



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

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3057

No. 8.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Kerman Ruschke
Plaintiff

vs.
The Town of San Francisco
Defendant

Odell & Odell
Plaintiff's Atty.

J. J. Leonard
Defendant's Atty.

Date of Entry *Dec. 14th* 190*6*

Register of Actions *D.* Page *474*

Term Tried *March* 190*7*

Judgment for *Appellants*

Amount of Judgment \$ *86.¹⁰/₁₀₀*

Date of Judgment *Mar. 28th* 190*7*

Judgment Book *D.* Page *241*

Default Judgment Book Page

Date of Docketing *Mar. 28th* 190*7*

District Court.
Eighth Judicial District.

Herman Rischke, Appellant,
against
The Town of San Francisco, Respondent.

This matter now comes into this Court on appeal from the taxation of costs in said above entitled proceeding. At the time of the taxation of costs, the respondent above named objected to the taxation of statutory costs, for the reason that the above entitled action was tried together with a suit of Christine Mellgren, and that only one statutory cost could be allowed, and objected to certain other items of costs enumerated in respondent's said objections.

F. J. Leonard, Esquire, appeared as counsel for the above named respondent, in support of such objections;

. After hearing the arguments of counsel, and being fully advised in the premises, I am of the opinion that the sum of \$2.12 taxed and allowed for A. P. Melquist, is not a proper

charge, for the reason that said Mellquist was in attendance at the time as a witness, and his costs as such were allowed.

It is therefore O R D E R E D that the sum of \$2.12 be deducted from the amount taxed and allowed by the Clerk of said Court, and that the taxation of costs so made by the Clerk be in all other respects affirmed.

Dated at Norwood, Minnesota, this 9th day of August, A.D. 1907.

R. M. Morrison
Judge of said Court.

State of Minnesota
County of Carver
Herman Ruschke
- 76 - Page

From of Soufoules
Receipt

Order

CARVER COUNTY,
FILED

AUG 10 1907

H.O. Muehlberg

(474)

State of Minnesota

ss

County of Carver

KNOW ALL MEN BY THESE PRESENTS, That we, Herman Raschke as Principal, and John L. Mellgren and Christian Mellgren as Sureties, all of the County of Carver and State of Minnesota, are held and firmly bound unto John A. Olson, Peter A. Johnson and August Johnson as the Board of Supervisors of the Town of San Francisco in said County and State and their successors in office in the equal sum of Two Hundred and Fifty Dollars, lawful money of the United States of America, to be paid to the Board of Supervisors of said Town of San Francisco, for the payment whereof well and truly to be made we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our Seals and Dated this 18th day of December A.D. 1906.

Whereas the Supervisors of the Town of San Francisco in said County and State by their Order made and dated on the 17th day of November A.D. 1906 and filed in the office of the Town Clerk of said Town on said day laid out and established a cartway described as follows, viz: "Commencing at the northwest corner of the northeast quarter, Section 9, Township 114, Range 24, said Town, thence south 231 rods, thence southwesterly about 17 rods to a creek and to a point 10 rods west of the east line of the Southwest Quarter of said Sec. 9, thence southeasterly 21 rods to a point 8 rods west of said east line, thence southeasterly 28 rods to a point one rod west from said east line, thence due south about 23 rods to the south boundary line of said Sec. 9, thence southeasterly 12 rods to a point where the same will intersect the east line of the Northwest Quarter of Sec. 17, Township and Range aforesaid, thence due south on said line till it intersects the Carver & Henderson road. Said above route being the center line of said cartway", and on the same day made an award of damages sustained by reason of the laying out and establishment of said cartway and deposited a statement of the amount of damages awarded in the office of the Town Clerk of said Town.

And whereas, said above bounden Herman Raschke, feeling himself aggrieved by said determination of said Supervisors in so laying out and establishing said cartway and by said award of damages appeals from said determination and from said award to the District Court of the Eighth Judicial District of the State of Minnesota in and for said County of Carver to reverse entirely the decision of said Supervisors in so laying out and establishing said cartway or, if said decision

ion of said Supervisors be affirmed, to recover damages for the taking and injuriously affecting of lands owned by said appellant in the sum of \$500.00.

Now, the Condition of this Obligation is such, that if said above bounden Herman Ruschke shall pay or cause to be paid all costs arising from his said appeal in case the determination of said Supervisors is so laying out and establishing said cartway and the award of damages so made by said Supervisors shall be sustained then this obligation to be void, otherwise to be and remain of full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals the day and year aforesaid.

In presence of

Ed. Staal
Edward Wojhan

Herrmann, Ruschke
John L. Mellgren (seal)
Christina Mellgren (seal)

State of Minnesota

County of Carver

Be it known that on this 13th day of December A.D. 1908 before me, a Notary Public within and for said County and State, personally came Herman Ruschke, John L. Mellgren and Christina Mellgren to me known to be the identical persons who executed the foregoing instrument, and each acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Ed. Staal
Notary Public, Minn.
My commission expires July 15, 1909.

State of Minnesota

County of Carver

John L. Mellgren and Christina Mellgren
being first duly sworn, each for himself says, that he is a resident and freeholder of said County and State; that he justifies in the sum of Two Hundred and Fifty Dollars, and that he is worth double the amount in which he so justifies over and above his just debts and liabilities and exclusive of property exempt from execution or attachment under the laws of this State.

Subscribed and sworn to before me
This 13th day of December A.D. 1908.

Ed. Staal
Notary Public, Minn.

John L. Mellgren
Christina Mellgren (seal)

Original

State of Minnesota,

County of Carver

District Court.

Herman Runckle
vs. Appet.

The Town of Saint Francis
Defendant.
Recpt.

Bond on Appeal

Due and personal service of the within
admitted
this day of 19

State of Minnesota hereby af-
firmes the within Bond and the sure-
ties thereon.
Dec. 13, 1906.

J. J. Donnelly
Register Carver Co. Minn.

Odell Odell
Attorney for Appet.

Charles W. M.

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(474)

being first duly sworn upon oath deposes and says
in said County and State, on the
that at the day of , he served the within
upon therein named, personally, by
the at the house of the usual abode of said
leaving with said with , a person of
suitable age and discretion, then resident therein, a true and correct copy of said
is to affiant well known to be the same

State of Minnesota,

County of

CARVER COUNTY,
FILED

DEC 14 1906

H. O. Muehlberg

Clk.

State of Minnesota

ss

County of Carver

To the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, and to John A. Olson, Esq., Chairman of the Board of Supervisors of said Town:

Whereas you, the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, by Order bearing date the 17th day of November 1906 and purported to have been filed in the office of the Town Clerk of said Town on said 17th day of November 1906, decided and determined to lay out and establish a certain cartway described as follows, viz: "Commencing at the northwest corner of the Northeast Quarter, Section 3, Township 114, Range 24, said Town, thence south 231 rods, thence southwesterly about 17 rods to a creek and to a point 10 rods west of the east line of the Southwest Quarter of said Sec. 3, thence southerly 21 rods to a point 2 rods west of said east line, thence southeasterly 23 rods to a point one rod west from said east line, thence due south about 23 rods to the south boundary line of said Sec. 3, thence southeasterly 12 rods to a point where the same will intersect the east line of the Northwest Quarter of Sec. 17, Township and Range aforesaid, thence due south on said line till it intersects the Carver & Henderson road. Said above route being the center line of said cartway", and on the same day made an award of damages sustained by reason of the laying out and establishing of said cartway and deposited a statement of the amount of damages so awarded in the office of the Town Clerk of said Town.

Now, Therefore, Notice is hereby given that I, Herman Ruschke, a taxpayer and legal voter of said County of Carver and the owner of lands through and over which said cartway, so laid out and established, passes, feeling aggrieved by your order and determination in so laying out and establishing said cartway and by the award of damages so made by you have appealed, and do appeal, from your said order and determination so laying out and establishing said cartway and from said award of damages to the District Court of the Eighth Judicial District of said State of Minnesota in and for said County of Carver upon the grounds and for the reasons following, viz:

(1). For irregularities in the proceedings looking to the laying out of said cartway because of which the Supervisors were without jurisdiction to make the pretended order establishing the same.

(2). Said laying out and establishment of said cartway is not a public necessity or convenience and the interests of the public are not promoted by said laying out and establishment.

(3). Damages are awarded to me in the sum of \$175 whereas I will sustain damages by reason of the laying out and establishment of such cartway in the sum of \$500.

This appeal is brought in relation to the laying out and establishment of said cartway and in relation to the damages assessed, and is brought

(1). To reverse entirely the action and determination of said Supervisors in laying out and establishing said cartway.

(2). If said determination of said Supervisors in laying out and establishing said cartway be affirmed, then for damages for the taking and injuriously affecting of lands owned by appellant in the sum of \$500.

Herrmann, Buschke
Appellant.

Chas. Adell

Attorneys for Appellant.
Chaska, Minn.

Original

State of Minnesota,
County of Cannon
District Court.

Herman Ruchle
vs. Appt.
The Town of Saint James
Defendant.
Receipt.
Notice of Appeal

Due and personal service of the within
admitted
this..... day of..... 19.....

CARVER COUNTY,
FILED
Attorney for
MAR 14 1907
H.O. Muehlberg Clerk

Odell & Odell
Attorneys for Appt.
Charles M. Munn

(474.)

State of Minnesota,

County of

being first duly sworn upon oath deposes and says
that at the in said County and State, on the
day of 19....., he served the within
upon
the therein named, personally, by
leaving with said at the house of the usual abode of said
with a person of
suitable age and discretion, then resident therein, a true and correct copy of said
is to affiant well known to be the same

No. 3043

8.

DISTRICT COURT,

Eighth Judicial District,

County of *San Francisco*

Herman Rosenthal

Appellant

The Town of San Francisco

Respondent

NOTE OF ISSUE

Issue of *Fact*
LAST PLEADING SERVED

Dec. 14 190*6*

Odell & Odell

Attorneys for Plaintiff

Appellant

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*7* *General* Term
of this Court.

Yours respectfully,

Odell & Odell

Attorneys for *Appellant*

Filed *February 25th* 190*7*

(474)

WILLER-DAY & CO., MINNEAPOLIS

State of Minnesota,
County of Carver.

District Court.
Eighth Judicial District.

Herman Ruschke and Christina Mellen Melligren,)
Appellants,)
against)
The Town of San Francisco, Respondent.)

VERDICT.

We, the jury in the above entitled action, find ^{a verdict} that the Order of
the Board of Supervisors of the Town of San Francisco, dated and filed
November 17th, A.D. 1906, locating and establishing a certain cartway
described therein, ~~should~~ be in all things reversed.
Dated at Chaska, Minnesota, this 16th day of March, A.D. 1907.

Albert Frenckle
Foreman.

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Herman Ruschke,

Applt.

No.

Against

List of Jurors.

The Town of San Francisco.

