



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

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No. 3076

DISTRICT COURT,
CARVER COUNTY, MINN.

Bertha M. Pappety
Plaintiff.

vs.

Herman Pappety
Defendant.

Odell & Odell
Plaintiff's Attorney.

Thos. F. Craven
Defendant's Attorney.

Date of Entry April 11, 1907

Register of Actions 27 Page 4493

Term Tried 19

Judgment for Plaintiff

Amount of Judgment \$ 7

Date of Judgment July 16th 1907

Judgment Book 27 Page 252-253

Default Judgment Book Page

Date of Docketing 19

State of Minnesota, } ss.
County of Carver

I hereby certify and return, that on the
28th day of March 1907, at the Town of Laketown
in the County of Carver in said State, I served the within Summons &
Complaint upon the within named defendant, Herman Poppits personally
~~by then and there handing to and leaving with him, a true~~
copy of said Summons & Complaint
Dated this 28th day of March 1907

Sheriff's Fees, Return, \$ 1.00
Mileage \$ 1.40
Total \$ 2.40

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

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----::-----
Bertha M. Poppitz

Plaintiff

vs

Herman Poppitz

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

THE STATE OF MINNESOTA. To the above named Defendant:

You are hereby summoned and required to serve your answer to the complaint of the plaintiff in the above entitled action, which complaint is hereto attached and herewith served upon you, by copy, upon the subscribers at their office in the City of Maska in the County of Carver and State of Minnesota, within thirty days after the service of this summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiff in this action will apply to the Court for the relief demanded in said complaint.

Odell & Odell
Attorneys for Plaintiff.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----::-----
Bertha M. Poppitz

Plaintiff

VS

Herman Poppitz

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

Said plaintiff for her complaint in the above entitled action respectfully states and shows to the Court:

(1). That on the 5th day of January 1897 at Chaska in said County and State said plaintiff and said defendant were duly and lawfully joined in marriage and ever since have been and now are husband and wife.

(2). That plaintiff is twenty seven years of age and defendant is forty three years of age.

(3). That two children have been born to plaintiff and defendant as the fruits of their said marriage, and their respective names and ages are as follows, viz: Ida, nine years of age, and Esther, seven years of age.

(4). That plaintiff is and for more than one year immediately preceding the filing of this complaint, to-wit, for twenty seven years, has been a resident of said County of Carver, and said defendant resides, and during all the time aforesaid has resided, in said County.

(5). That for a period of more than five years last past said defendant has continuously treated plaintiff in a cruel and inhuman manner; that he has during said period almost daily applied to plaintiff insulting, abusive, obscene, and opprobrious epithets, and has on divers occasions assaulted plaintiff and beaten her with his fists; that defendant has been in the habit of becoming intoxicated at least two or three times each month during said period and when in an intoxicated condition abuses plaintiff and terrifies her by his conduct and by threats of personal violence; that defendant, a short time before the birth of the younger child, without provocation viol-

ently assaulted plaintiff and struck her three or four times with his fist, greatly injuring her; on several occasions in the year 1904 defendant violently assaulted plaintiff and beat her with his fist; in September 1905 he assaulted plaintiff with a pitchfork and greatly terrified her, and was prevented from doing her great injury only by her fleeing from him; in the same month, at the residence of her brother and in the presence of a large number of men who were engaged in threshing grain there he said plaintiff, her sister, and her sister-in-law were whores; in November 1905 he drove plaintiff from home with abusive and violent treatment, and she was compelled to take refuge with her parents; on several occasions during the year 1906 he violently assaulted and beat plaintiff, and, particularly, on July 3rd of that year he struck plaintiff several violent blows with his fist upon her loins causing her intense pain and suffering, and from the effect thereof she was rendered ill and was confined to her bed under the care of a physician for the period of three weeks; shortly after her recovery from the effects of said last mentioned assault, and while she was still suffering from weakness resulting therefrom, defendant came home in the night-time grossly intoxicated and by his conduct, threats, and assault so greatly terrified plaintiff that she lost her ^{and} reason, for a period of nine days she was entirely bereft of reason and was under the care of a physician; on the 24th of February 1907 he assaulted her and tried to choke her, threatening to do her bodily injury; that defendant has repeatedly told plaintiff to go away and remain away, and particularly during the months of February and March instant, and on the 15th instant he told plaintiff that if she did not go away he would remove her out of the way or procure some other person to do so, and plaintiff fearing and believing that her life was in danger if she continued to live with defendant on the 16th instant took the children and sought a refuge with friends.

That defendant has pursued his course of cruel and inhuman treatment of plaintiff so continuously and persistently that plaintiff's health has been undermined and impaired, ^{and} in consequence thereof she has been so put in fear of defendant that she cannot longer live with him without great and permanent injury to her health and probable loss of her mental faculties.

(6). That defendant is the owner of a farm comprising sixty acres situated in the Township of Laketown in said County and worth \$5000.00 and is possessed of personal estate of the value of \$1500.00.

(7). That defendant has always treated the children in a harsh and unkind manner and when intoxicated has greatly terrified them by his conduct; that he is of violent temper and is in every respect unsuited, both by temperament and habits, to rear up and train a child, and by reason thereof he is not a safe or suitable person to have the care, custody and education of the infant children of plaintiff and defendant.

Wherefore plaintiff demands the judgment and decree of the Court as follows:

1st. Dissolving the marriage relation existing between plaintiff and defendant and granting to plaintiff a divorce from the bonds thereof.

2nd. Awarding to plaintiff the care and custody of the minor children of plaintiff and defendant and providing for the suitable and proper maintenance of such children.

3rd. Decreeing to plaintiff such alimony out of the estate, earnings, and income of the defendant as the Court may deem just and reasonable.

4th. For such other and further relief in the premises as to the Court may seem just and equitable.

Odell & Odell

Attorneys for Plaintiff.

Chaska, Minn.

State of Minnesota,

County of

Carver

ss.

Bertha M. Poppitz being first duly sworn
upon oath says that she is the Plaintiff in the
foregoing within entitled action; that she has heard read the foregoing Complaint
that the same is true of her own knowledge, except as to matters
therein stated on information and belief, and as to such matters she believes it to be true to the best of
her 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, her attorney.

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

{ NOTARIAL
SEAL }

Notary Public

W. H. Hall

County, Minnesota.

My Commission expires July 15, 1907

State of Minnesota,

County of

ss.

Court,

against

Plaintiff.

SUMMONS.

ORIGINAL.
State of Minnesota,

County of Carver

District Court.

Bertha M. Poppitz
Plaintiff,

vs.

Herman Poppitz
Defendant.

Summons & Complaint

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

CARVER COUNTY,

FILED

Attorney for

JUL 16 1907

H.O. Muehlberg Clerk

Odell & Odell
Attorney for Plaintiff

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(493)

State of Minnesota
County of Carver

District Court.
Eighth Judicial District.

Bertha W. Poppitz,

Plaintiff

-vs-

Herman Poppitz,

Defendant.

This cause having been duly brought on for trial before the court without a jury and the court having made and filed its findings and decision therein wherein and whereby it is found and determined among other things that plaintiff is entitled to judgment and decree of this court dissolving the marriage relation existing between plaintiff and defendant and awarding to said plaintiff the custody and control of the minor children of plaintiff and defendant until the further order of the court subject, however, to the right of said defendant to visit said minor children once every three months during the time said minor children are in the custody and control of said plaintiff and further awarding to said plaintiff as permanent alimony out of the estate of said defendant the sum of \$1,000.00 payable in 30 days from the 15th day of July 1907 and adjudging the payment of said sum to be a specific lien upon the real estate owned by said defendant and in said findings and decision particularly described;

Now on Motion. W. C. Odell, Attorney for said Plaintiff.

It is Ordered, Adjudged, Determined and Decreed that the bonds of matrimony existing between plaintiff and defendant be and the same are hereby dissolved and said plaintiff is released and divorced from the obligations thereof.

And, on like Motion. It is further Ordered, Adjudged and Decreed that plaintiff have and recover from said defendant as permanent alimony the sum of \$1,000.00 payable 30 days from the 15th day of July 1907 and that the payment thereof be and hereby is made a specific lien upon the real estate owned by said defendant described as follows, viz: Beginning at the center post of Section 28 Township 116 Range 24 running thence south on the quarter line of

said Section 120 rods; thence west at right angles with last mentioned line 40 rods; thence north parallel with first mentioned line 120 rods; thence east 40 rods to place of beginning, situated in the east half of the Southwest quarter of said Section 28 and containing 30 acres. Also beginning at quarter section corner in line between Sections 22 and 33 of the Township and Range above mentioned, thence north 17.32 chains; thence east 17.32 chains; thence south 17.32 chains to section line; thence west 17.32 chains to place of beginning, situated in the Southwest quarter of the Southeast quarter of said Section 28 and containing 30 acres;

And, on like Motion it is further Ordered that said plaintiff have the care, custody and control of the minor children of plaintiff and defendant until the further order of this court; that defendant be permitted to visit said children at least once every three months during the time said children are so in the custody and control of said plaintiff.

And, on like Motion, it is further Ordered and Adjudged that plaintiff have and recover from said defendant her costs and disbursements herein taxed and allowed at the sum of *Fifteen* Dollars, and that she have execution therefore.

By the Court

H.O. Muehlberg
Clerk.

State of Minnesota.
County of Carver.

District Court.
Eighth Judicial District.

-----::-----
Bertha M. Poppitz,

Plaintiff

-vs-

Herman Poppitz,

Defendant.
-----::-----

This cause came duly on for trial before the court without a jury at an adjudged term thereof held at Court House in the City of Chaska in said County and State on the 9th day of July A. D. 1907.

After hearing and duly considering the proofs and allegations of the respective parties and the admissions of said parties made in open court I find the following facts:

- (1) That on the 5th day of January 1897 at Chaska in said County and State said plaintiff and said defendant were duly and lawfully joined in marriage and ever since have been and now are husband and wife.
- (2) That plaintiff is 27 years of age and defendant is 43 years of age.
- (3) That two children had been born to plaintiff and defendant as the fruits of their said marriage and their respective names and ages are as follows, viz. Ida 9 years of age and Esther 7 years of age.
- (4) That plaintiff is and for more than one year immediately preceding the exhibiting of her complaint in this action was a resident of the State of Minnesota residing for, to-wit, 27 years in the County of Carver in said State.
- (5) That said defendant has been guilty of cruel and inhuman treatment of plaintiff as particularly set forth and alleged in the complaint herein, and I find that the allegations of said complaint respecting the cruel and inhuman treatment of plaintiff by defendant are true and have been fully proved.

