OF CARVER.)

BE IT KNOWN That on this 25th day of May, A.D.
1907, before me personally appeared *John Jacobs*, to
me known to be one of the persons described in and who executed the
foregoing bond, and acknowledged the same to be his own free act and
Deed.

A. L. Linnion
Notary Public, Carver County, Minn.
My commission expires Aug 6, 1907

STATE OF MINNESOTA,)
(ss.
COUNTY OF RAMSEY.)

Thomas W. Bastyr, one of the sureties named in and
who executed the foregoing bond, being first duly sworn, doth depose and
say that he is a resident and freeholder of the State of Minnesota, and
worth the amount of Twelve Hundred Dollars (\$1200) above his debts and
and liabilities, and exclusive of his property exempt from execution.
Subscribed and sworn to before me this 24th day of May, A.D. 1907.

Thomas W. Bastyr
Hugh T. Wallert NOTARY PUBLIC, RAMSEY COUNTY, MINN.
MY COMMISSION EXPIRES OCT. 14th, 1913.

STATE OF MINNESOTA,)
 (ss.
COUNTY OF CARVER.)

John Jacobs, one of the sureties named
in and who executed the foregoing bond, being first duly sworn, doth
depose and say that he is a resident and freeholder of the State of
Minnesota, and worth the amount of Twelve Hundred Dollars (\$1200) above
his debts and liabilities, and exclusive of his property exempt from
execution.

Subscribed and sworn to before
me on this 25th day of May, A.D. 1907.

H. Linn
Notary Public, Carver County, Minnesota.
My commission expires Aug 6 1907

This bond is hereby approved this 27th day of May 1907.

Perception
Judge of District Court.

ORIGINAL.

STATE OF MINNESOTA,
COUNTY OF CARVER,
DISTRICT COURT.

Anton Knoblauch, Plff.

vs.

Henry Baer, Deft.

SUPERSEDEAS BOND.

Halbert & Halbert,
Attys. for Deft.,
310-311 Dispatch Bldg.,
St. Paul, Minn.

CARVER COUNTY,
FILED

MAY 31 1907

H.O. Muehlberg, Clerk

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,
Plaintiff.

vs.

Henry Baer,
Defendant.

STATE OF MINNESOTA,)
(ss.
COUNTY OF RAMSEY.)

H. T. Halbert, being duly sworn, on oath deposes and says that he is one of the attorneys for the Plaintiff in the above entitled action. That on or about the 7th day of February, A. D. 1906, the firm of Halbert and Halbert was duly retained by the Defendant as attorneys in said case. That on the 19th day of February, 1906, an Answer was prepared by said firm of Halbert and Halbert and mailed to Thomas F. Craven, the attorney for the Plaintiff. That in due course of time said Answer was returned to this affiant with service admitted and on the 24th day of February, said Answer was mailed to the Clerk of the District Court of Carver County with a request that it be filed. That on the same date a letter was sent by the firm of Halbert and Halbert to the said Thomas F. Craven, attorney for the Plaintiff stating that the Defendant had gone West for three weeks and would be unable to try the case at the next Term of Court which said firm of Halbert and Halbert understood began the first Monday in March. That said letter was closed with the question as to whether or not said firm of Halbert and Halbert was correct in its surmise of

the date when the cases would be set. That subsequently thereafter a Notice of Trial was duly served upon this affiant by the attorney for the Plaintiff, and that this affiant fully expected a notification of the date when the case was set for and whether or not it had or would be continued. That on the 12th day of March, A. D. 1906, the firm of Halbert and Halbert received notice that W. C. & W. F. O'Dell, of Chaska, Minnesota, had been substituted as attorneys for the Plaintiff in the above entitled action in the place of Thomas F. Craven. That in the same mail, to the intense surprise of the firm of Halbert and Halbert, a Notice of Taxation of Costs was received in the same case. That this affiant immediately investigated the matter through correspondence and found that the case had been set for trial without any notice to the firm of Halbert and Halbert, the attorneys for said Defendant, in any form or manner, whatsoever, and that the case had duly been tried and judgment entered for the Plaintiff by default. That this affiant believes that the Defendant has a just, legal and equitable defense. That the firm of Halbert and Halbert has been instructed and authorized by the Defendant to fight the case to the bitter end. That the Defendant in the above entitled action denies that he owes one dollar to the Plaintiff and can prove the truth of his assertion and that the note upon which suit is being brought by the Plaintiff was never signed by the Defendant and has been forged by some one else. That Thomas F. Craven, the former attorney for said Plaintiff is now and has been for some time acting as County Attorney for said County of Carver in the State of Minnesota. That his attention has been called to the felony committed in forging a note purported to have been made by the Defendant and this affiant is informed that he has been requested