Respt.
Defendant

Attorneys Mark Here	NAMES	REMARKS
	1 Ernest Kunze	
	2 Chas. Lundeen	
	3 H. K. Gunn Berge	
	4 P. M. Schepers	
	5 Aug. Johnson	excused
	6 Herman Heuer	
	7 W. H. Mielke	
	8 Barney Kessler	excused
	9 L. J. Dols	excused
	10 Frank Harta	
	11 B. Aahalt	excused
	12 E. H. Daly	excused
	13 J. E. Holt	excused
	14 Fred Luthling Co.	
	15 Otto Pieper	
	16 Albert Trunde	
	17 Henry Heuer	
	18 Alfred Nord	Per Respt. 1
	19 August Hassel	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30	

No.

STATE OF MINNESOTA,

County of *Carver*

DISTRICT COURT.

Herman Ruschke ^{and}

Christine Mellen, Mellen
Plaintiffs

Against

The Town of San Francisco

Defendant

JURY LIST.

CARVER COUNTY,
FILED

MAR 16 1907

H. O. Muehlberg Clerk

PIONEER PRESS CO., ST. PAUL, MINN.

474.

State of Minnesota . . . District Court
County of Cass . . . Eighth Judicial District,
Herman Ruschke - Appellant

- vs -

The Town of Saint Francis - Respondent.

This cause having been duly brought on for trial in its order upon the calendar of the March 1907 term of said Court on the 14th, 15th, and 16th days of March 1907 before the Court and a jury duly empaneled and sworn, and said jury having on the 16th day of March found and returned its verdict wherein and whereby the Order of said respondent Supervisors, dated and filed November 17, 1906, was in all things reversed.

Now therefore, on Motion of Odell & Odell, Attorneys for said Appellant, It is Ordered, Adjudged, and Determined, That the Order of the Supervisors of the Town of Saint Francis, dated and filed Nov. 17th, 1906, locating and establishing a certain Cartway described therein be in all things reversed.

And, it is further, Adjudged and Determined, That appellant have and recover from said respondent Town of Saint Francis his costs and disbursements taxed and allowed in the sum of Eighty Six Dollars and Ten Cents (\$86.10) and that he have execution therefor.

Dated March 28, 1907

By the Court
H. O. Muehlberg, Clerk

District Court
County of Carver

Herrman Ruschke
Applt.

- vs -
The Town of San Francisco
Resp.

Judgment

CARVER COUNTY,
FILED

MAR 28 1907

H.O. Muehlberg
Clerk

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

The STATE OF MINNESOTA, To
A. J. Burling

You are hereby Comanded, To be and appear before the Judge of said Court, at the Court House in the City of Chaska in said County, all excuses and business being laid aside, on the Seventh day of March A. D. 1907, at 9 o'clock A. M., to testify and give evidence in a certain action in said Court pending, and then and there to be determined between Herman Rusdike Appl Plaintiff, and Town of San Francisco Respt. Defendant, on the part of the Appl. And, also, that you bring with you and produce in evidence all records that refer to this appeal

and all other documents which you have under your control, concerning the premises; and for a failure thereof you will be deemed guilty of contempt of Court, and you will be liable to the aggrieved party for all damages occasioned by such failure.

Witness, The Honorable P. W. Morrison Judge
 of said Court, and the seal thereof, at Chaska
 this 6th day of March A. D. 1907.

H. O. Muehlberg Clerk.

By _____ Deputy.

State of Minnesota,

County of

Carver

ss.

I hereby certify and return that I served the within Subpoena on the within named

A. J. Burling

by reading the same to him and delivering to him

a true copy thereof, at

Chaska

in said County and State, on this

6th

day of

March

1902

SHERIFF'S FEES:

Service, -

\$1.00

Mileage, -

\$.20

Total, -

\$1.20

G. A. Gatz

Sheriff of said County.

By

Deputy.

DISTRICT COURT

Eighth Judicial District.
County of *Carver*

Herman Ruschke

-vs-
Town of San Francisco

SUBPOENA

DUCES TECUM

August Burling
Witness.

Filed this *15th* day of

March A. D. 190 *7*

H. O. Muehlberg
Clerk.

By *.* Deputy.

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

Herman Ruschke
Appellant
 -vs-
The Town of San Francisco
Respondent

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, - - - - - \$
 Interest on same from the - - - day of - - - 190 - - - \$

Appellant's COSTS AND DISBURSEMENTS.

Statutory Costs, - - - - - \$ 10.00
 1 Affidavit, - - - - - \$.25
 2 Acknowledgments, - - - - - \$.50
 Sheriff's Fees, (serving subpoenas) - - - - - \$ 7.30
 Jury Fees, - - - - - \$ 3.00
 Clerk's Fees (to be taxed), - - - - - \$ 12.65
 Fees for interpreter O. P. Mellquist - 2 days - 2 miles 2.12
\$ 35.82

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>Andrew Mellborg</u>	<u>San Francisco, Minn.</u>	<u>6</u>	<u>March 6, 7, 8, 9, 14, 15, 16, '07</u>	<u>24 + 24</u>	\$ <u>9.88</u> <u>8.88</u>
<u>O. P. Mellquist</u>	<u>Dakota</u>	<u>6</u>	<u>March 7, 8, 9, 14, 15, 16, '07</u>	<u>14 + 14</u>	\$ <u>7.68</u> <u>7.68</u>
<u>Wm. Anderson</u>	<u>San Francisco</u>	<u>6</u>	<u>March 6, 7, 8, 9, 14, 15, 16, 1907</u>	<u>24 + 24</u>	\$ <u>9.88</u> <u>8.88</u>
<u>R. J. Burling</u>	<u>" "</u>	<u>6</u>	<u>March 6, 7, 8, 9, 14, 15, 16, 1907</u>	<u>24 + 24</u>	\$ <u>9.88</u> <u>8.88</u>
<u>John Pappeler</u>	<u>Laketown</u>	<u>4</u>	<u>March 6, 7, 14, 15, 16, 1907</u>	<u>12 + 12</u>	\$ <u>6.44</u> <u>5.44</u>
<u>Andrew Mellgren</u>	<u>San Francisco</u>	<u>4</u>	<u>March 9, 14, 15, 16, 1907</u>	<u>24 + 24</u>	\$ <u>6.88</u> <u>6.88</u>
<u>Richard Kumpke</u>	<u>Laurens</u>	<u>1</u>	<u>March 7, 1907</u>	<u>14</u>	\$ <u>3.64</u> <u>3.64</u>
					\$ <u>50.28</u>

The above Bill of Costs and Disbursements taxed and allowed at - - - - -

Dated March 28th 1907 Total Amount, \$ 86.10

H. O. Muehlberg
 Clerk.

AFFIDAVIT OF DISBURSEMENTS.

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

22nd day of March 1907W. C. OdellNotary Public, Carver County, Minn.My Commission expires July 18, 1907W. C. Odell

NOTICE OF TAXATION OF COSTS.

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

Herman Ruschke
Appellant

-W-
The Town of San Francisco
Respondent

Sir: Please Take Notice. That on the 28th day of March 1907
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 March 23, 1907.

Yours respectfully,

Odell & Odell

to F. J. Leonard, Esq.

Attorneys for Appellant

Attorney for Respondent.

DISTRICT COURT,

Eighth Judicial District.

County of Carver

Herman Ruchke

Applt.

-vs-

The Town of Saint Francis

Resp't.

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 _____

190____, at _____

Attorney for _____

Filed this 28th day of
March A. D. 1907

O. Muehlberg
Clerk.

(474)

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
for the appellant in the within enti-
tled action and that he resides at
Chaska, Minn.; that he served the
within Notice of Taxation of Costs etc.
on F. J. Leonard, Esq., attorney for
respondent herein, on the 23rd day of
March 1907, by depositing a copy of
said Notice in the postoffice at the
City of Chaska, on said date, in an
envelope securely sealed and post-
age thereon prepaid directed to
said F. J. Leonard at his place of
residence, Jordan, Minn.; and that
there is regular communication by
mail between said City of Chaska
and Jordan, Minn.

Subscribed and sworn
to before me this 28th day
of March A. D. 1907

J. J. Connelley
County Auditor
Carver Co. Minn.

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

-----:
Herman Ruschke, appellant,
-----vs-----

The Town of San Francisco, Resp't.
-----:

Now comes the respondent above by its attorney F.J. Leonard and objects to the following items of costs and disbursements, proposed to be taxed and entered in the judgment to be ~~as~~ rendered herein, and to the insertion of the same in said judgment, viz.:

1. "Statutory costs, \$10", for the reason that the above entitled action and the suit of Christine Mellan (Melgreen), appellant against said Town, respondent, were tried together and as one, and because of such but one statute costs can be taxed and allowed.
2. "2 acknowledgments, \$.50", for the reason that there were none.
3. "Fees for interpreter A.P. Mellquist-2 days, 2 miles, \$2.12", for the reason that said Mellquist was in attendance at said time as a witness, and his costs as such are being taxed and allowed.
4. Andrew Mellberg for Mar. 6, 7, 8, 9, 14 and 16, 1907 for the reason that said witness was used only on Mar. 15, 1907, and is entitled to fees as a witness for one day only, and that his mileage does not exceed 24 miles in traveling to and from his place of residence to the county seat.
5. A.P. Melquist for Mar. 7, 8, 9, 14 and 16, 1907 for the reason that said witness was used only on Mar. 15, 1907 and is entitled to fees for one day only.
6. Wm. Anderson Mar. 6, 7, 8, 9, 14 and 16, 1907 for the reason that said witness was used as such only on Mar. 15, 1907, and is entitled to fees for that day only, and that his mileage does not exceed ~~24~~ miles in traveling to and from his residence to the place of trial.
7. A.J. Burling for Mar. 6, 7, 8, 9, 14 and 16, 1907 for the reason that said witness was used only on Mar. 14, 1907, and is entitled to fees for that day only, and that his mileage does not exceed 24 miles in traveling to the place of trial from his residence and returning to same.
8. John Popler for the reason that he was not used as a witness.
9. Andrew Mellgren Mar. 9, 14 and 16, 1907 for the reason that said witness was used only on Mar. 15, 1907, and is entitled to fees for that day only, and that his mileage in traveling to the place of trial from his residence and returning does not exceed 24 miles.
10. Gerhard Kimple for the reason that he was not used as a witness upon the trial of said cause.

Dated Mar. 27, 1907.

F. J. Leonard

Jordan, Minn.

Atty. for Resp't.

State of Minnesota
County of Carver

District Court
8th Judicial District

Heruan Ruschke - Appellant

- vs -

The Town of Saint Francis - Respondent
State of Minnesota
County of Carver

W. S. Odell, being first duly sworn, says that he is one of the attorneys for appellant in the above entitled proceeding, and has read respondent's objections to the taxation of costs in said action. That the witnesses Andrew Mullberg, A. P. Mullquist, William Anderson, A. J. Bauling, John Popler, Andrew Mullgren, and Gerhard Kimpfel were subpoenaed on behalf of appellant to appear in court on the 7th day of March, 1907, the day for which this proceeding was set for trial on the opening days of the term, and that they appeared in obedience to said subpoena and were all in attendance at said court on the dates stated in the Bill of Disbursements filed by said appellant. That the Judge of said Court adjourned said Court on Saturday, the 9th, to Wednesday, the 13th, and it was necessary for said witnesses to travel home and return to Court on said day. That the witness Kimpfel was called by Appellant to testify as to the Character of the route over which the proposed road was laid, that he attended on the 7th of March, the day for which said case was set, but was obliged to return home before the case was called. That witness Popler was called to testify as to the Character of the route over which the proposed road was laid and would

District Court
Carver County

N. Ruschke

Appellant

- vs -

The Town of San Francisco
Respondent

Affidavit in support of
original bill of disburse-
ments

CARVER COUNTY,
FILED

MAR 28 1907

H. O. Muehlberg, Clerk

(474)

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

-----:
Harman Rugschke, Appellant.