That defendant has pursued toward plaintiff a systematic course of cruel

and inhuman treatment and so continuously and persistently that plaintiff's health has been undermined and impaired and she has been put in great fear of defendant and in consequence thereof it would be improper and unsafe for plaintiff to live longer with defendant and that should she continue to so live with him it would probably result in great and permanent injury to her health and loss of her mental faculties.

(6) That defendant is the owner of a farm comprising 60 acres situated in the Township of Laketown in said County and State particularly described as follows, viz: beginning at the center post of Section 28 Township 116 Range 24 running thence south on the quarter line of said Section 120 rods; thence west at right angles with last mentioned line 40 rods; thence north parallel with first mentioned line 120 rods; thence east 40 rods to place beginning. Situated in the east half of the South-west quarter of said Section 28 and containing 30 acres. Also beginning at quarter section corner in line between Sections 28 and 33 of the Township and Range above mentioned thence north 17.32 chains; thence east 17.32 chains; thence south 17.32 chains to section line; thence west 17.32 chains to place beginning situated in the south-west quarter of the south-east quarter of said section 28 and containing 30 acres. And that defendant is also the owner of certain personal property and the parties in open court agreed and such agreement was made a matter of record that the sum of \$1,000.00 would be a just and reasonable allowance to plaintiff as permanent alimony reference being had to the situation and value of defendant's said property, the ability of said defendant, the character and situation of the parties and all other circumstances of the case.

(7) That defendant has been somewhat addicted to the excessive use of intoxicating liquors and while so under the influence of intoxicants has ill-treated and terrified the plaintiff and the children of plaintiff and defendant and because of such excessive use of intoxicating liquors and his violent temper he is not a fit or proper person to have the custody and control of the minor children of plaintiff and defendant and that plaintiff is in every way

a fit and suitable person to have the present custody and control of said minor children.

(8) That it would be reasonable and proper for defendant to be permitted to visit said minor children at least once in every three months during the time that said minor children are in the custody and control of said plaintiff.

As conclusions of law I find that the plaintiff is entitled to the judgment and decree of this court dissolving the marriage relation existing between the plaintiff and defendant and awarding to said plaintiff an absolute divorce from the bonds of matrimony existing between plaintiff and defendant; awarding to said plaintiff the custody and control of the minor children of plaintiff and defendant until the further order of this court subject, however, to the right of said defendant to visit said minor children once every three months during the time said minor children are so in the custody and control of said plaintiff; awarding to said plaintiff as permanent alimony out of the estate of said defendant the sum of \$1,000.00 payable in 30 days from the date hereof and adjudging the payment of said sum to be a specific lien upon the real estate owned by said defendant and herein before particularly described.

Let judgment and decree be entered accordingly.

P. D. Morrison

District Court
County of Carver,

Bertha M. Poppitz
Plaintiff

^{vs.}
Herman Poppitz
Defendant

Findings & Decision

CARVER COUNTY,
FILED

JUL 15 1907

H. O. MacLure, Clerk.
(493)

W. C. Cull
Attorney for Plaintiff
Charles Miner

State of Minnesota,

County of Carver

} ss.

28th day of March

I hereby certify and return, that on the

190 7, at the Town of Lakewood

in the County of Carver

in said State, I served the within Notice of

Motion & Affidavits

upon the within named defendant, Herman Poppitz

~~by then and there handing to and leaving with him, a true~~ Personally

copy of said Notice of Motion & Affidavits

Dated this 28th day of March

190 7

Sheriff's Fees, Return, \$ 2.00

Mileage \$

Sheriff G. A. Gatz County, Minn.

By _____ Deputy.

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----::-----
Bertha M. Poppitz

Plaintiff

vs

Herman Poppitz

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

Sir:

You will please take notice that at an adjourned term of said Court to be held at the Court House in the Village of Glencoe in said District and State on Saturday the 6th day of April A.D. 1907, at the opening of Court on that day or as soon thereafter as counsel can be heard, said plaintiff will move said Court for an order in the above entitled action requiring and directing you to pay to said plaintiff, or her attorneys, suit money in the sum of thirty dollars and attorneys fees in the sum of two hundred dollars (one half of such attorneys fees to be paid forthwith and the balance at the time of the trial of said action), the sum of twenty dollars for necessary reasonable clothing for plaintiff and her children and the sum of fifteen dollars per week during the pendency of this action for the maintenance of plaintiff and the children mentioned in the complaint herein.

Upon the hearing of said motion and in support thereof said plaintiff will read the Summons and Complaint, together with the proof of service thereof, and affidavits with copies of which you are herewith served.

Said motion will be made upon the ground that said several sums above mentioned are necessary to enable plaintiff to prosecute this action and for the suitable maintenance of herself and children during the pendency thereof, and plaintiff is without money or means.

Dated Chaska, March 28th, 1907.

Yours &c.,

Odell Odell
Attorneys for Plaintiff.

To
Said Defendant.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----:-----
Bertha M. Poppitz

Plaintiff

vs

Herman Poppitz

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

State of Minnesota

ss

County of Carver

Bertha M. Poppitz, being first duly sworn, says that she is the plaintiff in the above entitled action; that she has heard read the complaint in said action and knows the contents thereof and that the same is true, and she here and now repeats and re-affirms the allegations of cruel and inhuman treatment therein set forth and makes the same a part of this affidavit.

That plaintiff was driven from her home by defendant, and with her children forced to take refuge with friends; that she now is and ever since the 18th instant has been, with her children, temporarily quartered in the residence of a relative residing in the City of Chaska; that she has no money or property of any kind except certain wearing apparel of herself and children which she took with her when leaving home; that maintenance of herself and children during the pendency of this action will cost in the neighborhood of fifteen dollars per week; that necessary seasonable clothing for herself and children will cost at least twenty dollars; that she will require as much money, for fees of officers and witnesses, the sum of thirty dollars; that the services of her attorneys in bringing said action, in preparing the same for trial, and up to the trial, as she is informed and believes will be worth, and she will be required to pay therefor, the sum of two hundred dollars.

Affiant further says that she has fully and fairly stated the case and the facts in the case to W.C. Odell of Odell & Odell, her attorneys, who reside in the City of Chaska in said County, and that she has a good and substantial cause of action upon the

merits as she is advised by her said counsel after such statement so made as aforesaid and verily believes true.

Further affiant saith not except that she makes this affidavit in support of an application for an order requiring said defendant to pay attorney's fees to enable plaintiff to bring and prosecute this action, suit money, and for the support and maintenance of plaintiff and her children during the pendency of this action.

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

Bertha M. Poppitz

W. C. Odell
Notary Public, Minn.

State of Minnesota
ss
nty of Carver

W. C. Odell, being first duly sworn, says that he is an attorney of this court residing in the City of Chaska in said County and of the firm of Odell & Odell, attorneys for the plaintiff in said action; that from the statements made to affiant by said plaintiff he verily believes that said plaintiff has a good and substantial cause of action on the merits; that plaintiff has no means of any kind with which to employ counsel to bring and prosecute this action or to pay the necessary expenses to be incurred by her therein, or for her maintenance and the maintenance of her children during the pendency thereof to the knowledge or belief of affiant; that services counsel in bringing and prosecuting this action will be reasonably worth the sum of two hundred dollars, and of that amount one hundred dollars will be a reasonable and proper charge for such services in commencing and preparing for the trial thereof; that suit money, for fees of officers and witnesses, will be necessarily incurred by said plaintiff in the sum of thirty

by said plaintiff in the sum of thirty dollars or thereabouts, as affiant is now advised,
and a reasonable and proper allowance will be necessary for the suitable and proper
maintenance of plaintiff and her children during the pendency of this action.

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

W. C. O'Connell

L. J. O'Connell
Notary Public, Maine

ORIGINAL.

State of Minnesota,

County of Carver

District

Court.

Bertha M. Poppitz

Plaintiff,

vs.

Herman Poppitz

Defendant.

Notice of Motion & Affidavit

Due and personal service of the within

admitted

this _____ day of _____ 19____

CARVER COUNTY,

Attorney for E. E. D.

JUL 16 1907

H. D. Marshall Clerk

Call & Case

Attorney for P. P.

MILLER-DAVIS PRINTING CO. MINNEAPOLIS

(493)

State of Minnesota,

County of _____

ss.

being first duly sworn upon oath deposes and says

in said County and State, on the _____

that at 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 _____

that said _____

STATE OF MINNESOTA

County of Carver.

DISTRICT COURT,

Eighth Judicial District.

Bertha M. Peppitz,

Plaintiff

-VS.-

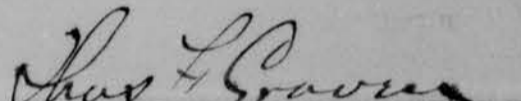
Herman Peppitz,

Defendant.

Now comes said defendant and for his answer to the complaint of plaintiff in the above entitled action respectfully alleges:

1. That defendant admits as true paragraphs one, two, three and four of said complaint.
2. That save and except as herein expressly admitted said defendant denies said complaint and each and every allegation thereof.

Wherefore defendant prays that said action be dismissed and that plaintiff take nothing thereunder.


Attorney for Defendant,
Chaska, Minn.

State of Minnesota, }
County of Carver } ss.

Herman Poppitz being first duly sworn
upon oath, says that he is Defendant in the foregoing
within entitled action; that he has heard read the foregoing Answer; that the
same is true Answer 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~~
~~is absent from this County wherein resides this affiant, he is attorney~~
herein, is that said

Subscribed and sworn to before me this

day of

May

1907

(NOTARIAL
SEAL)

Notary Public,

Carver County Minnesota

State of Minnesota,

COURT,

County.

JUDICIAL DISTRICT.

AGAINST

Plaintiff

SUMMONS.

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 annexed and herewith served upon
you—has been filed in the office of the Clerk of said Court,
at the County of and State of
Minnesota, and to serve a copy of your answer to the said complaint on the subscriber, at
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 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 19

together with the Plaintiff's costs and disbursements herein.

Dated A. D. 19

Plaintiff's Attorney, Minn

STATE OF MINNESOTA,

County of

Carver

District

COURT.

Bertha M Pappitz

Plaintiff.

Herman Pappitz

Defendant.

Answer (Original)

Due and personal service of the within

is hereby admitted

this day of

A. D. 190

CARVER COUNTY,

FILED

Attorney for

JUL 9 1907

H. O. Muehlberg, Clerk.

Attorney for

Minn.

C. F. GREENWOOD, MANKATO, MINN

(493)

State of Minnesota,

ss.

County of

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

STATE OF MINNESOTA

County of Carver

IN DISTRICT COURT

Eighth Judicial District.

Bertha M. Peppitz,

Plaintiff

-VS.-

Herman Peppitz,

Defendant.