to apprehend the guilty party. That no one has been arrested for said offense or any attempt made to arrest the guilty party according to the best knowledge of this affiant. That the reason, if any, why the default in the above entitled action was secured and judgment entered against said Defendant is entirely due to the inadvertence of this affiant, who felt sure that he would be informed by the opposing counsel as to the exact date when the case would be set for trial. That this affiant had no cause for said belief save only the existence of common courtesies extended by fellow members of the bar which prevail in every County and in every State, no matter where such attorneys may reside or may be practicing their profession.

WHEREFORE, this affiant prays that the Court will set aside the judgment secured by the Plaintiff against the aforesaid Defendant in the above entitled action and which is duly entered in the Office of the Clerk of the Court in said County of Carver, and said State of Minnesota.

Subscribed and sworn to before-----*H. T. Hall*-----
me this 16 day of March, A.D. 1906.

P. D. Scamell
NOTARY PUBLIC,

Ramsey County, Minnesota.

My commission expires February 28 - 1912

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,
Plaintiff.

vs.

Henry Baer,
Defendant.

NOTICE OF MOTION.

W. C. & W. F. O'Dell,
Attorneys for Plaintiff

Gentlemen:--

You will please take notice that the Defendant in the above entitled action, at a Special Term of the above named Court to be held at the Court House, in the Town of Chaska, County of Carver, in the State of Minnesota, on ~~Monday~~ ^{Thursday} the 14th day of June, 1906, at the opening of Court on said day or as soon thereafter as counsel can be heard, will apply to ^{and} move said Court to set aside the judgment entered in the above entitled action on the 15th day of March, A.D. 1906, against the Defendant, by said Plaintiff, but without costs and disbursements, on the ground that said judgment was secured without the proper notification of the attorneys for the Defendant and through their inadvertence and neglect in not appearing at the General Term of said Court when said case was continued, believing and assuming that the attorneys for the Plaintiff in said action would extend to the attorneys for the Defendant the courtesies of notifying them as to when the case would be set for trial.

Said motion to set aside the judgment will be made upon
the Affidavit of one of the attorneys for the Defendant and upon
the Complaint and Answer and such other papers as may be made
a part of this case.

Dated at St. Paul, Minnesota, this 15th day of March,
A. D. 1906.

Callert & Callert
Attorneys for Defendant.

ORIGINAL.

STATE OF MINNESOTA,
COUNTY OF CARVER.
DISTRICT COURT

Ant & Knoblauch, Plff.

vs.

Henry Baer, Deft.

AFFIDAVIT AND NOTICE OF MOTION.

Due service is hereby admitted this 17th day of March, A.D. 1906.

W. C. Halbert
Attys. for Plff.,

Halbert & Halbert,
Attys. for Deft.,
310-311 Dispatch Bldg.,
St. Paul, Minn.

CARVER COUNTY,
FILED

MAR 20 1906

H. O. Muehlberg (443)

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,
Plaintiff.

vs.

Henry Baer,
Defendant.

BOND ON APPEAL.

KNOW ALL MEN BY THESE PRESENTS, That we, Henry Baer, principal, and Henry G. and John Baer, as sureties, are held and firmly bound unto Anton Knoblauch in the above entitled action, in the sum of One Hundred Dollars (\$100) lawful money of the United States to be paid unto the said Anton Knoblauch, his heirs, executors, administrators or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, WHEREAS, the said Defendant, Henry Baer, desires to perfect his appeal to the Supreme Court, from the Order of the above named Court, made in such action denying the motion of said Defendant to set aside the judgment secured by Plaintiff by default in the above entitled action, which said Order was dated the 8th day of September, A.D. 1906, and was filed in the above named Court on said date.