--vs--

The Town of San Francisco, Resp't.
-----:

To the Appellant above named and his Attorneys, Odell & Odell, and
H.O. Muhlberg, Clerk of said Court:

Now comes the respondent above named and hereby appeals to said
Court from the rulings of the clerk thereof overruling the objections of
said respondent to the following items of costs and disbursements and to
the said Clerk's allowance and taxation thereof, viz.:

Statutory costs	\$10.00
Two acknowledgments,	\$.50
Fees for interpreter, A.P. Melquist-2 days, 2 miles,	\$ 2.12
That of the witness Andrew Mellberg for attendance March 7, 8, 9, 14 and 16, 1907, and mileage in excess of 24 miles taxed and allowed at,	\$ 8.86
That of the witness A.P. Melquist for attendance March 7, 8, 9, 14 and 16, 1907, taxed and allowed at,	\$ 7.68
That of the witness, William Anderson for attendance March 7, 8, 9, 14 and 16, 1907, and mileage in excess of 24 miles, taxed and allowed at,	\$ 8.88
A.J. Burling, as a witness for attending March 7, 8, 9, 15 and 16, 1907, and mileage in excess of 24 miles, taxed and allowed at,	\$ 8.88

*That of the witness John Poppler for attendance of 4 days
and mileage of 48 miles, taxed and allowed at* \$ 5.44

That of the witness Andrew Mellgren for attending said
Court March 9, 14 and 16, 1907, and mileage in excess of 24 miles
taxed and allowed at, \$ 6.88

That of The witness Gehard Kimpla for attendance and
mileage taxed and allowed at, \$ 3.64

Dated April 2, 1907.
Town of San Francisco
By its Atty F.J. Leonard.

F.J. Leonard
Jordan, Minn., Atty. for Resp't.
above and Appt. herein.

State of Minnesota
County of Carver
District Court

Herman Rueschke, appt.

vs.

The Town of San Francisco, Rept.

Notice of appeal from
taxation of costs.

Service herof admitted
Apr. 3, 1907

Odece & Odece
attys for appt. ~~Rueschke~~

H. O. Muehlbug
Clerk Dist. Court.

(474)

F. J. Leonard,
Jordan, Minn.
atty. for Rept. above and
appt. herein.

CARVER COUNTY,
FILED

APR 3 1907

H. O. Muehlbug
Clerk

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

I, H. O. Muehlberg, Clerk of the District Court,
in and for said County, hereby certify that the hereto attached Notice
of Taxation of Costs and Bill of Costs and Disbursements, the Defendant's
Objections to said Bill of Costs and Disbursements, the Appellant's
Affidavit in Support of Original Bill of Disbursements, the allowance
by said Clerk of certain items of said original Bill of Costs and Dis-
bursements and his allowance inserted therein, Respondent's Notice of
Appeal from Taxation of Costs, are the original records remaining on
file in this office and are the whole of such original records.

Witness my hand and Seal of said District Court, at Chaska, in said
County, this 9th day of April A. D. 1907.

H. O. Muehlberg, Clerk.

3058

No. 9.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Christine Mellen Mellgren
Plaintiff

vs.
The Town of San Francisco
Defendant

Odell & Odell
Plaintiff's Atty.

F. J. Leonard
Defendant's Atty.

Date of Entry Dec. 14th 1906

Register of Actions D Page 475

Term Tried March 1907

Judgment for Appellant

Amount of Judgment \$ 15.20

Date of Judgment Mar. 28 1907

Judgment Book D Page 242

Default Judgment Book Page

Date of Docketing Mar. 28th 1907

State of Minnesota

ss

County of Carver

KNOW ALL MEN BY THESE PRESENTS, That we, Christina Vellan (Vellgren) as Principal and John L. Mellgren and Herman Ruchel as Sureties, all of the County of Carver and State of Minnesota, are held and firmly bound unto John A. Olson, Peter A. Johnson and August Johnson as the Board of Supervisors of the Town of San Francisco in said County and State and their successors in office in the penal sum of Two Hundred and Fifty Dollars, lawful money of the United States of America, to be paid to the Board of Supervisors of said Town of San Francisco, for the payment whereof well and truly to be made we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our Seals and Dated this 18th day of December A.D. 1906.

Whereas the Supervisors of the Town of San Francisco in said County and State by their Order made and dated on the 17th day of November A.D. 1906 and filed in the office of the Town Clerk of said Town on said day laid out and established a cartway described as follows, viz: "Commencing at the northwest corner of the Northeast Quarter, Section 3, Township 114, Range 24, said Town, thence south 281 rods, thence southwesterly about 17 rods to a creek and to a point 10 rods west of the east line of the Southwest Quarter of said Sec. 3, thence southerly 21 rods to a point 3 rods west of said east line, thence southeasterly 23 rods to a point one rod west from said east line, thence due south about 23 rods to the south boundary line of said Sec. 3, thence southeasterly 12 rods to a point where the same will intersect the east line of the Northwest Quarter of Sec. 17, Township and Range aforesaid, thence due south on said line till it intersects the Carver & Henderson road. Said above route being the center line of said cartway", and on the same day made an award of damages sustained by reason of the laying out and establishment of said cartway and deposited a statement of the amount of damages awarded in the office of the Town Clerk of said Town.

And whereas, said above bounden Christina Vellan (Vellgren), feeling herself aggrieved by said determination of said Supervisors in so laying out and establishing said cartway and by said award of damages appeals from said determination and from said award to the District Court of the Eighth Judicial District of the State of Minnesota in and for said County of Carver to reverse entirely the decision of said Supervisors in so laying out and establishing said cartway or, if said

decision of said Supervisors be affirmed, to recover damages for the taking and injuriously affecting of lands owned by said appellant in the sum of \$400.

Now, the Condition of this Obligation is such, That if said above bounden Christina Weller (Welleren) shall pay or cause to be paid all costs arising from her said appeal in case the determination of said Supervisors in so laying out and establishing said cartway and the award of damages so made by said Supervisors shall be sustained then this obligation to be void, otherwise to be and remain of full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year aforesaid.

In presence of

Edw. Grace
Edward Wofhan

Christina Weller ^{her} mark McLaren (seal)
John L. McLaren (seal)
Herrmann Ruskotte (seal)

State of Minnesota

ss

County of Carver

Be it known that on this 13th day of December A.D. 1903 before me, a Notary Public within and for said County and State, personally came Christina Weller (Welleren), John L. McLaren and Herrmann Ruskotte to me known to be the identical persons who executed the foregoing instrument, and each acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

W. S. Edell

Notary Public, Minn.

My commission expires July 18, 1907.

State of Minnesota

ss

County of Carver

John L. McLaren and Herrmann Ruskotte
being first duly sworn, each for himself says, that he is a resident and freeholder of said County and State; that he justifies in the sum of Two Hundred and Fifty Dollars, and that he is worth double the amount in which he so justifies over and above his just debts and liabilities and exclusive of property exempt from execution or attachment under the laws of this State.

Subscribed and sworn to before me
This 13th day of December A.D. 1903.

John L. McLaren
Herrmann Ruskotte

W. S. Edell

Notary Public, Minn.

Original

State of Minnesota,

County of Carver

District Court.

Christina Mellen (Mellgren)
vs. Appellant

The Town of San Francisco
Respondent

Bond on Appeal

Due and personal service of the within
admitted

this day of 19

Attorney for
State of Minnesota
County of Carver

I hereby approve the within
Bond and the Sureties thereon
dated Dec. 13, 1906

W. J. Remolles
Sec. of County Auditor, Carver
Charles M. Minn
Attorney for Appellant

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(475)

being first duly sworn upon oath deposes and says
in said County and State, on the
19 , he served the within
that at the
day of
upon
the
leaving with said
therein named, personally, by
at the house of the usual abode of said
with
a person of
suitable age and discretion, then resident therein, a true and correct copy of said
is to affiant well known to be the same

State of Minnesota,

County of

CARVER COUNTY,
FILED
DEC 14 1906

H. C. Muehlberg

STATE OF MINNESOTA

ss

County of Carver

To the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, and to John A. Olson, Esq., Chairman of the Board of Supervisors of said Town:

Whereas you, the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, by Order bearing date the 17th day of November 1903 and purporting to have been filed in the office of the Town Clerk of said Town on said 17th day of November 1903, decided and determined to lay out and establish a certain cartway described as follows, viz: "Commencing at the northwest corner of the Northeast Quarter, Section 8, Township 114, Range 24, said Town, thence south 231 rods, thence southwesterly about 17 rods to a creek and to a point 10 rods west of the east line of the Southwest Quarter of said Sec. 8, thence southerly 21 rods to a point 9 rods west of said east line, thence southeasterly 23 rods to a point one rod west from said east line, thence due south about 23 rods to the south boundary line of said Sec. 8, thence southeasterly 12 rods to a point where the same will intersect the east line of the Northwest Quarter of Sec. 17, Township 114, Range 24, thence due south on said line till it intersects the Carver & Henderson road. Said above route being the center line of said cartway", and on the same day made an award of damages sustained by reason of the laying out and establishment of said cartway and deposited a statement of the amount of damages so awarded in the office of the Town Clerk of said Town.

Now, therefore, Notice is hereby given that J. Christina Vellon (Mollaren), a taxpayer and the owner of lands through and over which said cartway, so laid out and established, passes, feeling aggrieved by your order and determination in so laying out and establishing said cartway and by the award of damages so made by you have appealed, and do appeal, from your said order and determination so laying out and establishing said cartway and from said award of damages to the District Court of the Eighth Judicial District of said State of Minnesota in and for said County of Carver upon the grounds and for the reasons following, viz:

(1). For irregularities in the proceedings looking to the laying out of said cartway because of which the Supervisors were without jurisdiction to make the pretended order establishing the same.

(2). Said laying out and establishment of said cartway is not a public neces-

sity or convenience and the interests of the public are not promoted by said laying out and establishment.

(3). Damages are awarded to me in the sum of \$140.00 whereas I will sustain damages by reason of the laying out and establishment of such cartway in the sum of \$400.

This appeal is brought in relation to the laying out and establishment of said cartway and in relation to the damages assessed, and is brought

(1). To reverse entirely the action and determination of said Supervisors in laying out and establishing said cartway.

(2). If said determination of said Supervisors in laying out and establishing said cartway be affirmed, then for damages for the taking and injuriously affecting of lands owned by appellant in the sum of \$400.

Christina Mellen *her* *Mellgren*
Appellant. *mark*

Odell & Odell
Attorneys for Appellant.
Chaska, Minn.