STATE OF MINNESOTA

County of Carver.

ss.

Herman Peppitz being first duly sworn on oath says,

That that he is the defendant named in said above entitled action which said action was commenced on or about the 28th day of March 1907, and is brought by the plaintiff, who is the wife of affiant, for the purpose of securing a divorce from affiant. That affiant hereby expressly admits the truth of the allegations of paragraphs 1, 2, 3, 4, and 5 of plaintiff's complaint in said action, save and except that affiant denies so much of said paragraph 6 as states the value of his said properties; and affiant further expressly denies each and every allegation of paragraph 5 of plaintiff's said complaint save and except such portion of said paragraph wherein it is alleged "that she lost her reason and for a period of nine days she was entirely bereft of reason and was under the care of a physician".

Affiant further states and shows to this honorable Court that on the 16th day of March 1907, said plaintiff, without cause or provocation of any kind, abandoned her home and this affiant; and has ever since remained away from her said home and retains in her possession their said children.

Affiant further says, that shortly prior to said plaintiff's removal from her said home she purchased, with the consent and at the expense of affiant, a considerable supply of clothing for her self and the said children; that when said plaintiff so left her home she took with her said supply of clothing and most all of her own and said children's other clothing. That affiant is ready and willing to turn over to plaintiff all clothing belonging to her or said children now in the possession of affiant.

Affiant further states and discloses, that he is the owner of a 60 acre farm situate in ^{Lake} ~~Benjamin~~ township said County which said farm is of the worth and value of not to exceed \$4000.00; that there is a valid lien of

mortgage upon said farm which said mortgage is wholly unpaid and is for the sum of nine hundred dollars and accrued interest; that affiant owns no other real estate and that his interests in said farm is worth not to exceed the sum of \$3000. That affiant is the owner of personal property all told of the worth and value of not to exceed \$700. And affiant is indebted on promissory notes,--other than the mortgage indebtedness,--in the sum of \$800.00; and is owing other indebtedness to the extent of about \$100. That affiant's only occupation is farming, and that he is unable to continue that occupation since said Plaintiff abandoned their said home, and that affiant's income, if any, must of necessity be very small for months to come.

Further affiant saith not except that he makes this affidavit in opposition of an application for an order of this honorable court requiring said affiant to pay attorney's fees, suit money, to enable said plaintiff to prosecute this said action, and for the support and maintenance of plaintiff and the said children during the pendency of said action.

Herman Poppitz

Subscribed and sworn to before me

this 3rd day of April, 1907.

Thos H. Craven
Notary Public Corvallis, Ore.

(Original)

STATE OF MINNESOTA,

County of

Carver

District

COURT.

Bertha M Poppitz

Plaintiff.

Herman Poppitz

Defendant.

Affidavit in Opposition to
Order for Summons etc

Due and personal service of the within

is hereby admitted

this day of

A. D. 1907 JUL 16 1907

H. O. Muehlberg

Attorney for

Thos F Craven

Attorney for Defendant
Charles Minn.

O. F. GREENWOOD, MANKATO, MINN

(493)

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
age and discretion, then resident therein, a true and correct copy of said a person of suitable
that said is to affiant well known to be the same

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----::-----
Bertha M. Poppitz

Plaintiff

vs

Herman Poppitz

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

This cause coming on to be heard before the Court at an adjourned term held at the Court House in the Village of Glencoe in the County of McLeod in said State pursuant to due notice and upon the application of said plaintiff for an order directing the defendant to pay to said plaintiff or her attorneys certain specified sums of money to enable plaintiff to carry on and prosecute this action and for the support and maintenance of plaintiff and her infant children during the pendency thereof.

Odell & Odell, attorneys for said plaintiff, appeared in support of said application, and Thos. F. Craven, Esq., attorney for said defendant, appeared in opposition thereto.

And after hearing and duly considering the proofs and allegations of the respective parties, It is Ordered, That there is hereby allowed to said plaintiff out of the property and effects of said defendant and said defendant is hereby ordered and directed to pay to said plaintiff or her said attorneys at the times hereinafter stated and for the purposes hereinafter specified the sums of money hereinafter mentioned, that is to say: For necessities for the infant children of plaintiff and defendant, the sum of ten dollars payable forthwith upon the service of a copy of this Order; for fees of officers and witnesses the sum of fifteen dollars payable in ten days from the date of this order; for the support and maintenance of plaintiff and her infant children, the sum of twenty five dollars per month during the pendency of this action and from and after the 28th day of March last, the first of such monthly allowances to be paid on the 28th day of April instant, and said amount to be paid monthly thereafter during the pendency of this action; for attorneys fees to enable plaintiff to carry on and prosecute this action the sum of one hundred and fifty dollars, seventy five

dollars of said sum to be paid to Odell & Odell, attorneys for said plaintiff, on or before May 1st next, and the balance thereof to be paid to said attorneys on or before June 1st next ensuing.

Dated April 6, 1907.

Wm. Morrison
Judge of said Court.

Original

State of Minnesota,

County of

Carver

District

Court.

Bertha M. Poppitz

vs.

Plaintiff,

Herman Poppitz

Defendant.

Order for Suit Money etc.

Due and personal service of the within

admitted

this

day of

19

CARVER COUNTY,

Attorney for

APR 11 1907

H. O. Muehlberg, Clerk.

Odell Odell

Attorney for

Bertha M. Poppitz

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

State of Minnesota,

County of

being first duly sworn upon oath deposes and says

in said County and State, on the

19

he served the within

upon

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

that said

is to affiant well known to be the same

(493)

State of Minnesota
County of Carver

District Court.
Eighth Judicial District.

Bertha M. Poppitz,

Plaintiff

-vs-

Herman Poppitz,

Defendant.

This cause having been duly brought on for trial before the court without a jury and the court having made and filed its findings and decision therein wherein and whereby it is found and determined among other things that plaintiff is entitled to judgment and decree of this court dissolving the marriage relation existing between plaintiff and defendant and awarding to said plaintiff the custody and control of the minor children of plaintiff and defendant until the further order of the court subject, however, to the right of said defendant to visit said minor children once every three months during the time said minor children are in the custody and control of said plaintiff and further awarding to said plaintiff as permanent alimony out of the estate of said defendant the sum of \$1,000.00 payable in 30 days from the 15th day of July 1907 and adjudging the payment of said sum to be a specific lien upon the real estate owned by said defendant and in said findings and decision particularly described;

Now on Motion. W. C. Odell, Attorney for said Plaintiff.

It is Ordered, Adjudged, Determined and Decreed that the bonds of matrimony existing between plaintiff and defendant be and the same are hereby dissolved and said plaintiff is released and divorced from the obligations thereof.

And, on like Motion. It is further Ordered, Adjudged and Decreed that plaintiff have and recover from said defendant as permanent alimony the sum of \$1,000.00 payable 30 days from the 15th day of July 1907 and that the payment thereof be and hereby is made a specific lien upon the real estate owned by said defendant described as follows, viz: Beginning at the center post of Section 28 Township 116 Range 24 running thence south on the quarter line of

said Section 120 rods; thence west at right angles with last mentioned line 40 rods; thence north parallel with first mentioned line 120 rods; thence east 40 rods to place of beginning, situated in the east half of the Southwest quarter of said Section 28 and containing 30 acres. Also beginning at quarter section corner in line between Sections 28 and 33 of the Township and Range above mentioned, thence north 17.32 chains; thence east 17.32 chains; thence south 17.32 chains to section line; thence west 17.32 chains to place of beginning, situated in the Southwest quarter of the Southeast quarter of said Section 28 and containing 30 acres;

And, on like Motion it is further Ordered that said plaintiff have the care, custody and control of the minor children of plaintiff and defendant until the further order of this court; that defendant be permitted to visit said children at least once every three months during the time said children are so in the custody and control of said plaintiff.

And, on like Motion, it is further Ordered and Adjudged that plaintiff have and recover from said defendant her costs and disbursements herein taxed and allowed at the sum of *Fifteen* Dollars, and that she have execution therefore.

By the Court.

H. O. Muehlberg
Clerk.

District Court
County of Carver.

Bertha M. Poppitz
Plaintiff

- vs -

Herman Poppitz.
Defendant.

Judgment Roll.

CARVER COUNTY,
FILED

JUL 16 1907

H. O. Muehlberg, Clerk.

No. ~~4~~ 3079

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Mary Lizzie Hers.
Plaintiff

vs.

John W. Miller, et al
Defendant s

J. Barta
Plaintiff's Atty.

Defendant's Atty.

Date of Entry May 24th 1907

Register of Actions D. Page 496.

Term Tried September 1907

Judgment for Plaintiff

Amount of Judgment. \$

Date of Judgment June 3rd 1908

Judgment Book D. Page 268

Default Judgment Book Page

Date of Docketing 190

No.

District COURT.

Carver County

Mary Lizzie Hees

against

John W. Miller, Peter H. Miller
Charles H. Miller et al.

NOTE OF ISSUE.

LAST PLEADING SERVED,

190

Court Case.
J Barta

Attorney for Plaintiff.

Attorney for Defendant.

Will the Clerk Please file this Note of
Issue, and enter the cause on the calen-
dar for the Sept 30 A. D. 1907.
General Term of this Court.

Yours, etc.,

J Barta

Attorney for Plaintiff.

Filed Sept. 23rd 1907
N. O. Muehlberg Clerk.

No. 2. R. F. Marvin, St. Paul.

(496)

State of Minnesota, } ss.

County of Ramsey

I hereby certify and return being duly sworn,
on oath says that at the City of St Paul in the County of Ramsey State
of Minnesota, on the 27th day of September A. D. 1907, he
served the within summons upon Peter H. Miller one of

the defendant therein named, by

handing to and leaving with

said defendant a true and correct copy thereof, at the
house of his usual abode, by handing to and leaving with a person of suitable
age and discretion then resident therein, to wit, with Charles H. Miller
a true and correct copy of said summons. And that at said time and place he said
summons upon Charles H. Miller the personal guardian of said Peter H. Miller by
handing to and leaving with said Charles H. Miller a true and correct copy of said summons
true and correct copy of said summons

Subscribed and sworn to before me this

30th day of September A. D. 1907.

W. J. Jamieson
Notary Public Ramsey County, Minn.
My Commission Expires May 23, 1907.

State of Minnesota,

ss.

County of Ramsey

Frederick Barla

being duly sworn,

I hereby certify and return

on oath says that at the City of St. Paul in the County of Ramsey State

of Minnesota, on the 27 day of September A. D. 1907, he

served the within summons upon Charles H. Miller, executor of the last will and

testament of Annie Miller deceased, the defendant therein named, by

handing to and leaving with said defendant

said defendant a true and correct copy thereof, at the

house of usual abode, by handing to and leaving with person of suitable

age and discretion then resident therein, to wit,

a true and correct copy of said summons.