NOW, THEREFORE, if said appeal is affirmed, the undersigned agree to pay all costs and charges which may be awarded against said Henry Baer on said appeal and will pay all the costs of said appeal and the damages sustained by the Plaintiff in consequence thereof, if said Order or any part thereof is affirmed or said

appeal dismissed, and abide and satisfy the judgment or Order
which Appellate Court may give therein up to the sum above named.

Signed, Sealed and Delivered in
Presence of x Henry Baer (Seal)
P. H. Simon x Henry G. Baer (Seal)
P. H. Simon x John Baer (Seal)

STATE OF MINNESOTA,)
(ss.
COUNTY OF CARVER.)

BE IT KNOWN: That on this 15th day of January, A.D.
1907, before me personally appeared Henry Baer, Henry G. Baer and
John Baer, to me known to be the same persons described in and who
executed the foregoing bond, and each for himself acknowledged
the same to be his own free act and deed.

P. H. Simon
Notary Public, Carver County, Minn.

My Commission Expires Aug. 6, 1907

STATE OF MINNESOTA,)
(ss.
COUNTY OF CARVER.)

Henry G. Baer and John Baer, the sureties named in and
who executed the foregoing bond, being first duly sworn, doth,
each for himself, depose and say that he is a resident and free-
holder of the State of Minnesota, and worth the amount of Two
Hundred Dollars (\$200) above his debts and liabilities, and ex-
clusive of his property exempt from execution.

Subscribed and sworn to before
me on this 15th day of January, x Henry G. Baer
A.D. 1907. x John Baer

P. H. Simon
NOTARY PUBLIC,
Carver County, Minnesota.

My Commission Expires Aug. 6, 1907

This bond is hereby approved this 15th day of January, 1907.
Judge of District Court.

ORIGINAL.

STATE OF MINNESOTA,
COUNTY OF CARVER.
DISTRICT COURT.

Anton Knoblauch,

Plff.

vs.

Henry Baer,

Deft.

BOND ON APPEAL.

Halbert & Halbert,
Attys. for Deft.,
310-311 Dispatch Bldg.,
St. Paul, Minn.

*I hereby approve
of within bond and
the Sureties thereon
this 19th day of Jan
1907.*

*R. M. Morrison
Judge of said Court.*

CARVER COUNTY,
FILED

JAN 23 1907

H. O. Muehlberg
(443)

State of Minnesota,
County of Carver,

District Court.
Eighth Judicial District.

-----0-----
Anton Knoblauch, Plaintiff,
against
Henry Baier, Defendant.

-----0-----
The defendant, Henry Baier, in the above entitled action, made a motion to the Court for an order to set aside the judgement entered in said action on the 15th day of March, A.D. 1908, against the defendant by said plaintiff, upon the grounds of excusable neglect on the part of the defendant to appear at the trial of said cause as stated in said notice of motion herein.

Said motion was submitted to the Court on briefs, pursuant to agreement and stipulation by the attorneys for the respective parties, in July, 1908.

Halbert & Halbert, Esquires, appeared as counsel for the defendant;
in support of said motion;

W. C. and W. F. Odell, Esquires, appeared as counsel for the
plaintiff, and in opposition to said motion.

After reading the briefs submitted by counsel, and giving all matters and things involved in said cause due and deliberate consideration, it is

O R D E R E D , that the said motion of the defendant to set aside said judgement be, and the same hereby is, in all respects denied.

Dated at Norwood, Minnesota, this 7th day of September, A.D. 1908.

Wm Morrison
Judge of said District Court.

State of Minnesota
County of Carver
Anton Kurblosh
- d s -
Henry Baer

Order

CARVER COUNTY,
FILED

SEP 8 1906

H. O. Muehlberg, Clerk.

(443)

- Please file order
with clerk

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,
Plaintiff.

vs.

Henry Baer,
Defendant.

NOTICE OF APPEAL.