Original
State of Minnesota,
County of Carver
District Court.
Christina Mullen (Mellgren)
vs. appellant
The Town of San Francisco
Respondent

Notice of Appeal
Due and personal service of the within
admitted
this day of 19

CARVER COUNTY,
Attorney for FILED
MAR 14 1907
H. O. Muehlberg Clerk

Oscar Odell
Attorney for Appellant
Charles Munn

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

475

State of Minnesota,
County of being first duly sworn upon oath deposes and says
 in said County and State, on the
 day of 19 , he served the within
upon therein named, personally, by
the at the house of the usual abode of said
leaving with said with , a person of
suitable age and discretion, then resident therein, a true and correct copy of said
 is to affiant well known to be the same
 , that said

No. 3043.

9.
DISTRICT COURT,

Eighth Judicial District,
County of San Francisco

Christina Mellen Mellgren
Appellant
-vs-
The Town of San Francisco
Respondent

NOTE OF ISSUE

Issue of Fact
LAST PLEADING SERVED
Dec. 14 1906

Odell Odell
Attorney for Plaintiff
Appellant
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. 1907 General Term
of this Court.

Yours respectfully,

Odell Odell
Attorney for Appellant

Filed February 25th 1907

(475)

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

State of Minnesota

County of Carver

Christine Mellen (Mellgren) - Appellant

District Court

Eighth Judicial District

- vs -

The Town of Saint Francis

- Respondent

This cause having been duly brought on for trial in its order upon the Calendar at the March 1907 term of said Court on the 14th, 15th, and 16th days of March 1907 before the Court and a jury duly empaneled and sworn, and said jury having on the 16th day of March found and returned its verdict wherein and whereby the order of the Board of Supervisors of said Respondent Town, dated and filed November 17, 1906, was in all things reversed.

Now, Therefore, On motion of Call & Call, Attorneys for said Appellant, It is Ordered, Adjudged, and Determined, That the Order of the Board of Supervisors of the Town of Saint Francis, dated and filed November 17, 1906, locating and establishing a certain Cartway described therein be in all things reversed.

And, It is further Adjudged and Determined, That appellant have and recover from said Respondent Town of Saint Francis her Costs and disbursements taxed and allowed in the sum of Fifteen Dollars and Twenty Cents (\$15.20), and that she have execution therefor.

Dated March 28, 1907.

By the Court

H. O. Muehlberg Clerk

District Court
Carver County
Christine Mellen (Mellgren)
App'tt.

- vs -

The Town of San Francisco
Resp't.

Judgment

CARVER COUNTY,
FILED

MAR 28 1907

H. O. Muehlberg
Clerk

(475)

District Court,
Eighth Judicial District.

Christine Mellgren, Appellant,
 against
The Town of San Francisco, Respondent.

F. J. Leonard, Esquire, appeared as counsel for the Respondents;

Said defendant objected to the ten dollars statutory costs, for the reason that the above entitled action and the suit of Herman Rischke, appellant against said Town, respondent, were tried together and as one; consequently but one statutory cost can be taxed. Said respondent also objected to 50 cents being taxed and allowed against it, for the reason that there were no such costs incurred.

It is therefore, O R D E R E D ,

- 1.

so made by the respondent in the above entitled action be sustained, and that the sum of ten dollars be deducted from the amount of costs and disbursements so taxed and allowed by the Clerk of said Court, in said above entitled action.

Dated at Norwood, Minnesota, this 9th day of August, A.D. 1907.

Wm. Morris
Judge of said Court.

State of Minnesota
County of Carver
Christian Meagher
vs - appell
Term of Court
January

Order



CARVER COUNTY,
FILED

AUG 10 1907

H. O. Muehlbragg *clerk*

(475)

State of Minnesota, }
 County of Carver } ss. Eighth Judicial District.
Christine Mellen (Mellgren)
Appellant
 - vs -
The Town of Saint Francis
Respondent

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, - - - - - \$
 Interest on same from the Appellants day of 1907 \$

COSTS AND DISBURSEMENTS.

Statutory Costs, - - - - - \$ 10.00
 1. Affidavits, - - - - - \$.25
 2. Acknowledgments, - - - - - \$.50
 Sheriff's Fees, - - - - - \$
 Jury Fees, - - - - - \$
 Clerk's Fees (to be taxed), - - - - - \$ 4.45

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	
					\$
					\$
					\$
					\$
					\$
					\$
					\$

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

Dated March 28th 1907 Total Amount, \$ 15.20

H.O. Muehlberg
 Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota, }
 County of Carver } ss. E. C. O'Connell
 being duly sworn, says on oath, that he is one of the Attorneys of the Appellant in the above entitled action; that the foregoing is a true and correct statement of the costs and disbursements of said Appellant 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 Appellant; and that each of the above named witnesses was a material witness for the said Appellant in said action, and was duly sworn, and testified on the trial of said action, on behalf of said Appellant. 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

27th day of March 1907

E. C. O'Connell
 Notary Public, Carver County, Minn.

E. C. O'Connell

NOTICE OF TAXATION OF COSTS.

State of Minnesota,
County of Carriger } ss. DISTRICT COURT,
Eighth Judicial District.

Christine Mullen (Mellygren)
Appellant

- vs -
The Town of San Francisco
Respondent

Sir: Please Take Notice. That on the 28th day of March 1907
at 10 o'clock A., application will be made to N. O. Muehlberg, Esq.,
Clerk of said Court, at his office in the Court House in the City
of Shasta in the County of Carriger 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 23, 1907.

Yours respectfully,

Odell & Odell

Attorneys for Appellant.

To F. J. Leonard, Esq.

Attorney for Respondent.

DISTRICT COURT,

Eighth Judicial District.

County of *Carver*

Christine Mellen (Mallgren)

App't.

- 24 -

The Town of Saint Francis

Resp't.

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

190...

Attorney for

Filed this *28th* day of

March A. D. 190*7*

H. O. Muehlberg Clerk.

(475)

*State of Minnesota, Ad.
County of Carver*

W. D. O'Connell, being first duly
sworn, says that he is one of the at-
torneys for the appellant in the within-
entitled action and that he re-
sides at *Chaska, Minn.* that he received
the within Notice of Taxation of Costs
etc. on *J. J. Leonard Esq.* attorney for res-
pondent herein, on the *23rd* day of
March 1907, by depositing a copy of said
Notice in the postoffice at the City of *Chaska*,
on said date, in an envelope securely
sealed and postage thereon prepaid
and addressed to said *J. J. Leonard*
at his place of residence, the City of
Jordan, Minn. and that there is reg-
ular communication by mail be-
tween said Cities of *Chaska* and *Jor-*

dan
Subscribed and sworn
to before me this *28th*
day of *March* A. D. 1907

J. J. Leonard
Respondent
Carver Co. Minn.

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

-----:
Christine Melle (Mallgren), Aplt.,

-----VS-----

The Town of San Francisco, Resp.,
-----:

Now comes said respondent by its attorney W.J. Leonard and objects to the following items of costs and disbursements, and to the taxation and insertion of the same, in the judgment to be ~~made~~ rendered in said action:

1. "Statutory costs, \$10," for the reason that the above entitled action and the suit of Herman Ruschke, appellant, against said Town, respondent, were tried together and as one, and consequently but one statutory costs can be taxed.

2. "2 acknowledgments, \$.60", for the reason that there were none.

Dated Mar. 27, 1907.

W. J. Leonard
Jordan, Minn.
Atty. for Resp.

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

-----:
Christine Mellen (Mallgren), Aptt.,

--vs--

The Town of San Francisco, Respt.,
-----:

To the Appellant above named and her Attorneys, Odell & Odell, and
H.O. Muhlberg, Clerk of said Court:

Now comes the respondent above named and hereby appeals to said
Court from the rulings of the clerk thereof overruling the objections of
said respondent to the following items of costs and disbursements and to
the said Clerk's allowance and taxation thereof, viz.:

Statutory costs	\$10.00
Two acknowledgements,	\$.50

Dated April 2, 1907.

Town of San Francisco

By its Atty., F.J. Leonard.

F. J. Leonard
Jordan, Minn.,

Atty. for Respt.
above and Aptt. herein.

State of Minnesota
County of Scott
District Court

Christine Mellen (Mellgren),
appt.

vs
The Town of San Francisco, Resp't

Notice of appeal
from taxation of costs.

Service hereof admitted
Apr. 3, 1907.

Odele & Odele
attys. for appt. Mellen

H. O. Muehlberg
Clerk Dist. Court.

(475)

J. Leonard,
Jordan, Minn.
att'y. for Resp't. above and
appt. Mellgren.

CARVER COUNTY,
FILED

APR 3 1907

H. O. Muehlberg, Clerk

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

I, H. O. Muehlberg, Clerk of the District Court, in and for said County, hereby certify that the hereto attached Notice of Taxation of Costs and Bill of Costs and Disbursements, the Respondent's Objections to said Bill of Costs and Disbursements, the allowance by said Clerk of said original Bill of Costs and Disbursements, Respondent's Notice of Appeal from Taxation of Costs, are the original records remaining on file in this office and are the whole of such original records.

Witness my hand and Seal of said District Court, at Chaska, in said County, this 9th day of April A. D. 1907.

H. O. Muehlberg, Clerk.

3059

No. ~~7~~ 7.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Ida Kuge

Plaintiff

vs.

John Kuge

Defendant

F. C. Irwin

Plaintiff's Atty.

Odell & Odell

Defendant's Atty.

Date of Entry *Jan 5th* 190*7*

Register of Actions *D.* Page *476*

Term Tried 190

Judgment for *Affidavit of Dismissal*

Amount of Judgment, \$ *by Plaintiff*

Date of Judgment *filed Sep 28* 190*8*

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

No. 3043.

(6)

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

Ida Hoge

Plff

John Hoge

Deft

NOTE OF ISSUE

Issue of *Law*
LAST PLEADING SERVED

Sept. 27 190*6*

F. C. Durwin
Attorney for Plaintiff

Odell Odell
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*7* *General* Term
of this Court.

Yours respectfully,

Odell Odell
Attorney for *Deft*

Filed *February 25th* 190*7*

(476)

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

No.

DISTRICT COURT,

Carver County.

Ida Hoge Plaintiff

against
John Hoge Defendant.

NOTE OF ISSUE.

LAST PLEADING SERVED,

September 4th 1906

Court Case.

F. C. Davis Attorney for Plaintiff.

W. C. Duell Attorney for Defendant.

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

dar for the September A. D. 1908.

Term of this Court.

Yours, etc.,

W. C. Duell Attorney for Plaintiff.

Filed Sept. 19th 1908

H. O. Muehlberg Clerk.

The \$3.00 deposit required by Sec. 2, Chap. 48, General Laws
of 1883, must be paid before any action will be entered in
Clerk's Office.

No. 33.- Pioneer Press Co., St. Paul, Minn.

(651.)

State of Minnesota

District Court

County of Scott

Eighth Judicial District

Ida Hoge Plaintiff

vs

John Hoge 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, which complaint is hereto attached and herewith served upon you, and to serve a copy of your answer to said complaint, on the subscriber at his office in the Borough of Plaine in said County of Scott and State of Minnesota, that also being his post office address, within thirty days after the service of this summons upon you, exclusive of the day of such service, and if you fail to answer said complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the complaint herein.