Subscribed and sworn to before me this 30th day of September A. D. 1907.

Frederick Barla

V. E. Samuels

Notary Public Ramsey County, Minn.

My Comm. expires May 25 1912

State of Minnesota, }
County of Carver. } ss. Eighth Judicial District.
Mary Lizzie Hees, }
Plaintiff, }
vs. }
John W. Miller, Peter H. Miller, }
Charles H. Miller as executor of the }
last will and testament of Annie }
Miller and Charles H. Miller, }
Defendants. }

SUMMONS.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You and each of you are hereby summoned and required to answer the complaint in this action, which has been filed with the Clerk of said Court at his office, and to serve a copy of your answer to the said complaint on the subscriber at his office, in the City of St. Paul, in the County of Ramsey and State of Minnesota, within twenty days after the 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.

Dated April 30th, A. D. 1907.

Ferdinand Barta
Plaintiff's Attorney,
414 Court Block, St. Paul, Minn.

State of Minnesota,

County of Ramsey

ss.

I hereby certify and return
on oath says that at the City of St Paul in the County of Ramsey being duly sworn,
of Minnesota, on the 27th day of September State
served the within summons upon John H. Miller one of A. D. 1907, he
the defendant therein named, by
handing to and leaving with

house of his usual abode, by handing to and leaving with a true and correct copy thereof, at the
age and discretion then resident therein, to wit, Charles H. Miller a person of suitable
a true and correct copy of said summons. And that at said time and place he served said
summons upon Charles H. Miller the general guardian of said John H. Miller, by
handing to and leaving with said Charles H. Miller a true and correct copy thereof.

Subscribed and sworn to before me this

30th

day of

September

A. D. 1907.

Notary Public

My commission expires May 23, 1912

W. S. Dampier
Ramsey County, Minn.

No.

Eighth.....*Judicial District,*

County of Carver.

John W. Miller, Peter H. Miller,
Charles H. Miller et al.
Defts.

CARVER COUNTY,
FILED

OCT 8 1907

OCT 8 1907
 H. O. Muellerberg Clerk.

Ferdinand Barta.
Plaintiff's Attorney.

424. Court Block,
St. Paul, Minn.

(496)

File: X
State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

Mary Lizzie Hees,
Plaintiff,

vs.

John W. Miller, Peter H. Miller,
Charles H. Miller as executor of the
last will and testament of Annie
Miller and Charles H. Miller,
Defendants.

The plaintiff complains of the defendants and alleges:

That at the time of his death as hereinafter stated John Anton Hees, husband of this plaintiff, was seized in fee simple of the following described premises located in the County of Carver and State of Minnesota, to-wit: Commencing at a point on the North line of the North East quarter of the South West Quarter (N. E. 1/4 of S. W. 1/4) of Section Thirteen (13) in Township One hundred and fifteen (115) Range Twenty-five (25), which point is fourteen (14) rods East of the Northwest Corner of said Northeast Quarter of Northwest Quarter of said section; thence running East two hundred and forty-nine feet along said north line to a point thence south one hundred and twenty-eight feet to a point; thence westerly two hundred and fifty (250) feet to a point which is one hundred and thirty-two feet (132) due South from the point of beginning; thence north one hundred and thirty-two feet to the point of beginning containing 71/100 of an acre.

That the westerly seventy-five feet of said tract or parcel was conveyed by Annie Miller and plaintiff to Henry Kohls by deed dated January 20, 1906, and recorded in the office of the register of deed of said county on the 22nd day of January, 1906, in book 18 of deed page 5.

That on the 21st day of May, 1897, said John Anton Hees made and published his last will and testament whereby he devised all the aforesaid

lands to the plaintiff for life, remainder in fee to Annie Mary Hees, afterwards Annie Mary Miller, his daughter, and Paul Henry Hees, his son, in equal shares.

That said Joh Anton Hees departed this life on or about the 21st day of December, 1897, and said will was duly admitted to probate by the Probate Court of said County on the 25th day of February, 1898.

That on or about the 7th day of May, 1903, said Paul Henry Hees died intestate seized of the undivided half of said premises sodevised to him as aforesaid, intestate, of full age and unmarried, and plaintiff as his heir at law became seized of said undivided one-half of said land.

That during the time hereinafter stated said Annie Mary Miller, also known as Annie Miller was the duly appointed Administratrix of the estate of Paul Henry Hees, and the duly appointed administratrix de bonis non of the estate of John Anton Hees.

That said Annie Miller departed this life on the 3rd day of August, 1903, at St. Paul, Ramsey County, in said state, having by her last will and testament dated the 2nd day of August, 1903, devised her interest in said land to her sons the defendants John W. Miller and Peter H. Miller.

That on or about the 12th day of September, 1903, the defendant Charles H. Miller was duly appointed executor of the last will and testament of said Annie Miller by the probate court of Ramsey County, and is the duly qualified and acting executor of the last will and testament of Annie Miller deceased.

That on or about the 3rd day of November, 1904, said Annie Miller represented to the plaintiff that it was necessary for plaintiff to sign some paper or instrument in the administration of the Estate of her husband to confirm her life estate in said land as the same had been devised to her by her husband, and induced her to sign and instrument or paper which said Annie Miller represented related to plaintiff's said life estate and was necessary for the purpose of establishing and confirming the same, and the plaintiff relying upon the said representation of said Annie Miller and believing the same to be true and that it was necessary to sign such instrument signed the same. The said instrument was not

such as the same was represented to be by the said Annie Miller but was a deed of conveyance conveying a remainder in fee of all said land including the undivided one half interest in fee which she had become seized of as heir at law of her said son Paul Henry Hees as aforesaid. That said Annie Mary Miller fraudulently concealed from the plaintiff that said instrument was a deed of conveyance to herself of said half interest which plaintiff owned in fee, and plaintiff was deceived by the said misrepresentation and concealment, and did not discover that she had signed a deed conveying said half interest until about December 20, 1906.

That the plaintiff would not have signed the said deed but for such misrepresentation and concealment of the said Annie Miller. That said deed was dated the 3rd day of October, 1904, and was recorded in the Office of the Register of Deeds of the County of Carver on the 3rd day of December, 1904, in book 19 of deed page 30. That said deed was executed without any consideration therefor whatever.

That plaintiff is unable to read or write in the English language and was unable to inform herself of the contents of said paper except as the same was represented to her by said Annie Miller and she was wholly unlearned and ignorant of all legal transactions. That at the time of signing said deed she was seventy-four years of age and was wholly dependent on the advice and counsel of her daughter in all matters appertaining to the management and control of her matters appertaining to said property and reposed trust and confidence in said Annie Miller that she would truthfully inform plaintiff of the necessity of signing such instrument.

Wherefore plaintiff demands judgment that said deed of conveyance be cancelled, annulled and set aside, without prejudice however to the title of Henry Kohls to the aforesaid tract conveyed to him as aforesaid, and that the defendants be adjudged to have no right, title or interest in the undivided one-half of the remainder in fee of said land described in the said deed to said Annie Miller.

That plaintiff have such other and further relief as may be just and proper and that she recover her costs herein.

Ferdinand Barta
Plaintiff's Attorney,
414 Court Block,
St. Paul, Minn.

COVER NO. 5.

State of Minnesota,
County of Ramsey

} ss.

Mary Lizzie Hees

being first duly sworn,

upon oath says that she is the plaintiff in the
foregoing within entitled action; that she has heard read the foregoing complaint
that the same is true of her own knowledge, except as to those matters therein stated on information
and belief, and as to such matters she believes it to be true to the best of her knowledge, information and
belief, and that the reason why this verification is not made by the
herein is that said her is absent from this County,
wherein resides this affiant, his attorney

Subscribed and sworn to before me this

30th

day of

March

A. D. 1907

{ NOTARIAL
SEAL }

State of Minnesota,

County

Ferdinand Barta

Notary Public, Ramsey County, Minn.
My Commission expires July 11, 1907.

Court,

against

Plaintiff

SUMMONS.

Defendant

The State of Minnesota to the above named Defendant:

You are hereby summoned and required to answer the com-
plaint of the Plaintiff in the above entitled action, which complaint is hereto annexed and herewith
served upon you has been filed in the office of the clerk of said
Court, at the and State of Minnesota,
and to serve a copy of your answer to the said complaint on the subscriber at office,
in in the said
County of within days after service of this
summons upon you, exclusive of the day of such service; and if you fail to answer the said complaint
within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded
in said complaint have the amount Plaintiff entitled to recover, ascertained by the Court or
under its direction, and take judgment for the amount so ascertained take judgment against you for
the sum of 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 A. D. 190

Plaintiff's Attorney.

State of Minnesota,
County of *Carver*

District Court.

Mary Lizzie Nees
Plaintiff

vs.

John W. Miller Et al
Defendant

Complaint

Due and personal service of the within
is hereby admitted
this day of

A. D. 190.....

CARVER COUNTY,
FILED

Attorney for *H.O. Muehlberg*
MAY 24 1907

F. B. Puff
Attorney for
414 Court Bldg,
St. Paul, Minn.
(496)

State of Minnesota,

District Court,

County of Carver.

Mary Lizzie Hees,
Plaintiff,

vs.

John W. Miller, Peter H. Miller,
Charles H. Miller, as executor of
the last will and testament of
Annie Miller, and Charles H. Miller,

Defendants.

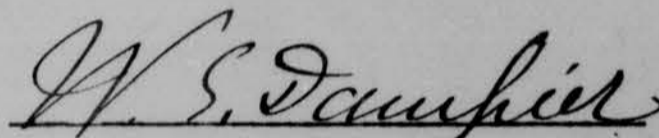
The defendants John W. Miller and Peter H. Miller, by Charles H. Miller their General Guardian, for their separate answer to the complaint herein, allege:

That said John W. Miller is minor of the age of eighteen years, and and said Peter H. Miller is a minor seventeen years of age.

That Charles H. Miller of Ramsey County, in said state, was duly appointed guardian of the persons and estate of said John W. Miller and Peter H. Miller, by the Probate Court of Ramsey County, in said State on the 27th day of September, 1907.

Further answering defendants admit the allegations of the complaint contained in folios 1, 2, 3, 4, 5 and 6 thereof, and aver that they have no knowledge or information sufficient to form a belief as to the truth of the allegations contained in folios 7, 8, 9, 10 and 11 of said complaint.

Wherefore these defendants demand such judgment as may be just and proper in the premises.