GENTLEMEN:

Please take notice that the Plaintiff above named hereby appeals to the Supreme Court of the State of Minnesota from the Order of the District Court above named, made on the 8th day of September, A.D. 1906, in the above entitled action denying the Defendant's motion to set aside the judgment heretofore entered in the above named Court in favor of the Plaintiff in the above entitled action on the 15th day of March, A.D. 1906.

Walter & Walter
Attorneys for Defendant,
311 Dispatch Building,
St. Paul, Minn.

To
Messrs. Odell & Odell,
Attorneys for Plaintiff.

ORIGINAL.

STATE OF MINNESOTA,
COUNTY OF CARVER,
DISTRICT COURT.

Anton Knoblauch,

Plff.

vs.

Henry Baer,

Deft.

NOTICE OF APPEAL.

Due service is hereby ad-
mitted this 11th day of Sept. A.D.
1906,

Odell & Odell

Attys. for Plff.

Halbert & Halbert,
311 Dispatch Building,
Attys. for Defendant,
St. Paul, Minn.

CARVER COUNTY,
FILED

SEP 19 1906

H. O. Muehlberg, Clerk

(443)

446.00
 \$300⁰⁰/₁₀₀ Carver Feb 1st 1905
 One year after date I promise to pay to
 the order of John Wilkinson
 Three hundred Dollars
 at Bank of Carver Minn
 Value received with Interest before and after maturity at
 the rate of 5 per cent per annum, until paid.
 int to Feb. 6th 1906 = 14.49
 No. 1299 - Due 7/16/13, Jan 26 - 06 Henry Barr
 Peffer
 Cor
 PROTESTED FEB 17 06
 CENTURY BUILDING
 McCLINTOCK & CO. Commercial Stationers, St Paul, Minn

Wpelo Mine 6/15-05
Recd of Henry Baer
Fifty \$ 50⁰⁰ on these
note of \$ 300⁰⁰
Balance 250⁰⁰
John Wilkinson

1.

STATE OF MINNESOTA
County of Carver.

IN DISTRICT COURT,
Eighth Judicial District.

Anton Kneblauch

Plaintiff.

-VS.-

Henry Baer,

Defendant.

Said plaintiff for his complaint in said above entitled action respectfully states and alleges:

1. That heretofore, to-wit, on the first day of February A.D. 1905 said defendant made executed and delivered to one John Wilkinson his, said defendant's, promisory note in writing dated on the first day of February Nineteen Hundred Five (1905) at Carver, wherein and whereby said defendant promised and agreed to pay to the order of said John Wilkinson Three Hundred Dollars (\$300.00) one year after said first day of February 1905, with interest before and after maturity at the rate of 5% per annum. That thereafter and before the maturity of said promisory note the said John Wilkinson indorsed and delivered said promisory note to this said plaintiff for value; and that said plaintiff is now the owner and holder of said promisory note.

That no part of said note has ever been paid, except the sum of fifty dollars, which said sum was paid on or about the fifteenth day of June A.D. Nineteen Hundred and Five; that payment of the balance thereof has been duly demanded from said defendant but that said defendant refused and now refuses to pay.

WHEREFORE, Plaintiff demands judgment against said defendant for the sum of Two Hundred Fifty Dollars (\$250.00) with interest at the rate of 5% per annum on \$300 from February 1st 1905 to June 15th 1905 and with interest at the rate of 5% per annum on \$250.00 since the fifteenth day of June A.D. 1905 together with Plaintiff's costs and disbursements herein.
Dated this 3rd day of February 1905.

Thos. H. Craven
Plaintiff's Attorney, Chaska, Minn

State of Minnesota, }
County of } ss.

being first duly sworn
upon oath, says that he is the in the foregoing
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, to the best of his
knowledge, information and belief, and that the reason why this verification is not made by the
herein, is that said
is absent from this County wherein resides this affiant, his attorney.

Subscribed and sworn to before me this day of 19

(NOTARIAL
SEAL)

Notary Public, Minnesota

State of Minnesota,

DISTRICT COURT,

CARVER County.

Eighth JUDICIAL DISTRICT.

Anton Knoblauch,

AGAINST

Plaintiff

SUMMONS.