Dated August 27th 1906

H. C. Inman
Plaintiffs Attorney
Belle Plaine Minn

State of Minnesota

District Court

County of Scott

Eighth Judicial District

Ida Huge Plaintiff

vs

John Huge Defendant

The Plaintiff for complaint in the above entitled action, respectfully shows to this Court

That the age of this Plaintiff is twenty five years and the age of this Defendant is about twenty nine years. That this Plaintiff is a resident of the County of Scott Minnesota and has been a resident of said County for more than one year last past.

That this Plaintiff and said Defendant were married at Belle Plaine Minn in the month of October 1901 and ever since have been, and now are husband and wife.

That the issue of said marriage is one male child, about three years of age, named Walter.

That soon after their said marriage the said Defendant commenced a course of cruel and inhuman treatment of this Plaintiff, and in the month of February 1902 said Defendant turned this Plaintiff out of the home where they were then living.

That since said time and for more than two years last past this Plaintiff ~~and said Defendant~~ have not lived or cohabited together as man and wife, and do not live or cohabit together.

That afterwards and in the spring of the year 1904, said Defendant without any cause whatever, wilfully deserted and abandoned this Plaintiff their said child, and ever since said time and for more than two years last past, the said Defendant has wilfully and without cause deserted and abandoned this Plaintiff and has lived separate and apart from this Plaintiff, and has for more than two years last past wilfully and without cause lived separate and apart from this Plaintiff and has during all of said time wilfully failed, refused and neglected to in any manner support or provide the necessities of life for this Plaintiff

and their said child, and has not within said time, in any manner contributed to the support of this Plaintiff and said child.

That this Plaintiff has ever since their said marriage, conducted herself towards said Defendant as a wife should.

4 That this Plaintiff has no property or means of support for herself or said child, except what she earns by her work.

That the Defendant is an able bodied man, capable of earning good wages and is earning good wages as this Plaintiff is informed and believes and charges the fact to be and is well able to support this Plaintiff and their said child.

Therefore Plaintiff demands judgment that the bonds of matrimony now existing between the Plaintiff and the Defendant, be dissolved and annulled and that this Plaintiff have the care custody and control of said child, and that she be permitted to assume her maiden name of Ida Writzel.

That the Plaintiff herein be allowed a reasonable sum for counsel fees in this action, and her actual costs and disbursements herein and such other and further relief in the premises as may seem just and proper

Dated August 27th 1906

H. Irvine

Attorney for Plaintiff
Belle Plaine Minn

State of Minnesota
County of Scott ss Ida Hoge being duly sworn says that she is the Plaintiff above named, that she has heard read the foregoing complaint and that the same is true of her own knowledge except as to matters stated therein on information and belief and as to those matters she believes it to

Subscribed and sworn to before me
this 30th day of August 1906

Notary Public, Scott County, Minn.
My commission expires Mar. 9, 1907

H. Irvine

Notary Public, Scott County, Minn.
My commission expires Mar. 9, 1907

Ida Hoge
Mark

Dist Court 8th Dist
County of Scott

Ida Hugen Plaintiff
vs

John Hugen Defendant

Summons & Complaint

CARVER COUNTY,
FILED

JAN 5 1907

H. O. Muehlberg
(476)

Summons & Complaint

F. G. Irwin,
Attorney for Plaintiff

State of Minnesota

District Court

County of Scott

Eighth Judicial District

Ida Hoge Plaintiff

vs

Venue changed to Carver County

John Hoge Defendant

Sirs : You will please take notice that the Plaintiff above named will move the Court at a General term thereof appointed to be held at the Court House in the City of Shakopee in the County of Scott and State of Minnesota, the same being in said District, on Monday the 15th day of October 1906 at the opening of Court on that day or as soon thereafter as Counsel can be heard, for an order granting the prayer of the annexed petition and granting the Plaintiff support and maintainance suit money and Counsel fees as prayed for in said petition, and which said petition is made a part hereof.

You will further take notice that upon said hearing the pleadings in said action as well as said petition hereto attached will be read.

Dated Sept 26th 1906

Respectfully

Ed Odell & Odell

Attorneys for Defendant

J. C. Swine

Attorneys for Plaintiff

State of Minnesota

District Court

County of Scott

Eighth Judicial District

Ida Hage Plaintiff

vs

Venue changed to Carver County

John Hage Defendant

The Petition of the Plaintiff in the above entitled action, respectfully shows to this Court.

That this action is brought by your petitioner to dissolve and annul the marriage now existing between this Plaintiff and the Defendant and that the grounds of said ~~xxxxxxx~~ action are desertion on the part of the Defendant, for more than one year last past, and failure of the Defendant to support this Plaintiff and their said child for more than one year last past.

The Defendant is a farmer by occupation and is the owner of a considerable amount of personal property, the exact amount this deponent is unable to state.

That your petitioner has no means of support except what she earns by her own work and has for the past two years earned her own living and the living of the said minor child, except what said child has had from her father. Your petitioner further shows that for more than a year last past the said Defendant has in no manner provided a thing for the support of this Plaintiff or their said child, and that this deponent did leave the home of the Defendants father where the defendant resided and refused to provide any other home for this Plaintiff and specifically denies that in any judgment that the court ever found that that this Plaintiff was not justified in leaving said place of residence but upon the contrary found by reason of the treatment of the father of this Defendant towards this Plaintiff, this Plaintiff was justified in so leaving his said residence. That said Defendant has in no manner requested this Plaintiff with him the past two years or more to live with him, but on the contrary has often stated he did not want her. That this Plaintiff has upon several occasions told said Defendant that if he would provide a home for this

Plaintiff and their said child other than at his fathers home she would consider the matter of again living with him, but that said Defendant absolutely refused to provide a home for this Plaintiff at any other place than his father's residence, and refused to live at any other place and insists on so living there, and that this Plaintiff owing to the ~~4~~ treatment recived by her from the father of said Defendant could not live there without great danger to herself. That said Defendant has not for more than two years last past offered in any manner to provide for this Plaintiff or to provide her a home or request her to again live with him, Your petitioner further shows that she has four witnesses who ~~xxix~~ reside in Carver County and in Scott County with which to prove the allegations of her complaint and they each live distant from Chaska the County seat of Carver County about fifteen miles.

That your petitioner commenced this action in plenty of time to have same tried in Scott County wherein resides this Plaintiff at the next term of Court in said County, but that said Defendant had the venue of said action changed to Carver County in said District, and that by reason thereof and by said Defendant not answering in said action in time to try said action at the recent term of Court in Carver County the trial of said action of necessity goes over until next March.

Your petitioner further shows that she has no money property or means with which to support herself and their said child during the pendency of said action, and is dependent upon her own earnings and help from her father for such support, and that she has no means with which to procure witnesses and to employ counsel in said action.

Your petitioner further shows that she has employed F.C.Irwin at Attorney law residing at Belle Plaine Minn to prosecute her said action, and that she has fully and fairly stated all the facts in her case and her grounds for said action to her said attorney and has been advised by her said counsel that she has a good and sufficient cause of action upon the merits and good ground for a divorce therein, and which said statement she believes true.

Your petitioner therefore prays that this Court by its order will require

7 the said Defendant to pay to this Plaintiff or to her attorney for her the sum of five dollars per week during the pendency of this action for the support of this Plaintiff and their said minor child, and also that the Defendant be also required to pay to the Attorney for this Plaintiff the sum of Seventy five dollars as attorneys fees in the prosecution of of said action, and that said Defendant be required to pay the sum of Twenty five dollars necessary court expenses and witness fees in said action.

Dated Sept 26th 1906

H. Inui
Attorney for Petitioner

Ida ^{her} Hugo
Petitioner

State of Minnesota

County of Scott ss Ida Hugo being duly sworn says that that she is the petitioner above named, that she has heard read the foregoing petition and knows the contents thereof, and that the same is true ~~xxxxxx~~ except as to matters therein stated on information and belief and as to these matters she believes it to be true

Subscribed and sworn to before me
this 26th day of Sept 1906

H. Inui

Ida ^{her} Hugo
Mark

Notary Public, Scott County, Minn.
My commission expires Mar. 9, 1907

Dist Court 8th Dist
County of Scott
Venue changed to
Carver County

Ida Hugo Plff
vs

John Hugo Deft

Petition & Notice

CARVER COUNTY,
FILED

JAN 5 1907

H. O. Muehlberg
(476)

F. G. Irwin,
Attorney for Plaintiff

mailed copy Sept-27-06

STATE OF MINNESOTA
County of Scott

DISTRICT COURT
Eighth Judicial District

-----:-----
Venue changed from the County of Scott
to the County of Carver in said District
-----:-----

Ida Huse

Plaintiff

vs

John Huse

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

Said defendant for his answer in the above entitled action respectfully states and shows to the Court:

(1). He admits that plaintiff and defendant were joined in marriage at the time and place stated in the complaint; that the issue of said marriage is the child in said complaint mentioned; that plaintiff and defendant are aged respectively as in said complaint stated; and that the places of residence of plaintiff and defendant respectively are as in said complaint stated.

(2). He admits that plaintiff and defendant have not lived or cohabited together as man and wife since the month of February 1902.

(3). He admits that he is an able bodied man and capable of earning good wages and is well able to support plaintiff and their said child.

(4). He denies the complaint and each and every allegation thereof save only such portions of said complaint as are herein expressly admitted to be true.

(5). Further answering and as a separate defense this defendant alleges and avers that in the month of February 1902 said plaintiff without cause voluntarily and wilfully deserted and abandoned defendant, and thereafter commenced in this court an action for divorce; that the summons and complaint in said action were personally served upon this defendant, and this defendant answered in said action; that in and by her said complaint said plaintiff charged as her ground for divorce that this defendant in the month of February 1902 wilfully and without cause deserted and abandoned said plaintiff and that this defendant was guilty of wilful desertion of said plaintiff for the period of more than one year immediately pre-

ceding the commencement of said action; that the venue of said action was duly changed from said County of Scott to the County of Carver in said Judicial District, and said action was duly brought on for trial at the General Term of said Court held at the Court House in the City of Chaska in said County of Carver in the month of March 1904 and was tried at said term of court before the court without a jury; that thereafter and on, to-wit, the 14th day of April 1904 the court made and filed its findings and decision in said action, and therein found, among other things, that the allegations of the complaint relating to the wilful desertion of the plaintiff by the defendant were not true; that plaintiff was not entitled to a divorce as demanded in her complaint or to any relief whatever, and that defendant was entitled to judgment dismissing said action on the merits. That thereafter a judgment was duly and regularly entered in said action adjudging and determining that plaintiff take nothing thereby and dismissing said action on the merits, which said judgment has never been reversed, set aside or modified.

That plaintiff has not since the trial of said action returned to defendant or resumed marital relations with defendant or offered so to do, but has ever since said trial and ever since said month of February 1902 voluntarily and wilfully remained away from defendant and has refused to resume marital relations with defendant although defendant has at all times been ready and willing to receive said plaintiff and to care for and support her and their said child, of all which said plaintiff has had due notice.