Attorney for said Charles H.
Miller, Guardian of said Defendants
John W. Miller and Peter H. Miller
Court Block,
St. Paul, Minn.

Cover No. 4.

R. F. MARVIN.

State of Minnesota, } ss.
County of Ramsey

Charles H. Miller came

before me personally, and being duly sworn doth say that he is the guardian of the persons and estate of the defendants John W. Miller and Peter H. Miller in the above entitled action; that the foregoing pleading is true of his own knowledge, except as to the matters which are therein stated on his information and belief, and as to those matters that he believes it to be true.

Subscribed and sworn to before me this

30th day of September 1907

W. S. Dampier

Notary Public, Ramsey County, Minn.

My Commission expires

March 3-1912

State of Minnesota, } ss.
County of

of said County, being duly sworn, says that

he is the attorney of the said in this action; that the said

is absent from the County of, where he, the said attorney,

resides;

that the foregoing pleading is true to the best of his knowledge, information and belief.

Subscribed and sworn to before me this

day of 190

Notary Public, County, Minn.

State of Minnesota,
County of Carver

District Court.

Mary Lizzie Hees
Plaintiff
vs.
John H. Miller, Peter H. Miller, Charles H. Miller
as Executors etc Defendant

Separate Answer of John H. Miller & Peter Miller by their general guardian

Due and personal service of the within
answer is hereby admitted
this 30th day of September
A. D. 1907

Ferdinand Barta
Attorney for Plaff

CARVER COUNTY,
FILED

SEP 30 1907
H. C. Munkley

(496)

State of Minnesota,
County of Carver.

Mary Lizzie Hees,

Plaintiff,

vs.

John W. Miller, Peter H. Miller,
Charles H. Miller, as executor of
the last will and testament of
Annie Miller, and Charles H. Miller.

Defendants.

District Court,
Eighth Judicial District.

The defendant Charles H. Miller, as executor of the last will and testament of Annie Miller, deceased, for his answer to the complaint herein, admits the allegations contained in folios 1, 2, 3, 4, 5 and 6 thereof, and avers that he has no knowledge or information sufficient to form a belief as to the truth of any of the allegation contained in folio 7, 8, 9, 10, and 11 thereof.

Wherefore this defendant demands such judgment as may be just and proper in the premises.

W. E. Dampier

Attorney for Defendant Charles H.
Miller, as executor etc.
Court Block, St. Paul, Minn.

Cover No. 4.

R. F. MARVIN.

State of Minnesota, }
County of Ramsey. }

Charles H. Miller came

before me personally, and being duly sworn doth say that he is the executor of the last will and testament of Annie Miller, deceased, and one of the defendants in the above entitled action; that the foregoing pleading is true of his own knowledge, except as to the matters which are therein stated on his information and belief, and as to those matters that he believes it to be true.

Subscribed and sworn to before me this
30 day of September 1907,

Chas. H. Miller

Notary Public, Ramsey County, Minn.

My Commission expires

May 23 - 1912 -

State of Minnesota, }
County of _____ }

_____ of said County, being duly sworn, says that

he is _____ the attorney of the said _____ in this action; that the said _____ is absent from the County of _____ where he, the said attorney, resides;

that the foregoing pleading is true to the best of his knowledge, information and belief.

Subscribed and sworn to before me this
_____ day of _____ 190 _____

Notary Public, _____ County, Minn.

State of Minnesota,
County of Carver

District Court.

Mary Lizzie Heep
Plaintiff

vs.
John W. Miller, Adm'r
Miller, Charles H Miller and
et al Defendants

Separate Answer of
Charles H Miller as executor

Due and personal service of the within
Answer is hereby admitted
this 30th day of September
A. D. 1907

J. Barta
Attorney for Klyff

CARVER COUNTY,
FILED

Attorney for SEP 30 1907
H. C. Muehlberg Clerk

(496)

State of Minnesota,
County of Carver.
Mary Lizzie Hees,

Plaintiff

vs.

John W. Miller, Peter H. Miller,
Charles H. Miller, as executor of
the last will and testament of
Annie Miller, and Charles H. Miller,

Defendants.

District Court,
Eighth Judicial District.

It is hereby stipulated by and between the plaintiff and defendants and each of them, by their respective attorneys, that notice of trial in this action be and the same is hereby waived, and that said action may be tried the General term of said Court Commencing on the 30th day of September 07.

Dated Sept. 30, 1907.

Erduand Barta
Plaintiff's Attorney,

W. E. Sampson
Attorney for Defendants

State of Minnesota,
County of Carver.

District Court.

Mary Lizzie Hees,

vs.

John W. Miller,
Peter H. Miller,
Charles H. Miller,
executor etc.

Stipulation waiving
Notice of Trial.

CARVER COUNTY,
FILED

SEP 30 1907

H. O. Muehlberg Clerk

(496)

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

Mary Lizzie Hees,

Plaintiff,

vs.

John W. Miller, Peter H. Miller,
Charles H. Miller, as executor of the
last will and testament of Annie Miller,
Defendants.

The above entitled action came on regularly for trial before said Court at a general term thereof held at the City of Chaska, in said County and State, on the 8th day of October, 1907, the same was duly tried by the Court. Having heard the evidence adduced by plaintiff in support of the allegations of the complaint, and said cause having been duly submitted for decision, the Court makes and files the following findings of fact and conclusions of law:

FINDINGS OF FACT.

The Court finds as facts:

That at the time of his death as hereinafter stated John Anton Hees, husband of this plaintiff, was seized in fee simple of the following described premises located in the County of Carver and State of Minnesota, to-wit: Commencing at a point on the North line of the North East Quarter of the South West Quarter (N. E. 1/4 of S. W. 1/4) of Section Thirteen (13) in Township One hundred and fifteen (115) Range Twenty-five (25), which point is fourteen (14) rods East of the Northwest corner of said Northeast Quarter of Southwest Quarter of said Section; thence running East two hundred and forty-nine (249) feet along said north line to a point, thence south one hundred and twenty-eight (128) feet to a point; thence westerly two hundred and fifty (250) feet to a point which is one hundred and thirty-two (132) feet due South from the point of beginning; thence North one hundred and thirty-two (132) feet to the point of beginning, containing 71/100 of an acre.

That the westerly seventy-five (75) feet of said tract or parcel was conveyed by Annie Miller and plaintiff to Henry Kohls by deed dated January 20, 1906, and recorded in the office of the register of deeds of said County on the 22nd day of January, 1906, in Book 18 of Deeds page 5.

That on the 21st day of May, 1897, said John Anton Hees made and published his last will and testament whereby he devised all the aforesaid lands to the plaintiff for life, remainder in fee to Annie Mary Hees, afterwards Annie Mary Miller, his daughter, and Paul Henry Hees, his son, in equal shares.

That said John Anton Hees departed this life on or about the 21st day of December, 1897, and said will was duly admitted to probate by the Probate Court of said County on the 25th day of February, 1898.

That on or about the 7th day of May, 1903, said Paul Henry Hees died intestate seized of the undivided half of said premises so devised to him as aforesaid, intestate, of full age and unmarried, and plaintiff as his heir at law became seized of said undivided one-half of said land.

That at the time of the execution of the deed hereinafter described by plaintiff said Annie Mary Miller, also known as Annie Miller, was the duly appointed Administratrix of the estate of Paul Henry Hees, and the duly appointed administratrix de bonis non of the estate of John Anton Hees.

That said Annie Miller departed this life on the 3rd day of August, 1906, at St. Paul, Ramsey County, in said State, having by her last will and testament dated the 2nd day of August, 1906, devised her interest in said land to her sons, the defendants John W. Miller and Peter H. Miller.

That on or about the 12th day of September, 1906, the defendant Charles H. Miller was duly appointed executor of the last will and testament of said Annie Miller by the probate Court of Ramsey County, and is the duly qualified and acting executor of the last will and testament of Annie Miller deceased.

That said Charles H. Miller is the general guardian of the defendants John W. Miller and Peter H. Miller, minors, and was duly appointed guardian of the persons and estates of said John W. Miller and Peter H.

Miller by the Probate Court of Ramsey County, in said State, on the 27th day of September, 1907.

That on or about the 3rd day of November, 1904, said Annie Miller, represented to the plaintiff that it was necessary for plaintiff to sign an instrument then presented to her upon the representation that it was necessary for plaintiff to sign the same to authorize her, said Annie Miller, to collect the rents of the property hereinbefore described, and the plaintiff relying upon the representation of said Annie Miller and believing said representation to be true and that it was necessary for plaintiff to sign such instrument, signed the instrument so presented to the plaintiff for her signature. That said instrument so presented by said Annie Miller to the plaintiff for her signature was not such an instrument as the same was represented to be by the said Annie Miller but was a deed of conveyance conveying all of said lands subject to the life estate of plaintiff including the undivided one-half (1/2) interest therein which plaintiff owned in fee as heir at law of her deceased son Paul Henry Hees, as aforesaid.

That the said Annie Miller fraudulently concealed from the plaintiff the fact that said instrument was a deed of conveyance to said Annie Miller conveying to said Annie Miller the undivided one-half of said land which the plaintiff then owned in fee, as aforesaid, and plaintiff was deceived by the said misrepresentation to the plaintiff by the said Annie Miller as to the contents and effect of said instrument, and by the concealment from the plaintiff by said Annie Miller of information as to the contents and effect thereof.

That the plaintiff did not intend to convey said premises or any part thereof to said Annie Miller and would not have signed the said deed but for such misrepresentation to and concealment from the plaintiff by said Annie Miller of the true contents and effect of said deed, and plaintiff did not discover that the instrument she had signed was a deed conveying her said half interest until about December 20, 1908.

That plaintiff was and is unable to speak, read or write in the English language and at the time of signing said deed she was seventy-

four years of age and was unable to inform herself of the contents of said instrument except as the same was represented to her by said Annie Miller and she was wholly uninformd and ignorant of all legal business transactions and was wholly dependent on the advice and counsel of the said Annie Miller in all matters appertaining to the control and management of her business and the plaintiff reposed trust and confidence in the said Annie Miller that she would truthfully inform plaintiff as to the contents of said instrument and the necessity of signing the same.

That said deed was executed without any consideration therefor whatever. That said deed was dated the 31st day of October, 1904, and was filed for record in the office of the Register of Deeds of the County of Carver on the 3rd day of December, 1904, and was recorded therein in Book 19 of Deeds, page 390.

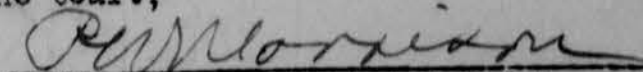
The allegations of the answer inconsistent with the foregoing findings are found not true.