Henry Baer,

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You, Henry Baer, are hereby summoned and required to answer the complaint of the Plaintiff in the above entitled action, which complaint—is hereto annexed and herewith served upon you—has been filed in the office of the Clerk of said 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 his office, in the City of Chaska, in the said County of Carver within twenty (20) 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 aforesaid, the Plaintiff in this action will apply to the court for the relief demanded in said complaint—have the amount Plaintiff entitled to recover, ascertained by the Court or under its direction, and take judgment for the amount so ascertained—take judgment against you for the sum of TWO HUNDRED and FIFTY Dollars, (\$250.00) with interest at the rate of five per cent, per annum since the first day of February 1905 to the fifteenth day of June 1905 on \$300, and with interest at the rate of five per cent per annum on \$250 since the fifteenth day of June 1905 together with the Plaintiff's costs and disbursements herein.

Dated February 3rd

A. D. 1906

Plaintiff's Attorney,

Chaska

Minn.

STATE OF MINNESOTA,

County of

Carver

District COURT

Anton Knoblauk

Plaintiff.

VS.

Henry Barr

Defendant.

Summoned Complaint
(Original)

Due and personal service of the within

CARVER COUNTY
this *FILED* day of

A. D. 190

MAR 7 1906

H. O. Muehlberg Clerk
Attorney for

Thos F. Graen

Attorney for

Plaintiff
Chaska, Minn.

O. F. GREENWOOD, MANKATO, MINN

(443)

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Anton Knoblauch,
Plaintiff.

vs.

Henry Baer,
Defendant.

A N S W E R .

Now comes the Defendant in the above entitled action and
for Answer to the Complaint of the Plaintiff herein:

Denies that he ever made, executed and delivered to one John
Wilkinson his said promissory note in writing dated the first day
of February, A.D. 1905, wherein and whereby he promised or agreed
to pay to the order of the said John Wilkinson Three Hundred
Dollars (\$300) or any other sum of money, whatsoever, one (1) year
after said first day of February, 1905, with the interest at the
rate of five per cent (5 %) per annum or any other interest.

Defendant admits that a demand was made upon him for the pay-
ment of a sum of money upon a note purported to have been given
by him to the said John Wilkinson.

Except as hereinabove admitted or qualified, Defendant denies
each and every allegation in said Complaint contained.

WHEREFORE, Defendant asks that Plaintiff take nothing and
that he has judgment for the costs and disbursements of this action.

Hallatt & Hallatt
Attorneys for Defendant,
310-311 Dispatch Building,
St. Paul, Minn.

STATE OF MINNESOTA,)
 (ss.
COUNTY OF RAMSEY.)

Henry Baer, being first duly sworn, on his oath deposes
and says that he is the Defendant in the above entitled action.
That he has read the foregoing Answer and knows the contents there-
of, and that the same is true of his own knowledge save as to those
matters therein stated on information and belief, and that as to
those matters he believes it to be true.

Henry Baer

Subscribed and sworn to before me
this 17th day of February, A.D. 1906.

Louise T. Ballant
NOTARY PUBLIC,

Ramsey County, Minnesota.

My commission expires October 14, 1906.

ORIGINAL.

STATE OF MINNESOTA,
COUNTY OF CARVER,
DISTRICT COURT.

Ant or. Knoblauch,

Plff.,

vs.

Herry Baer,

Deft.

ANSWER.

Due service is hereby admitted
this 23 day of February A.D. 1906

Thos. L. Gaven,
Atty. for Plff.

Halbert & Halbert,
Attys. for Defendant,
310-311 Dispatch Bldg.,
St. Paul, Minn.
CARVER COUNTY,

FILED

FEB 26 1906

N. O. Muehlberg Clerk

(443)

State of Minnesota,
County of Carver

DISTRICT COURT,

Eighth Judicial District

Anton Knoblauch,

Plaintiff

-VS.-

Henry Baer,

Defendant.

Notice of Trial

Sir: YOU WILL PLEASE TO TAKE NOTICE that the issue of law and fact
in the above entitled action, will be brought on for trial
at the next General Term of the District Court aforesaid,
appointed to be held in and for the County of Carver at the
Court House in the City of Chaska in said
County, on the Fifth (5th) day of March A.D. 1906, at the
opening of said Court on that day, or as soon thereafter as Counsel can be heard.