Wherefore defendant demands judgment that plaintiff take nothing by this action and that he be hence dismissed with his costs and disbursements herein.

Odell & Lacey
Attorneys for Defendant,
Chaska, Minn.

State of Minnesota,
County of Carr } ss.
John Huges being first duly sworn
upon oath says that he is the defendant in the
foregoing within entitled action; that he has heard read the foregoing answer
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 24th day of September 1906
NOTARIAL SEAL
W. F. Odell
Notary Public Carr County, Minnesota.

State of Minnesota,
County of _____ } ss. _____ Court,

_____ against _____ Plaintiff.
_____ Defendant.
SUMMONS.

The State of Minnesota to the above named Defendant:

You _____ are hereby summoned and required to answer
Complaint of the Plaintiff in the above entitled action, which complaint is hereto annexed and here-
with served upon you, and to serve a copy of your answer to the said complaint on the subscriber, at
_____ office,
in the _____ of _____, in the said County of _____
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
_____ 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
_____ against you for the amount so ascertained—take judgment against you for the sum of _____
_____ Dollars, (\$ _____)
with interest at the rate of _____ per cent. per annum since the _____ day of _____ 190 _____

together with Plaintiff's costs and disbursements herein.

Dated _____ 190 _____

Plaintiff's Attorney.

ORIGINAL.

State of Minnesota,

County of Carver

District Court.

Ida Hugs Plaintiff,
vs.

John Hugs Defendant.

Answer

Due and personal service of the within
admitted
this _____ day of _____ 19____

CARVER COUNTY,

Attorney for FILED

JAN 5 1907

H. O. Muehlberg

Odece & Odece
Attorneys for Def.

Charles Munn

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(476)

State of Minnesota

District Court

County of Scott

Eighth Judicial District

Ida Hoge Plaintiff

vs

Venue changed to Carver County

John Hoge Defendant

The Plaintiff for reply to the answer of Defendant herein respectfully states and shows to this Court.

that she denies each and every allegation of new matter in said answer contained as fully and perfectly as if each allegation was herein separately denied

wherefore Plaintiff demands judgment as she has heretofore demanded in and by her complaint herein.

ed Sept 26th 1906

H. Inui
Attorney for ~~Defendant~~
Plaintiff

State of Minnesota

County of Scott

ss Ida Hoge being duly sworn says that she is the

intiff above named, that she has heard read the foregoing ~~exhibit~~ reply and that the same is true to the best of her knowledge information and belief

subscribed and sworn to before me
this 26th day of Sept 1906

Ida Hoge
mark

H. Inui

Notary Public, Scott County, Minn.
My commission expires Mar. 9, 1907

West Coast 8th Dist
County of Carver

Ida Huger

^M

John Huger

Repley

CARVER COUNTY,
FILED

JAN 5 1907

CARVER COUNTY,
FILED

JAN 5 1907

H. O. Muehlberg

(476)

F. G. Irwin,
Attorney for Plaintiff

Warrant copy Sept-26-06

District Court.
Eighth Judicial District.

Venue changed to Carver County.

F. C. Irwin, Esquire, appeared as counsel for the plaintiff in support of such application;

Said motion and application was based upon the pleadings in said action and all the records and files therein.

O R D E R E D , that said motion and application of the plaintiff be, and the same hereby is, in all respects denied.

Dated at Norwood, Minnesota, this 4th day of January, A.D. 1907.

Reverend
Judge of said Court.

An examination of the records and files in said cause discloses the fact that on the 31st day of March, A.D. 1903, the plaintiff in-

stituted a suit for an absolute divorce, upon the grounds of desertion; that issue was joined therein, and that at the March, A.D. 1904, General Term of said Court, said cause came duly on for trial; and that thereafter, and on the 29th day of March, A.D. 1904, the then presiding Judge of said Court duly made and filed an order denying the relief demanded by the plaintiff in her complaint therein; that thereafter, and on the 24th day of May, 1904, a judgement was duly entered in favor of the defendant and against the plaintiff, dismissing said action upon the merits.

It does not appear on the face of the complaint, but on the contrary it does appear from the pleadings that since the judgement was entered in said cause, the said plaintiff and said defendant have never resumed their marital relations with each other, in consequence of which, in my opinion, no cause of action would lie for desertion until such time as the plaintiff and defendant assume such marriage relation, or the defendant refuses to live and co-habit with the plaintiff. ~~But~~ The facts necessary to entitle the plaintiff to alimony and suit money can better be determined when said cause comes on for trial upon the merits. I think it would be highly improper for this Court at this time to make an order granting any part or portion of the relief prayed for, in view of the order, decision and judgement heretofore referred to.

W. W. Morrison
Judge.

Order of Minors
County of Carver.

Ida Hugel

- or -

John Hugel

Sept

Order

CARVER COUNTY,
FLA.

JAN 5 1907

H. O. Moulton

(476)

State of Minnesota

District Court

County of Carver

Eighth Judicial District

Ida Huge Plaintiff

vs

John Huge Defendant

To W.C.Odell Esq

Attorney for Defendant

You will please take notice that the Plaintiff
in the above entitled action hereby dismisses said action and that said
action is hereby dismissed

Respectfully

HC Irwin
Attorney for Plaintiff

State of Minnesota

City of Scott ss F.C.Irwin being duly sworn says that he served the
above notice upon W.C.Odell Esq Attorney for the Defendant above named,
on the 25th day of September 1908 by enclosing a true copy thereof in an
envelope securely sealed and directed to W.C.Odell Esq Attorney at Law
Chaska Carver County Minnesota, and depositing the same in the post office
Belle Plaine Scott County Minn, with the postage being fully paid there
on, and that there is a daily mail between said Belle Plaine and Chaska
Subscribed and sworn to before me

this 25th day of Sept 1908

F.C. Irwin

Notary Public, Scott County, Minn.

My commission expires Apr. 11, 1915

HC Irwin

Best Court & West
County of Carver

Ida Huger

by

John Huger

Notary of Minnesota

CARVER COUNTY,
FILED

SEP 28 1908

H. O. Muehlberg

(476)

3061

No. 2.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

State of Minnesota
Plaintiff

vs.
Gust. Nelson
Defendant

Thos. F. Craven
Plaintiff's Atty.

Defendant's Atty.

Date of Entry *Feb. 5* 1907

Register of Actions *8* Page *478*

Term Tried *March* 1907

~~Sentence~~
Judgment for *Two years in penitentiary*
at Stillwater at hard labor.
Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

State of Minnesota,
County of Carver } ss.

The Complaint of Swan Santio of said County, made before Jacob D. Krause Esq., one of the Justices of the Peace, in and for said County, who being duly sworn, on his oath, says, that on the thirteenth day of December A. D. 1906, at the Township of Watertown in said County, Gust Nelson did Commit the crime of Larceny in the second degree, committed as follows. The said Gust Nelson at the Township of Watertown, in said County of Carver, State of Minnesota, did on the 13th. day of December A.D. 1906 with intent then and there to deprive the true owner of his property and the use and benefit thereof, wrongfully, unlawfully and feloniously, take from the possession of him the said Swan Santio the true owner thereof a sum of money exceeding Ninety (\$90.00) dollars, consisting in part of three (3) \$20.00 gold pieces, one (1) \$5.00 gold piece, some silver money and bank notes, the exact amount of which is unknown to ~~xx~~ this complainant; all of which being lawful money of the United States and of the worth and value thereof; and the said Gust Nelson did then and there and without the consent of the owner thereof, Take, steal and carry away the said money and convert the same to his own use and benefit.

against the form of the statute in such case made and provided, and against the peace and dignity of the State of Minnesota, and prays that the said Gust Nelson

may be arrested and dealt with according to law.

Subscribed and sworn to before me, this 14th. day of December 1906

Swan Santio

Jacob D. Krause
Justice of the Peace.

Albert Karlund } witness to ~~mark~~

IN JUSTICE'S COURT

County of Carver

THE STATE OF MINNESOTA

—AGAINST—

Guert Nelson

CRIMINAL COMPLAINT

Filed this 14th day of Dec

A. D. 1906

Jacob Blomquist
Justice of the Peace.

1-00-1000

#1

CARVER COUNTY,
FILED

FEB 8 1907

H. O. Muehlberg CLERK.

(478)

State of Minnesota)
County of Carver)ss

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

WHEREAS, Swan Satio has this day complained in writing to me, on oath, that Gust Nelson on the 13th. day of December A.D.1906, at the Township of Watertown, in said County, did commit the crime of Larceny in the second degree, committed as follows.

The said Gust Nelson at the Township of Watertown, in said County of Carver State of Minnesota, did on the 13th. day of December A.D.1906, with intent then and there to deprive the true owner of his property and the use and benefit thereof, wrongfully, unlawfully and feloniously take from the possession of him the said Swan Satio the true owner thereof a sum of money exceeding Ninety (\$90.00) dollars, consisting in part of three (3) \$20.00 gold pieces, one (1) \$5.00 gold piece, some silver money and Bank notes, the amount of which is unknown to this complainant; all of which being lawful money of the United States and of the worth and value thereof: and the said Gust Nelson did then and there and without the consent of the owner thereof, take, steal and carry away the said money and convert the same to his own use and benefit. Against the form of the Statute in such case made and provided, and against the peace and dignity of the State of Minnesota, and prayed that the said Gust Nelson may be arrested and dealt with according to law.

NOW, THEREFORE, You are commanded forthwith to apprehend the said Gust Nelson and bring him before me, to be dealt with according to law.

Given under my hand, this 14th. day of December A.D.1906 .

Jaak B. Krause
Justice of the peace

State of Minnesota)
County of Carver) ss

I hereby certify and return that by virtue of the within Warrent
I have arrested the within named Defendant, and have him now before the
Court in custody.

Dated at Norwood this 14th. day of December 1906

Fees--- Milage. 2....Miles \$. 20.....
Service\$ 20.....

Total

40

Peter Plankens
City Marshall

In Justice Court
County of Carver

The State of Minnesota
against
Gust Nelson

Criminal Warrant

Filed this 14th. day of Dec.

A.D. 1906

Joel Krause
Justice of the Peace

CARVER COUNTY,
FILED

FEB 5 1907

H.O. Mueller
(478)

State of Minnesota,
County of Carver } ss.

The STATE OF MINNESOTA, To the Sheriff or any Constable, and to the Keeper of the Common Jail of said County:

WHEREAS, Gust Nelson
was, on the fourteenth day of December A. D. 1906, brought before
Jacob D. Krause one of the Justices of the Peace in and for
said County, charged on the oath of Swan Santio
with having on the thirteenth day of December A. D. 1906, at
the Township of Watertown in the said County,
Committed the crime of Larceny in the second degree, committed as
follows. The said Gust Nelson at the Township of Watertown, in said
County of Carver, State of Minnesota, did on the 13th. day of December
A.D. 1906, with intent then and there to deprive the true owner of his
property, and the use and benefit thereof; wrongfully, unlawfully and
feloniously take from the possession of him the said Swan Santio the
true owner thereof a sum of money exceeding Ninety (\$90.00) dollars,
consisting in part of three (3) \$20.00 gold pieces, one (1) \$5.00
gold piece, some silver money and Bank notes, the exact amount of
which is unknown to this complainant; all of which being lawful mon-
ey of the United States and of the worth and value thereof: and the
Gust Nelson did then and there and without the consent of the owner
thereof, take, steal and carry away the said money and convert the
same to his own use and benefit.