CONCLUSIONS OF LAW:

As conclusions of law from the foregoing facts it is determined that the plaintiff is entitled to judgment that the deed of conveyance executed by the Plaintiff to said Annie Miller, deceased, dated October 31, 1904, filed for record in the office of the Register of Deeds of Carver County, Minnesota, on the 3rd day of December, 1904, and recorded therein in Book 19 of Deeds, page 390, and the record thereof, be cancelled, annulled and set aside, and that the defendants be adjudged to have no right, title or interest in or to the undivided one-half interest in said land hereinbefore described whereof plaintiff, prior to and at the time of the execution of said deed to Annie Miller, was seized in fee as heir at law of Paul Henry Hees, deceased.

Let judgment be entered accordingly.

By the Court,


District Judge.

R. F. MARVIN.

NO. 3.

State of Minnesota,
County of *Carver*

District Court.

Mary Lizzie Heep
Plaintiff

vs.

John H. Miller & al
Defendant

Findings

Due and personal service of the within
is hereby admitted

this _____ day of _____
A. D. 19 _____ CARVER COUNTY,
FILED

JAN 10 1908

H. O. Mueller
Clerk

F. Barta
Attorney for *PLH*

(496)

STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Mary Lizzie Hees Plaintiff.

VS

John W. Miller, Peter H. Miller,
and Charles H. Miller as exec-
utor of the last will and
testament of Annie Miller.
Defendants.

The said action having been tried at a General Term of said Court held at the Court House in the City of Chaska, in said County and State, on the 8th day of October 1907, and the findings of fact, conclusions of law and order for judgment having been filed herein.

Now on motion of F. Barta, plaintiff's attorney, it is hereby Adjudged that the deed of conveyance executed by the plaintiff ^{to} Annie Miller deceased, dated October 31, 1904, filed for record in the office of the Register of Deeds of Carver, County, Minnesota, on the 3rd day of December

14, and recorded therein in Book 19, of Deeds, page 390, and the record thereof, be and the same is hereby cancelled, annulled and set aside, and it is further Adjudged that the defendants have no right, title or interest in or to the undivided one-half ($\frac{1}{2}$) interest in the following described land situate in said County of Carver, viz: commencing at a point on the North line of the North East Quarter (NE $\frac{1}{4}$) of the South West Quarter (SW $\frac{1}{4}$) of Section Thirteen (13) in Township One Hundred and Fifteen (115), Range Twenty-Five (25), which point is fourteen (14) rods East of the Northwest corner of said North-east Quarter of South-west Quarter of said section; thence running East Two Hundred and forty-nine (249) feet, along said North line to a point; thence South One Hundred and twenty-eight (128) feet to a point; thence Westerly Two Hundred and fifty (250) feet to a point which is one hundred and thirty-two (132) feet due South from the point of beginning; thence North One Hundred and thirty-two (132) feet to the point of beginning, containing $\frac{71}{100}$ of an acre, being the undivided one-half ($\frac{1}{2}$) interest of which plaintiff was seized in fee as heir at law of Paul

Henry Hees, deceased, at and prior to the execution of said deed to
Annie Miller, deceased.

Dated at Chaska, Minnesota this 3rd day of June 1908.

H. C. Muehlberg
Clerk of the District Court.

R. F. MARVIN.

NO. 3.

State of Minnesota,
County of *Carver*

District Court.

Mary Lizzie Nees
Plaintiff

vs.

John H. Miller
Et al Defendants.

Judgment.

Due and personal service of the within
is hereby admitted
this _____ day of _____

A. D. 19 _____

CARVER COUNTY,
FILED

Attorney for

JUN 3 1908

H. O. Muller Clerk

F. Barta

Attorney for

Pltff.

409-470 Court Block
St. Paul, Minn.

(496)

3083

No. 4.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Mary Wetzel Plaintiff

vs.
Carl Wetzel Defendant

Frederick L. Mc Gree Plaintiff's Atty.

Odell and Odell Defendant's Attys.

Date of Entry June 28 1907

Register of Actions 2. Page 500

Term Tried 190

Judgment for

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

State of Minnesota, } ss.
County of Carr

I hereby certify and return, that on the
21st day of September 1907, at the City of Chaska
in the County of Carr in said State, I served the within Reply
upon the within named defendant, Attorney, W. C. Odell
by then and there handing to and leaving with him a true

copy of said Reply
Dated this 26th day of September 1907

Sheriff's Fees, Return, \$
Mileage \$

G. A. Gatz
Sheriff Carr County, Minn.
By _____ Deputy.

State of Minnesota, } ss.
County of Conner
21st day of June 1907, at the Town of Laketon
in the County of Conner in said State, I served the within Summons
and Complaint upon the within named defendant, Carl Wetzel
by then and there handing to and leaving with him a true
copy of said Summons and Complaint
Dated this 21st day of June 1907
Sheriff's Fees, Return, \$ 1.00
Mileage 10 \$ 1.00
Total \$ 2.00
By G. A. Gatz Sheriff Conner County, Minn.
Deputy.

Paid

State of Minnesota
County of Ramsey 85.

E. C. Lelell being duly sworn says that he is the attorney for the defendant in the action in the attached Affidavit and Demand entitled, That on the 25th day of June 1907 at the City of St Paul in said County and State he served said Affidavit and Demand for change of venue upon Frederick L. McAlphre Esq. attorney for the plaintiff in said action by him and there, and in the office of said Frederick L. McAlphre Esq. attorney, 89 Union Block at the hour of 10 o'clock A. M. handing to and seeing with one Edward Robinson there and there a clerk in said office and there and there in charge of said office, a true copy of said Affidavit and of said Demand for change of venue, and that said Frederick L. McAlphre Esq. attorney was then temporarily absent from his said office.
Subscribed and sworn to before me
This 25th day of June A. D. 1907

E. C. Lelell

W. J. [Signature]

Deputy Clerk District Court
Ramsey Co. Minn.

25991
Birth Book
County of Ramsey.

Mary Wetzel

-VS-

Carl Wetzel.

Affidavit Demand
for Change of Venue.

ORIGINAL.

JUN 25 1907

MATT JENSEN, Clerk

By

CARVER COUNTY

FILED

JUN 24 1907

H.O. Muehlberg

CARVER COUNTY,
FILED

JUN 28 1907

H.O. Muehlberg

(500)

W.C. Odell
Atty for Deflt
Charles Munier

Edward Robinson.

State of Minnesota,
County of Ramsey,

District Court,
Second Judicial District.

Mary Wetzel,
vs. Plaintiff,
Carl Wetzel,
Defendant.

Plaintiff for her complaint against the defendant in the above entitled action respectfully alleges and shows to the court:

That the plaintiff has lived and resided in the state of Minnesota for more than three years prior to the making of this her complaint herein and now is a resident of the county of Ramsey, state of Minnesota and has been such resident for more than one year last past and prior to the making of her complaint.

That heretofore and at the county of Renville in said state and on the 3 day of December A. D. 1895 the plaintiff was duly married to the defendant and ever since have been and now are husband and wife.

That the plaintiff is forty-eight (48) years of age and the defendant according to her best knowledge, information and belief is forty-nine (49) years of age.

That there has been born to plaintiff and said defendant the issue of said marriage following children, to wit:

Wilhelmina Wetzel, nine (9) years of age and Johanna Wetzel, 6 years of age.

and that said Johanna Wetzel is in the custody, care and control of the plaintiff.

That heretofore and on account of the cruel and inhuman treatment of the plaintiff by said defendant, plaintiff was compelled to leave the home, bed and board of said defendant on, to wit, the 28th day of November, 1904, and at the time she left, ^{and now is} it was wholly unsafe and improper for her to live and cohabit with said defendant, that said cruel and inhuman treatment by the defendant of the plaintiff had continued for a period of more than two (2) years immediately prior to the time she ceased to live with him and consisted in the defendant calling the plaintiff vile and obscene names in the presence and hearing of her children and tantalizing the plaintiff and often and repeatedly ordering and demanding that the plaintiff leave his home, bed and board and that said ^{occasions} ~~accounts~~ of cruel and inhuman treatment was of frequent occurrence.

That since the said 28th day of November, 1904 the said defendant has wholly neglected and refused to provide for the support of the plaintiff and said minor child, and that on or about April, 1906 said defendant wholly deserted and abandoned the plaintiff and ever since has refused and neglected and now does refuse and neglect to support and provide for the plaintiff and their said minor child and now does refuse and neglect to provide for the plaintiff or to contribute to the support of the plaintiff and said minor child.

That said defendant owns a large amount of personal property of the value of Twenty hundred dollars and that said defendant owns a large amount of real estate of the value of Nine Thousand dollars and said defendant has a large amount of stock, cattle, poultry of the value of One Thousand dollars and that he is well able to care for support and maintain plaintiff and her said child.

That this plaintiff has often requested said defendant to contribute to her support and to provide for plaintiff and said child but said defendant has always and now does neglect and refuse so to do.

That plaintiff is without means of support and to maintain herself except such as she receives from her children of a former marriage, that she is indebted for medicine and services of a physician for the care of said child when sick and has no property out of which to realize money. *That the defendant is not a proper person to have to care, custody and control of their minor children*

WHEREFORE the plaintiff prays judgment and decree that said defendant be by order of this court required to pay her a reasonable sum of money for her support and maintainance during the pendency of this action.

2nd. That said defendant be required to pay her a reasonable sum of money as and for her reasonable suit money herein.

3rd. That said defendant be required to pay her the sum of one hundred (100) dollars as an allowance toward the fees for the services of her attorney herein.

4th. That upon the final hearing of this case, the court adjudge, order and decree that the plaintiff be paid a reasonable sum of money as and for her permanent support. *and this is child*

5th. That upon the final hearing plaintiff be given a *Separation* ~~special~~ *from the* home, bed and board of said defendant forever and such other and further relief as to the court ~~doth seem~~ meet equitable and just.

Frederick L. McGhee
Attorney for Plaintiff.

Office: Nos. 88-89 Union Blk.
Cor. 4th & Cedar Sts.
Residence: 665 University Ave.

COUNTY OF

Ramsey

Mary Wetzel being first duly sworn
 upon oath says that she is the *plaintiff* in the
 foregoing within entitled action; that the foregoing *Complaint*
 is true of her own knowledge, except as to matters therein stated on information and belief,
 as to such matters she believes it to be true

Subscribed and sworn to before me this *20* day of *June* 190*7*

NOTARIAL
SEAL

Fredrick L. McGhee
 Notary Public, Ramsey County, Minn.
 My Commission expires September 23, 1911.

State of Minnesota,

COUNTY OF

Ramsey

District Court.
Second Judicial District

Mary Wetzel

Plaintiff,

against

Carl Wetzel

Defendant,

SUMMONS.