Dated February 23, 1906.

Yours respectfully,

Thos F. Craven,

Attorney for Plaintiff

To Halbert & Halbert

Chaska, Minn

Attorney for Defendant.

DISTRICT COURT.

Anton Knoblauch

- vs -

Henry Barr

NOTICE OF TRIAL.

Due service of within Notice is hereby

admitted, this *24th* day of

February A. D. 1906

Hallert & Hallert

Attorney for Defendant

Shas F. Coover

Attorney for Plaintiff

No. 41.

(443)

CARVER COUNTY
FILED
FEB 26 1906

H.O. Muehlberg

No. 3043.

(1)
DISTRICT COURT,

Eighth Judicial District,
County of *Carver*

Anton Kuoblaen
vs

Henry Barr

NOTE OF ISSUE

Issue of *Fact*
LAST PLEADING SERVED

February 28 190*6*

Thos. F. Gower
Attorney for Plaintiff

Hulbert & Hulbert
Attorneys for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the *March*
A. D. 190*6* *Second* Term
of this Court.

Yours respectfully,

Thos. F. Gower
Attorney for *Plaintiff*

Filed *Feb 26th* 190*6*

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(443)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Anton Knoblauch

Plaintiff

vs

Henry Baer

Defendant

Sirs:

You will please take notice, That W.C. & W.F. Odell, Esq., of Chaska, Minnesota, have been substituted as attorneys for said plaintiff in the above entitled action in my name and stead.

Yours &c.,

Chas. L. Gaven

Said above named defendant,
and Halbert & Halbert,

Attorneys for said defendant.

District Court,
Carver County

Anton Knoblauch
Plaintiff.

-vs-

Henry Baer
Defendant.

Notice of Substitution
Original.

CARVER COUNTY,
FILED

MAR 10 1906

H. O. Muehlberg, Clerk.

(443)

W. B. & W. S. Odell
Attys. for Plff.,
Chaska, Minn.

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Anton Knoblauch

Plaintiff

No. 2

Against

List of Jurors.

Henry Baer

Defendant

Attorneys Mark Here	NAMES	REMARKS
	1 Cornelia Staaxen	
	2 Geo. J. Bell	
	3 Henry Lueders	
	4 Rudolph Luedloff	
	5 Geo. Krautbauer	
	6 Oscar Volbrath	
	7 Geo. Hammer	
	8 B. Mattison	
	9 Frank Pierson	
	10 Albert Traxe	
	11 Louis Seltz	
	12 Victor Holt	
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No.

STATE OF MINNESOTA,

County of

Eighth

DISTRICT COURT.

Anton Knoblauch

Plaintiff

Against

Henry Baer

Defendant

JURY LIST.

CARVER COUNTY,
FILED

MAR 7 1906

H. O. Muehlberg Clerk.

PIONEER PRESS CO., ST. PAUL, MINN.

State of Minnesota, } DISTRICT COURT,
COUNTY OF Larned } 8th Judicial District.

Arthur Knoblauch Plaintiff,

against

Henry Baer Defendant.

We, the Jury in the above entitled action, find a verdict in favor of the

Plaintiff and assess his damages at the sum of
Two Hundred Eighty Four⁴⁹ and 70/100 Dollars,

Caroline Stacker Foreman.

Dated at Chaska this 7th day of
March 1906

State of Minnesota,
County of Crow
DISTRICT COURT,
8th Judicial District.

Anton Knoblauch
Plaintiff,
against

Henry Baer
Defendant.

VERDICT.

Filed Mar. 7th 1906

H.O. Muehlberg
Clerk.

By _____ Deputy.

(443)

1. McGill-Warner Co., St. Paul, Minn.

State of Minnesota,
County of Cannon } ss.

DISTRICT COURT,

Eighth

Judicial District.

Anton Knoblauch

Plaintiff

-vs-

Henry Baer

Defendant

AMOUNT OF JUDGMENT OR VERDICT.