NOW, THEREFORE, You, the said Constable, are commanded forthwith
to convey and deliver into the custody of the said Keeper, the body of the said
Gust Nelson
And you, the said Keeper, are hereby commanded to receive the said
Gust Nelson into your custody
in the said jail, and him there safely keep

until he shall be thence discharged by due course of law.

Given under my hand, this 14th. day of December A. D. 1906

Jacob D. Krause
Justice of the Peace.

State of Minnesota, } ss.
County of Carver

I hereby certify that I have this day received into my custody the within named
Gust Nelson and have lodged him
in the common jail of the said County, as within commanded.

Dated at Chaska, Minn. this 15th. day of December 1906

G. A. Gatz Sheriff.
By Deputy.

State of Minnesota, } ss.
County of Carver

I hereby certify that by virtue of the within warrant I have delivered the within named
Gust Nelson to the keeper of the common
jail of the said County, as appears by his receipt indorsed hereon.

Dated at Norwood, Minn. this 15th. day of December 1906

ES--Mileage 48 Miles, \$ 4.80
for prisoner 11 53
Committing to prison, - .50
Total, \$ 5.33

H. Heinke Constable.

IN JUSTICE'S COURT

County of Carver

THE STATE OF MINNESOTA

—AGAINST—

Guat Nelson

COMMITMENT

GENERAL FORM

Filed this 14th day of Dec.

A. D. 1906

Jacob P. Krause
Justice of the Peace.

6-99-1000

#3

CARVER COUNTY,
FILED

FEB 5 1907

H. O. Muehlberg Clerk

(478)

Justice fees		Constble fees	
Drawing Complaint	45	Serving Warrant	25
Administering oath to complaint	15	Milage 2 Miles	20
Certifying oath to complaint	15	Serving four meals to Pris.	1.40
Issuing warrant	25	Committing Pris.to Co.Jail	50
Issuing commitment to Co.Jail	25	Milage 40 Miles	<u>4.00</u>
Three folios Docket entry	45		6.35
Filing 3 papers	15		
taxing cost	15		
Making return to Dist.Court	2.00		
Certificate to return	<u>25</u>		
	4.25		

In Justice Court

Before Jacob D.Krause, Justice of the peace

against

Gust Nelson. Defendant.

To the District Court of Carver County, Minnesota:

I hereby make return of the proceedings had before me in the above entitled action, pursuant to the Statute, as appears from my Docket, viz:

Norwood, Minn. Dec. 14th. 1906, Swan Santio came before me and made written complaint under oath, against the Defendant Gust Nelson, charging the said Defendant with having on the 13th. day of December A.D. 1906, at the Township of Watertown, in said County, wrongfully, unlawfully and feloniously steal, take and carry away from the possession from the said Swan Santio a sum of money exceeding \$90.00 lawful money of the United States, and prays that the said Gust Nelson be arrested and dealt with according to law.

Complaint filed, warrant issued for the apprehension of said Gust Nelson and delivered to Constable Peter Plankers to serve.

December 14th. Warrant returned by Constable Peter Plankers to serve. Certificate thereon that by virtue of the warrant he has arrested the with- named Defendant and has him now before the Court in custody. Complaint read to Defendant, he admitting the taking of the money as charged in the complaint, and I not having jurisdiction in the matter, and the Defendant waiving a preliminary hearing hearing in justice Court. Therefore it is ordered that the Defendant be held to answer therefor at the next general term of the District Court to be held in said County, and that he give re- cognizance in the sum of \$300.00 to appear before the Grand Jury at the next general term of the District Court of said County. Defendant offering no bond, commitment issued and delivered to Deputy Sheriff Henry Heimkes to serve, certified copy of commitment together with receipt of janitor and certificate of service of Deputy Sheriff returned and filed.

Costs in this matter taxed at \$10.85.

Jacob D. Krause
Justice of the peace.

(33)

I hereby certify that I have compared the forgoing with the original entries in my docket and that the same is a full and correct transcript therefrom, and of all the proceeding had before me in said action; that all the process and other papers relating to the action and filed with me, or had before me therein, are herewith returned and attached, numbered from (1) to (3) inclusive; and that, together with the foregoing transcript, they contain a full, correct and complete statement of all proceedings had before me in said action.

Given under my hand this 26th. day of January A.D.1907

Justice of the peace.

State
vs
Gust Nelson

CARVER COUNTY,
FILED

FEB 5 1907

H.O. Muehlberg, Clerk

(478)

State of Minnesota,
County of CARVER

THE DISTRICT COURT,

Eighth Judicial District.

March Term, A. D. 1907

THE STATE OF MINNESOTA, AGAINST GUST NELSON.

Gust Nelson is

ACCUSED by the Grand Jury of the County of Carver and State of Minnesota,
by this Indictment, of the crime of Grand Larceny In The Second Degree

committed as follows:

The said Gust Nelson

on the Thirteenth day of December A. D. 1906, at the Township
of Watertown in the County of Carver and State of Minnesota, did,
under circumstances not amounting to grand larceny in the first degree,
wrongfully unlawfully and feloniously take steal and carry away from the
possession of Swan Santie and in and from the dwelling house there situate
of said Swan Santie, in the day time of said thirteenth day of December 1906,
ninety dollars genuine lawful and current money of the United States of
America of the following denominations, to wit, 3 twenty dollar gold coin
pieces, 1 five dollar gold coin piece, and divers and sundry National Bank
notes and silver coin pieces amounting in the aggregate to the sum of
twenty five dollars the denomination of which is to the grand jury un-
known, a mere particular description of which gold coin pieces, silver coin
pieces and National Bank Notes, or any or either of them, is to this grand
jury unknown; all said property, to wit, said ninety dollars aforesaid, being
then and there the property of, and in the lawful possession of the said
Swan Santie and of the value of ninety dollars, and all said property, to
wit, said ninety dollars, being then and there in the dwelling house there
situate of said Swan Santie; with intent then and there had and enter-
tained by him the said Gust Nelson to deprive the said Swan Santie, the
true owner of said property, of his said property, and to appropriate said
property, to wit, said ninety dollars, to the use of him the said Gust Nelson

Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Minnesota.

Dated at Chaska in the County of Carver and State of Minnesota, this 4th day of March A. D. 1907

Vitalis Ohlen
Foreman of the Grand Jury.

The following are the names of the Witnesses duly sworn and examined before the Grand Jury upon the findings of the above Indictment:

Swan Sautio

DISTRICT COURT,

Eighth Judicial District,
Carver County.

The State of Minnesota,

AGAINST

Eust Nelson

INDICTMENT

For *Grand Larceny*
in the Second Degree

A TRUE BILL.

Victor H. Nelson
Foreman of the Grand Jury.

Presented by the Foreman, in the
presence of the Grand Jury, to the Court,
and filed in the office of the Clerk of the
District Court in and for the County of

Carver

Minnesota, this *4th* day of

March 190 *7*

H. O. Muehlberg
Clerk.

Thos F. Craigh
Co. atty.

136

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

3062

No. 7.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

George Mc Allister
Plaintiff

vs.
Edward Kahn, et al.
Defendants

J. R. Allen
Plaintiff's Atty.

Odell & Odell
Defendant's Atty.

Date of Entry *Feb 16th* 1907.

Register of Actions *D.* Page *479.*

Term Tried *March* 1907.

Judgment for *Defendants*

Amount of Judgment \$ *14.85*

Date of Judgment *Mar. 28* 1907.

Judgment Book *D.* Page *240*

Default Judgment Book *D.* Page

Date of Docketing *Mar. 28th* 1907.

State of Minnesota,

County of McLeod.

I,

F R Allen

of the Village of Glencoe,

Minnesota, of lawful age, being first duly sworn on my said oath say that at said Village of Glencoe, on the 12th day of February 1907, I did then and there deposit in the postoffice within and for said village, a true copy ~~true copies~~ of the Notice hereto attached which copy ~~was~~ properly enveloped, sealed, postage paid thereon and directed to the following named ~~persons~~ co-partnerships ~~or corporations~~ respectively in said Notice named at the places respectively as follows, to-wit:
One to Adell & Adell at No. _____ Street, in the Chaska Minn
of _____ in the state of _____

Subscribed and sworn to before me this

14th day of

February A. D. 1907

{ NOTARIAL
SEAL. }

F R Allen
H. Ebeling
Notary Public, McLeod County, Minnesota.

My commission expires
March 21 1912.

State of Minnesota
Carver County

In District Court
Eighth Judicial District

George McAllister,

Plaintiff.)

-vs-

Edward Hahn and W. H. Shrader,

Defendants.)

Notice of Trial.

Dear Sirs:

Notice is hereby given that the issues of law and fact in the above entitled action will be brought on for trial at the courthouse in the city of Chaska in said county at the next general term of said court, which begins on the first Monday of March 1907, at the opening of court on that day or as soon thereafter as counsel can be heard.

Dated at Glencoe Minn. February 11th 1907.

R. Odell
Plaintiff's Attorney

To Odell & Odell,
Chaska Minn.

Carver County
District Court

George McAllister
- vs -
Plff

Ed Hahn et al
Def

Notice of Trial

CARVER COUNTY,
FILED

FEB 16 1907.

H.O. Muehlberg, Clerk.

(479)

F.R. Allen
Plffs Atty.

CHURCH MINN.
to Osgood & Osgood.

WITNESSES & VERDICT

Noted at St. George Minn. September 11th 1907.
as counsel on the part of the
March 1907, of the opening of court on first day of each first after
nearest term of said court, upon paying on the first Monday of
commenced in the City of St. George in said county at the next
in the more explicit action will be presented on the first of the
Notice is hereby given that the hearing of the said case

(Note.—Write FIRM name in title. Write NAMES of both Plaintiff's and Defendant's Attorneys.)

No. 7.

DISTRICT COURT,
HENNEPIN COUNTY.

George McAllister
Plff.
AGAINST

Edward Hahn and
W. H. Shradner Dfts.

NOTE OF ISSUE.

F. R. Allen
Attorney for Plaintiff.

Atell & Atell
Attorney for Defendant.

Not pleading served

Will the clerk please file this note of issue
and enter the cause on the General Term
Calendar of said Court for the 4th day
of March 1897.

Yours, etc.

F. R. Allen
Attorney for Plff.

CARVER COUNTY
FILED

FEB 16 1907

H. O. Muehlberg Clerk.
(479)

State of Minnesota, } ss.
 County of Carr
 I hereby certify and return, that on the
9th day of November 1906, at the ~~Town of~~ Village of Mayer
 in the County of Carr in said State, I served the within Summons
and Complaint upon the within named defendant W. H. Shrader & Edward
Hahn by then and there ^{personally} handing to and leaving with them a true
 copy of said Summons & Complaint
 Dated this 11th day of November 1906
 Sheriff's Fees, Return, \$ 2.00
 Mileage 40 \$ 4.00
Total \$ 6.00
 Sheriff G. A. Gatz County, Minn.
 By _____ Deputy.