The State of Minnesota to the above named Defendant:

You *Carl Wetzel* are hereby summoned and required to answer
 the complaint of the plaintiff in the above entitled action, which complaint is hereto annexed and
 herewith served upon you, and to serve a copy of your answer to said complaint on the subscriber
 at his office, in *Room 858 87 Union Block lower level to City of St Paul*
 in the said County of *Ramsey* within *thirty* 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 therein

together with the costs and disbursements of this action.

Dated *June 20th* A. D. 190*7*

Fredrick L. McGhee
 Attorney for Plaintiff

No. Original
STATE OF MINNESOTA.

Ramsey County.
District Court.
Second Judicial District

Mary Wetzel Plaintiff
vs
Carl Wetzel Defendant

Summons and Complaint

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

Attorney for _____

Attorney for _____

Fredrick L. McKee
Attorney for Plaintiff

2-16-05. STOUT, TOLSON & SPERRY CO., INC. ST. PAUL, MINN.

(5001)

CARVER COUNTY,
FILED

OCT 10 1907

H.O. Muehlberg Clerk

State of Minnesota,

} ss.

County of Carver21stday of June1907

I hereby certify and return, that on the

at the Town of Sapeloin the County of Carver

in said State, I served the within

Notice of Motionpetition & affidavit upon the within named defendant, Carl Witzel

by then and there handing to and leaving with him a true

copy of said Notice of Motion petition & affidavit.

Dated this

21stday of June1907Sheriff's Fees, Return, \$ 1.00

Mileage \$

total1.00

Sheriff

Carver

County, Minn.

By

Deputy.

Paid

State of Minnesota,
County of Ramsey,

District Court,
Second Judicial District.

Mary Wetzel,
vs. Plaintiff,
Carl Wetzel,
Defendant.

To Carl Wetzel,
Defendant above named:

You please take notice that on Saturday, the 29th day of June, A. D. 1907, at ten o'clock in the fore-noon of said day, or as soon there after as council can be heard at the court house in the city of St. Paul, county and state aforesaid, the plaintiff above named will move the court for an order and to grant her motion here to annexed and herewith served upon you.

You will further take notice that said motion will be heard upon the complaint of the plaintiff in said action and her petition and the affidavit of Robert F. Engst, which said petition and affidavit are hereby made a part hereof.

That said motion is upon the grounds that the plaintiff has begun her action as shown by said complaint, that she is without means to pay the expenses of her action and her attorney fees herein and that you, said defendant, have sufficient means there for and upon all the matters and things alleged and set forth in said complaint and said petition.

Respectfully,

Fredrick L. McHugh
Attorney for plaintiff.

Office: Nos. 88-89 Union Blk.
Cor. 4th & Cedar Sts.
Residence: 665 University Ave.

State of Minnesota,
County of Ramsey,

District Court,
Second Judicial District.

Mary Wetzel,
vs. Plaintiff,
Carl Wetzel,
Defendant.

Now comes the plaintiff in the above entitled action and moves the court for an order.

First. That during the pendency of this action, said defendant be required to pay her a sum of twenty-five (25) dollars a month as and for her support and the support of said child.

Second. Said defendant be required to pay her the sum of twenty-five (25) dollars as and for her suit money herein.

Third. That said defendant be required to pay her the sum of one hundred (100) dollars on account, of fees of her attorney in said action.

Fredrick L. McPherson
Attorney for petitioner.

District Court,
Second Judicial District.

Mary Wetzels, Plaintiff,
vs.
Carl Wetzels, Defendant.

Robert F. Engst. personally come before me and being duly sworn says that he has heard, read the complaint of the plaintiff in the above entitled action and that he is personally acquainted and personally knows the thing set forth in said complaint and that the things therein contained and alleged are true to affiant's own knowledge.

That this affiant has no personal interest in the outcome of said action except that affiant will be to some extent relieved from paying the expenses for the support of the plaintiff and her child, plaintiff being the mother of this affiant.

Subscribed and sworn to before me
this 20th day of June, 1907.

Fredrick L. McGhee

Notary Public, Ramsey County, Minn.
My Commission expires September 23, 1911.

State of Minnesota,
County of Ramsey.

District Court,
Second Judicial District.

Mary Wetzel,
vs. Plaintiff,
Carl Wetzel,
Defendant.

The petition of the above named Mary Wetzel respectfully shows to the court:

That she has duly commenced her action for support and maintainance in separation from bed and board of said defendant and that your petitioner has no employment or means and support except that her children by a former marriage provide for her support and that of a child, the issue of marriage between your petitioner and said defendant.

That for more than two (2) years past and immediately prior in bringing of her action, said defendant has contributed nothing to her support and care of their child.

That your petitioner has retained to prosecute her action, Fredrick L. McGhee, Esqr., whose office is at Rooms 88-89 Union Blk., corner 4th & Cedar Sts., city of St. Paul, and that he is a duly admitted and practicing attorney at law and that she has fully and fairly stated the facts and circumstances in her case to her said attorney and she is advised ^{after} ~~as~~ such statement that she has a good and substantial cause of action against said defendant ^{on the merits} which she verily believes to be true.

That she is without means to pay the expenses of her action or witness fees and attorney fees and that she has not paid any sum of money to her attorney for his services in said action.

That she is informed and verily believes that the sum of twenty-five (25) dollars is a reasonable sum to pay the expenses of her action, that she will need to call as witnessess in her behalf at least four (4) persons who reside in Carver County, Minnesota, and four (4) other persons who reside in the city of St. Paul.

That she is informed and verily believes that the sum of one hundred (100) dollars is a reasonable allowance to be made to her attorney herein on account, for his services to be rendered by him in said action.

That said defendant has sufficient means and is able to pay her a reasonable amount for her support and maintainance during pendency of this action and that a sum of twenty-five (25) dollars a month is a reasonable amount to be allowed to her for her support and the support of said child.

WHEREFORE, your petitioner prays your honorable court to make its order that during the pendency of this action, said defendant be required to pay her a sum of twenty-five (25) dollars a month as and for her support and the support of said child.

2nd. Said defendant be required to pay her the sum of twenty-five (25) dollars as and for her suit money herein.

3rd. That said defendant be required to pay her the sum of one hundred (100) dollars on account, of fees of her attorney in said action and such other and further relief as to the court doth seem meet, equitable and just.

Frederick M. McHugh
Attorney for petitioner.

Mary J. Wetzel
Petitioner.

No. Original
STATE OF MINNESOTA.

Ramsey County.
District Court.
Second Judicial District

Mary Wetzel Plaintiff
vs
Carl Wetzel Defendant

Notice motion petition ^{affidavit} _{&c}

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

Attorney for _____

Attorney for _____

Fredrick L. McKee

Attorney for Plaintiff

2-16-05. BROWN, TREACY & SPERRY CO., 1175-1176, ST. PAUL, MINN.

(500)

CARVER COUNTY,
FILED

OCT 10 1907

H. O. Muehlberg Clerk.

State of Minnesota.
County of Carver.

District Court.
Eighth Judicial District.

Venue Changed from the County of
Ramsey in the Second Judicial Dis-
trict to the County of Carver in the
Eighth Judicial District.

R E P L Y .

Mary Wetzel,
Plaintiff.

-vs-

Carl Wetzel,
Defendant.

Plaintiff, for her reply to answer of the Defendant in the
above entitled action alleges and shows to the Court.

She admits the allegation contained in defendant's answer
respecting her having commenced and there having been tried an other
action against said defendant as alleged in said answer.

This Plaintiff specifically denies "That Plaintiff has not
since trial in said action returned to defendant or resumed marital
relations with defendant or offered so to do, but has ever since said
trial voluntarily and willfully remained away from defendant, and has
refused to resume marital relations with him 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 Johanna, of all of
which said plaintiff has had due notice".

WHEREFORE Plaintiff demands judgment as in her said complaint.

Frederick McGowan

Atty for Plaintiff.

Res., 665 University ave.
Office 88 & 89 Union Blk 4th & Cedar Sts
St Paul, Minn.

COVER NO. 5

State of Minnesota,
County of Ramsey } ss.

upon oath says that he is the plaintiff being first duly sworn,
in the foregoing within entitled action; that he has heard read the foregoing reply
that the same is true of his own knowledge, except as to those 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
wherein resides this affiant, his attorney.

Subscribed and sworn to before me this 20 day of September A. D. 1907

{ NOTARIAL
SEAL }

Mary F. Witzel
Edward Robinson
Notary Public, Ramsey County, Minn.
My Commission expires Jan. 3, 1907

State of Minnesota,
County }

Court,

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--has been filed in the office of the clerk of said
Court, at the and State of Minnesota,
and to serve a copy of your answer to the said complaint on the subscriber at office,
in the said
County of within days after service of this
summons upon you, exclusive of the day of such service; and if you fail to answer the said complaint
within the time aforesaid, the Plaintiff in this action will--apply to the Court for the relief de-
manded in said complaint--take judgment against you for the sum of
Dollars (\$), with interest at the rate
per cent per annum since the day of 19

together with Plaintiff's costs and disbursements herein.

Dated A. D. 19

Plaintiff's Attorney.

State of Minnesota,

City of *Carver*

District Court.

Mary Hetzel Plaintiff

vs.

Carl Hetzel Defendant

Due and personal service of the within

is hereby admitted

this _____ day of _____

A. D. 19____

Attorney for _____

CARVER COUNTY,

FILED

SEP 29 1907

H. O. Muehlberg Clerk.

Attorney for _____

(500)

State of Minnesota,

County of _____

ss.

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 _____

State of Minnesota,

County of Carron

ss.

I hereby certify and return, that on the
21st day of September 1907, at the Town of City of Chicago
in the County of Carron in said State, I served the within Notice
of Trial upon the within named defendant, Attorney A. C. Odell
by then and there handing to and leaving with him a true
copy of said Notice of Trial

Dated this 26th day of September 1907

Sheriff's Fees, Return, \$

Mileage \$

Sheriff E. A. Gatz County, Minn.
By Carron Deputy.

State of Minnesota, }
County of Carver } ss.

District Court,
Eighth Judicial District.

Mary Hetzel

Plaintiff

Notice of Trial.

Carl Hetzel

Def't

SIR: You Will Please Take Notice, That the issue of law & fact
the above entitled action will be brought on for hearing and determination
at the next General Term of said Court, to be held at the Court House, in the City of
Decorah in said County, on Monday
the 30 day of September A. D. 1907 at the opening of said Court on that
day, or as soon thereafter as Counsel can be heard.