Amount of ~~Judgment~~ Verdict, - - - - - \$ 264.49
Interest on same from the 7th day of March 1906 \$.35
Plaintiff's COSTS AND DISBURSEMENTS. \$ 264.84
Statutory Costs, - - - - - \$ 10.00

Two Affidavits, - - - - - \$.50
Acknowledgments, - - - - - \$ -
Sheriff's Fees, - - - - - \$ 1.80
Jury Fees, - - - - - \$ 3.00
Clerk's Fees (to be taxed), - - - - - \$ 5.75

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. MILE TRAVELED.	
<u>Knoblauch</u>	<u>Cannon, Minn.</u>	<u>Two</u>	<u>March 6 & 7, 1906</u>	<u>4</u>	\$ <u>2.24</u>
					\$ -
					\$ -
					\$ -
					\$ -
					\$ <u>23.29</u>

The above Bill of Costs and Disbursements taxed and allowed at - - - \$ 288.13

Dated March 15th 1906 H.O. Muehlberg Total Amount, 288.13
Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota,
County of Cannon } ss.

W.S. Dace

being duly sworn, says on oath, that he is one the Attorneys 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

10th day of March 1906

H.O. Muehlberg

W.S. Dace

Notary Public,
Circuit Dist. Court

NOTICE OF TAXATION OF COSTS.

State of Minnesota, }
County of Canner } ss.

DISTRICT COURT,
Eighth Judicial District.

Anton Knoblauch

Plaintiff

Henry Dier

Defendant

Sir: Please Take Notice, That on the 15th day of March 1906
at 10 o'clock A. M., application will be made to N. O. Muehlberg Esq.,
Clerk of said Court, at his office in the Court House in the City
of Chaska in the County of Canner 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 March 10, 1906.

Yours respectfully,

W. C. & W. S. Odell

To Halbert & Halbert

Attorneys for Defendants.

Attorneys for Plaintiff
Chaska, Minn.

District Court,
Eighth Judicial District,
County of *Carver*

Anton Knoblauch
Plaintiff.

Henry Baer
Defendant.

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

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

day of _____ 190____, at _____

Attorney for _____

Filed this _____ day of _____

D. 190____

Clerk.

W. B. Dace
No. 13
depos. for Pff. & Min.
Charles, Minn.

State of Minnesota } ss.
County of Carver.

W. B. Dace, being first duly
sworn, says on oath that he is
one of the attorneys for the plain-
tiffs in the within entitled action;
that he served the within Bills and
Notice by depositing a copy of the
same in the postoffice at the City
of *Charles*, the place of residence of
affiant, in an envelope securely
sealed, postage prepaid, ad-
dressed to Messrs. *Halbert & Hal-*
bert, attorneys for the defendant in
said action, at St. Paul, Minn.,
the place of residence of said
attorneys for defendant, between
which City of St. Paul and said
City of *Charles* there is regular
communication by mail, on
Saturday the 10th day of March
1906.

Subscribed and
sworn to before
me this 16th day
of March 1906

W. B. Dace

H. O. Muehlberg
Clerk Dist. Court.

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

Anton Knoblauch,

Plaintiff.

vs.

Henry Baer,

Defendant.

JUDGMENT.

This cause having been duly brought on for trial in its regular order upon the calendar at the March (1906) General Term of this Court before the Court and a jury duly empanelled and sworn and said jury having by its verdict duly returned and filed, found and determined in favor of said plaintiff in the sum of \$264.49.

Now, Therefore, on motion of W. C. and W. F. Odell, Esqs., Attorneys for the Plaintiff; It is Adjudged, Determined and Decreed, That the Plaintiff have and recover from said Defendant the sum of \$264.49 with interest thereon from and after the 7th day of March A. D. 1906, amounting to 35 cents.

And on like motion, It is further Adjudged, Determined and Decreed That Plaintiff have and recover from said Defendant his costs and disbursements in the above entitled action taxed and allowed at the sum of \$23.29, the whole amounting to the sum of \$288.13, and that he have execution therefor.

Dated March 15th, A. D. 1906.

By the Court,

H. O. Muehlberg

Clerk Dist. Court.

County of Carver

4
Henry Baer.
Defendant

JUDGMENT ROLL.

Filed March 15th A. D. 1906

K. O. Muehlberg
Clerk of the District Court.

No. 1071.—PIONEER PRESS CO., St. Paul, Minn.

[illegible]