Mr Ed Bahn

Glencoe, Minn., Dec 11 1905

Mayer Main

Left Ex

TO Glencoe Foundry & Machine Company DR.

[INCORPORATED]

FOUNDERS, MACHINISTS AND BLACKSMITHS

REPAIRING FARM MACHINERY A SPECIALTY.

1905			
Aug 8	Ditching Plow & two caprens	1870 00	
12	50 ft 1/4 inch chain	8 00	
31 st	1 Sod cutting Machine	65 00	
Sept 16	1 Screw complete	10 00	
.	6 Cast Rollers	4 50	
.	2 Knives for cutting soil	7 50	
Oct 20	Welding & turning axes	5 00	
.	2 caps for axle	5 00	
Aug 28	check		5 00 00
Oct 6	check		6 90 00
Nov 3	check		3 00 00
	To Balance		2 73 75
	Balance due 273 75	1963 75	1963 75

Ed Hahn
Bal Jan 1st
05

205

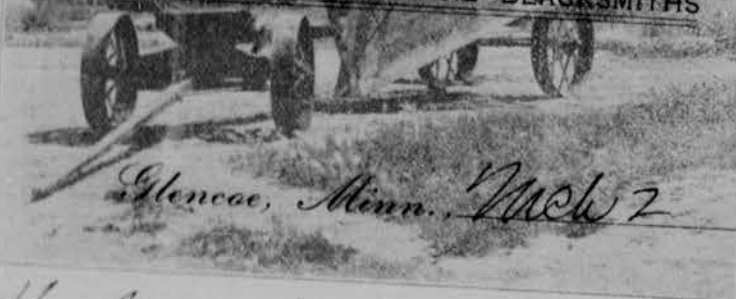
Paid by
Ed Hahn

RECEIVED OF THE
TREASURER OF THE
UNITED STATES DEPARTMENT OF THE INTERIOR
FOR THE PAYMENT OF
TAXES

Glencoe Foundry & Machine Co.

(Incorporated)

FOUNDERS, MACHINISTS AND BLACKSMITHS



Glencoe, Minn. *Nov 2* 1906

W. H. Scrader.

Mayor Minn

Dear Sir

Your at hand and
Noted up your Mill say that
you can have your cobbles
at all times as we have
some of it spit now.

Respectfully

Glencoe Foundry & Machine Co.

Left for

State of Minnesota

State of Minnesota
County of McLeod

In District Court
Eighth Judicial District

George McAllister, Plaintiff.)
vs) Complaint.
Edward Hahn and W. H. Shrader, as copart-)
ners as Shrader & Hahn, Defendants.)

For complaint against the defendants in the above entitled ac-
tion, plaintiff therein alleges:

That said defendants were during all of the time hereinafter
mentioned copartners doing business under the firm name and style of
Shrader & Hahn.

That, on the 17th day of July 1906, said plaintiff sold and
delivered to said defendants at their request 1750 feet of split
wire cable which was reasonably worth and for which said defendants
agreed to pay him therefor 10 cents per lineal foot, amounting in the
aggregate to \$175.00.

That no part of the amount due for said cable has ever been paid.

Wherefore plaintiff demands judgment against said defendants
for One Hundred and Seventyfive Dollars with interest thereon at the
rate of six per cent per annum from July 17th 1906, with his costs
and disbursements herein.

F. R. Allen,

Plaintiff's Attorney,

Glencoe Minn.

State of Minnesota }
County of McLeod } ss

George McAllister, being first duly
sworn upon oath says: that he is the plaintiff in the foregoing within entitled
action, that he has heard read the foregoing complaint; 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; that the same is true to the best of his knowledge, information and belief and that the reason
why this affidavit of verification is not made by said is that
is absent from the County of McLeod, Minnesota, wherein resides this affiant.

Subscribed and sworn to before me this 8th day of November A. D. 1906

Notarial
Seal

F. R. Allen
Notary Public, McLeod County, Minnesota.
My commission expires 6/23/07.

STATE OF MINNESOTA }
McLeod County } ss

District Court
Eighth Judicial District

George McAllister }
Against } Plaintiff }
W. H. Skrader and Edward Hahn as copartners as }
Skrader & Hahn, } Defendant }
Summons

The State of Minnesota to the above named Defendant:

You are hereby summoned and required to answer the complaint
the Plaintiff in the above entitled action, which complaint is hereto annexed and herewith served upon you
and to serve a copy of your answer to the said complaint on the subscriber at his office in the Village of Glencoe,
in the County of McLeod, Minnesota 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
entitled to recover ascertained by the Court, or under its direction, and take judgment against
for the amount so ascertained take judgment against you for the sum of
One Hundred and Seventyfive Dollars (\$175.00) with interest thereon at the rate of six
percent per annum, from and since the 17th day of July A. D. 1906

together with the costs and disbursements herein.

Dated November 8th A. D. 1906

F. R. Allen,
Plaintiff's Attorney, Glencoe, Minn

Original
State of Minnesota
County of *McLeod*

District Court

George W. Allister
Plaintiff.

W. H. Shroder et al
Defendants.

Summons & Complaint

Due and personal service of the within
by copy, is hereby admitted this
day of 190

Attorney for
CARVER COUNTY,
FILED
MAR 5 1907
H. O. Muehlberg Clerk
F. R. ALLEN,
Attorney for *off*
GLENCOE, MINN.

(479)

State of Minnesota ss
County of McLeod

being first duly
in said county and state,
upon
therein named, personally, by
at said house of the usual abode of said
a person of suitable age and dis-
cretion, then resident therein, a true and correct copy of said
on the day of 190, he served the within
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leaving with said
with

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

Granted for trial from McLeod County
to Carver County in said District

George McAllister

Plaintiff

vs

Edward Hahn and W. H. Shrader
as copartners as Shrader & Hahn

Defendants

Said defendants for their answer in the above entitled action respectfully
state and show to the Court:

That they deny the complaint and each and every allegation, matter and thing
therein contained.

Wherefore they pray that the plaintiff take nothing by this action and that
they have and recover their costs and disbursements herein.

Oscar & Oscar

Attorneys for Defendants,
Chaska, Minn.

State of Minnesota,
County of Carter } ss.

W. M. Shrader being first duly sworn
upon oath says that he is one of the defendants in the
foregoing within entitled action; that he has heard read the foregoing Answer
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 27th day of November 1906.
{ NOTARIAL }
SEAL { Fred Scheidegger
Justice of the Peace, Carter County, Minnesota.

State of Minnesota, } ss. _____ Court,
County of _____

_____ against _____ Plaintiff.
_____ 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 here-
with served upon you, and to serve a copy of your answer to the said complaint on the subscriber, at
_____ office,
in the _____ of _____, in the said County of _____
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
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 at the rate of _____ per cent. per annum since the _____ day of _____ 190 _____

together with Plaintiff's costs and disbursements herein.

Dated _____ 190 _____

Plaintiff's Attorney.

ORIGINAL.

State of Minnesota,

County of Carver

District Court.

George McAllister
Plaintiff,

vs.

Edward Hahn et al.
Defendants

Answer

Due and personal service of the within

admitted

this day of 19

CARVER COUNTY,

Attorney for

MAR 5 1907

H. O. Muehlberg Clerk

Odell & Co.
Attorney for Defendants

Charles M. M.

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(479)

State of Minnesota,
County of *Carver*

IN DISTRICT COURT OF SAID COUNTY,

vs.

*Judicial District**Term 1907*~~IN THE MATTER OF~~

George McAllister
Plaintiff

Edward Hahn
and W. H. Shradet
Defendant

We, The Jury impaneled and sworn in the above entitled action, find for the defendant

Peter Klevansky
Foreman.

Dated at *Chaska* this *5th* day of *March* A. D. 1907

DISTRICT COURT,

8th

Judicial District

March

Term, 1907

~~State of Minnesota,~~

County of

} ss.

VERDICT FOR DEFENDANT

IN THE MATTER OF

George McAllister

vs.

Plaintiff

Edward Hake
and W. H. Shadew

Defendant

Filed in open Court the

5th

day of

March

1907

H. O. Muehlberg

Clerk.

No. 964

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

George McAllister

No. 7.

Plaintiff

Against

List of Jurors.

Edward Hahn and
W. H. Shrader

Defendant

Attorneys Mark Here	NAMES	REMARKS
1	Peter Stacken	
2	Casper Roth	
3	J. P. Brinkhaus	
4	J. B. Anhalt	
5	Franz Warta	
6	W. H. Mielke	
7	John Werner	
8	Alfred Nord	
9	E. H. Daly	
10	Aug. Johnson	
11	Peter Klevan	
12	Gro. Hebrisen	
13	Henry Huer	
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P. H. 1

No.

STATE OF MINNESOTA,

County of

Carver

DISTRICT COURT.

George McAllister

Plaintiff

Against

Edward Hahn

W. H. Shrader

Defendant

JURY LIST.

CARVER COUNTY,
FILED

MAR 5 1907

H. O. Muehlberg, Clerk

PIONEER PRESS CO., ST. PAUL, MINN.

(479)

State of Minnesota
County of Carver

In District Court
Eighth Judicial District

George McAllister,

Plaintiff

-vs-

Ed Hahn and W. H. Schrader, as copartners as Hahn & Schrader,
Defendants.

Received of George McAllister Fourteen and 25/100 Dollars in full
settlement of the amount due us for costs in the above entitled action.

Dated at Chaska Minn. this 23th day of March 1907.

Odell & Odell
Defendants' Attorneys.
Chaska Minn.

С. П. КОЗЛОВ.
Д. А. КОЗЛОВ, В. П. КОЗЛОВ.

RECEIVED BY GROUND MAIL/STANDARD DELIVERY MAY 25/100 POLICE IN CITY

THE JOURNAL OF THE

—ny—

“*Wahltag 1909*”

2001年10月1日

copy of letter
dated 01. November
1958 to state

THE UNIVERSITY OF CHICAGO

CARVER COUNTY,
FILED

MAR 28 1907

MAR 28 1907
 H.O. Muehlberg, Clerk

State of Minnesota
County of Carver

District Court
8th Judicial District

George McAllister - Plaintiff,

- vs -

Ed. Hahn and W.H. Shrader, as Co.
Partners as Hahn & Shrader

Defendants.

This cause having been brought on for trial in its order upon the Calendar at the March 1907 term of said Court before the Court and a jury, duly empaneled and sworn, and said jury having found and returned a verdict in favor of said defendants and against said plaintiff.

Now Therefore, On motion of Odell & Odell, Attorneys for said Defendants, It is Ordered, Adjudged, and Determined, That plaintiff have and recover nothing from said defendants, and that defendants have and recover from said plaintiff their costs and disbursements taxed and allowed at the sum of 14.85.

Dated March 28, 1907.

By the Court
H.O. Muehlberg
Clerk.

State of Minnesota
County of Carver

Geo. Mc Allister.

-vs-

Edward Itaha &
W. H. Shrader.

Judgment Roll.

CARVER COUNTY,
FILED

MAR 28 1907

H. O. Muehlberg, Clerk

(479)