Dated September 20 1907

Frederic L. McPherson
Attorney for Plaintiff

To H. C. Odell

Attorney for Def't

Original
District COURT,
County of Carver

Mary Hetzel

VS.

Carl Hetzel

NOTICE OF TRIAL.

Due Service of the within notice is hereby ad-
mitted this 21st day of September
A. D. 1907

Attorney for

Fred LaChance

Attorney for

Defect

Filed this 28th day of
September A. D. 1907
H. O. Muehlberg

R. F. Marvin, St. Paul, Minn.

(500)

No.

~~District~~
MUNICIPAL COURT.
CITY OF ST. PAUL.
City of St. Paul

Mary Wetzel
against *Plaintiff*

Carl Wetzel
Defendant

NOTE OF ISSUE.

LAST PLEADING SERVED.


Sept 27 1907

Case
Forster L. M. Sh.
Attorney for Plaintiff.
W.C. & W.T. Odell
Attorney for Defendant.

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the General Term of this Court,
to be held on the *30*
day of *September* 1907

Yours, &c.
Forster L. M. Sh.
Attorney for

Filed *Sept. 28th* 1907
H.O. Muehlberg Clerk.
By _____ Deputy.

(500) 

State of Minnesota.

District Court.

County of Ramsey.

Second Judicial District.

Mary Wetzel.

Plaintiff.

-vs-

Carl Wetzel.

Defendant.

Sir:-

You will please take notice that I have been retained by and hereby appear as attorney for the defendant in the above entitled action.

You will also take notice that at the time said action was commenced, and long prior thereto, said defendant actually resided in the County of Carver in said State and now actually resides in said County of Carver as appears by the affidavit of said defendant hereto attached and herewith served upon you, and that said defendant hereby demands that the place of trial of said action be changed from the County of Ramsey to said County of Carver upon the ground that said County of Carver was the County of the residence of said defendant at the time said action was commenced and is the proper County for the trial of said action.

Dated Chaska, June 24th 1907.

Yours truly,

W. B. Hull

Attorney for Defendant.

To

Frederick L. Mc Ghee, Esq.,

Attorney for Plaintiff.

State of Minnesota.
County of Ramsey.

District Court.
Second Judicial District.

Mary Wetzel,
Plaintiff.

-vs-

Carl Wetzel,
Defendant.

State of Minnesota. ss.
County of Carver.

Carl Wetzel being first duly sworn says that he is the defendant in the above entitled action: that at the time of the commencement of this action, and long prior thereto, said defendant actually resided in the Township of Laketown in the County of Carver in said State and now actually resides in said Township of Laketown.

Further affiant saith not except that he makes this affidavit to the end that the venue of this action may be changed from the County of Ramsey to said County of Carver.

Subscribed and Sworn to before me
This 24th day of June A. D. 1907.

H.O. Muehlburg
Clerk Dist. Court

Carl Wetzel

3087

No. 2.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

State of Minnesota
Plaintiff

vs.
Edward Radde
Defendant

Thos. J. Craven
Plaintiff's Atty.

Defendant's Atty.

Date of Entry *July 16th* 1907

Register of Actions *D* Page *504*

Term Tried *September* 1907

Judgment for

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

State of Minnesota,

County of

Farver

ss.

The Complaint of Alma Radde of said County, made before
Lambert J. Dolz Esq., one of the Justices of the Peace, in and for said
County, who being duly sworn, on his oath, says, that Edward Radde

did on the 19 day of June 1897, at Radlgrum in said County
commit an assault upon the said Alma Radde
amounting to an assault in the 2nd Degree
committed as follows to wit The said Edward Radde did
assault the said Alma Radde by pulling her by the hair and
bruising her body and threatening to throw the said
Alma Radde out of a second story window of their
joint home and threatened to kill the said Alma
Radde

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

may be arrested and dealt with according to law.

Subscribed and sworn to before me, this 22nd day of June A. D. 1897
Alma Radde
Lambert J. Dolz Justice of the Peace.

IN JUSTICE'S COURT

County of *Sawab*

THE STATE OF MINNESOTA

against

Edward Radde

CRIMINAL COMPLAINT

Filed this *22* day of *June*

A. D. *1897*

Lambert J. Sols
Justice of the Peace.

6-24-'96-9000

No

CARVER COUNTY,
FILED

JUL 16 1907

H. O. Muehlberg

State of Minnesota, } ss.
County of Farver

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

WHEREAS Alma Radde has this day complained in writing to me,
on oath, that Edward Radde did, on the
19 day of June A. D. 1907, at Dahlgren in said County,

commit an assault upon the said Alma Radde
amounting to an assault in the 2nd Degree committed
as follows to wit: The said Edward Radde did assault the said
Alma Radde by pulling her by the hair and bruising her body
and threatening to throw the said Alma Radde out of a second story
window of their joint home and threatened to kill the said Alma Radde
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 Edward Radde

might be arrested and dealt with according to law;

NOW, THEREFORE, You are commanded forthwith to apprehend the said

Edward Radde
bring him before me to be dealt with according to law. And you are also commanded to summon
Anna Kahl and Carl Anhalt

material witness in said complaint, to appear and testify concerning the same.

Given under my hand, this 22nd day of June A. D. 1907
Hambert Dols Justice of the Peace.

State of Minnesota, }
County of Larver } ss.

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

Dated this 24 day of June A. D. 1907

FEES—Mileage, _____ Miles, \$ _____

Service, _____

ell. Dals

Constable.

IN JUSTICE'S COURT

County of *Lawrence*

THE STATE OF MINNESOTA
against

Edward Radde

CRIMINAL WARRANT

Filed this *22* day of *June*
1897
Lambert Dols
Justice of the Peace.

6-24-'96-9000

No 2

GARVER COUNTY,
FILED

JUL 16 1907

H. C. Muehlberg

State of Minnesota, } ss.
County of Sarver

We, Edward Radde as principal, and
J. W. Radde and Math Bleichner as sureties
acknowledge ourselves to owe and be indebted unto the State of Minnesota in the sum
of One thousand Dollars, to be levied of our several
goods and chattels, lands and tenements, to the use of said State, if default be made
in the condition following, to wit:

The condition of this Recognizance is such that whereas the said
Edward Radde was this day brought before
Lambert J. Dols a Justice of the Peace in and for said County,
upon the complaint in writing of Alma Radde
upon oath, for that Edward Radde did on the 19th
Day of June commit an assault upon the said
Alma Radde amounting to assault in the
1st Degree committed as follows to wit
The said Edward Radde did assault the said
Alma Radde by pulling her by the hair and
bruising her body and choking her and threatening
to throw the said Alma Radde out of a second
story window of their joint home and
threatened to kill the said Alma Radde

The said Edward Radde waives Preliminary
and whereas it appeared to the said Justice, from an examination of the said
hearing and other witnesses, upon oath, in the
presence of said Edward Radde in regard to the
offense thus charged, and from an examination of the whole matter, that the said
offense had been committed, and that there was probable cause to believe the said
Edward Radde to be guilty thereof; Now if the said
shall personally be and appear at the
next general term of the District Court, to be held in and for the said County of
Sarver then and there to answer to an indictment to be preferred
against him for the above-mentioned offense, and to do further and receive what shall
by the said Court be then and there enjoined upon him, and shall not depart thence
without leave duly granted, then this Recognizance to be void; otherwise to remain
in full force.

Taken and acknowledged before me,
this 24 day of June 1907
Lambert J. Dols
Justice of the Peace.

Edward Radde
J. W. Radde
Math Bleichner

State of Minnesota, } ss.
County of Farver

Fred W. Radde and Math Bleichner

being duly sworn say each for himself that he is surety in the within Recognizance; that he is a resident and freeholder of the State of Minnesota, and that he is worth the sum of

One thousand ————— Dollars, over and above his debts and liabilities, and exclusive of property exempt from execution.

Fred W. Radde
Math Bleichner

Subscribed and sworn to before me, this 24 day of June 1907
Lambert D. Holt Justice of the Peace.

IN JUSTICE COURT,

County of Carver

THE STATE OF MINNESOTA,

against

Edward Radde

RECOGNIZANCE

To Appear at District Court.

I hereby approve the within Recogni-
zance and the sureties therein contained,

this 24 day of June 1907

Lambert Pools

Justice of the Peace.

The within Recognizance filed this

24 day of June 1907

L. J. Pools

Justice of the Peace.

CARVER COUNTY,

FILED

JUL 16 1907

No 3
H. O. Muehlberg

(After the following return is fully made out, fasten all the papers in the case together, securely here, and fold and place them in an envelope to be filed with the Clerk of the District Court.)

State of Minnesota, } ss. In Justice's Court,
County of Larson } Before Lambert Dols
Justice of the Peace.
State of Minnesota
Edward Radde

To the District Court of Larson County, Minnesota:

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

(Then entitle the action and copy from the docket carefully everything pertaining to it, and then fill out the certificate on the opposite page.)

A preliminary hearing having been held before me in above entitled action I hereby make return of the proceedings had before me pursuant to the statute, as appears from my docket viz. June 22 - 1907 Alma Radde appeared before me and made complaint against Edward Radde for assault, amounting to an assault in the 2nd Degree, having administered an oath to the said Alma Radde I took her examination and reduced the same to writing and caused it to be subscribed by her. It appearing from said complaint that the said Edward Radde had on the 19th day of June 1907 assaulted and choked and otherwise abused the complainant within this county I issued a warrant for the arrest of the said Edward Radde and delivered it to Martin Dols Constable. June 24 - 1907 Warrant returned with defendant in custody. He pleads not guilty, and waives preliminary hearing and is thereupon bound over to ~~the~~ await the action of the Grand Jury at the General term of the District Court for the county of Larson Minn., bail being fixed at one thousand dollars Recognizance and bond in said sum furnished and approved by me.

State of Minnesota

County of

Larson

ss.

I hereby certify that I have compared the foregoing with the original entries in my docket, and that the same is a full and correct transcript therefrom, and of all the proceedings had before me in said action:

that the affidavit, bond ~~and notice of removal~~, together with all the process and other papers relating to the action and filed with me, or had before me therein, are herewith returned and attached, and numbered from 1 to 3 inclusive; and that, together with the foregoing transcript, they contain a full, correct and complete statement of all the proceedings had before me in said action.

Given under my hand, this

24

day of

June

A. D. 1907

Lambert J. Dole

Justice of the Peace.

IN JUSTICE'S COURT

County of Carver

State of Minnesota
vs
Edward Radden

Transcript and Return to District Court

Assault and Rape

Filed in the office of Clerk of District

Court, Carver County, Minn.,

this 16th day of July

A. D. 1 907

H. O. Muehlberg Clerk.

12-98-1000

(504)