



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

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

3093

No. 7.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Wm. J. Braunschwarth
Plaintiff

vs.
C. P. May
Defendant

P. R. Curran
Plaintiff's Atty.

John J. Fahy
Defendant's Atty.

Date of Entry, *July 30th* 190*7*

Register of Actions, *D.* Page *510*

Term Tried *September* 190*7*

Judgment for *Defendants*

Amount of Judgment, \$ *40.32*

Date of Judgment *June 16th* 190*8*

Judgment Book Page

Default Judgment Book Page

Date of Docketing *June 16th* 190*8*

Wm. J. Braunschworth, Plaintiff.

-V8-

C. P. May, Defendant.

Further answering said defendant avers that he is a resident of the Village of Young America, Carver County, Minnesota, and that he is engaged in the purchase and sale of hogs, cattle, sheep and farm stock in general; that during all the times hereinafter mentioned or referred to said ^{defendant} plaintiff has been so engaged in the buying and selling of hogs, cattle, ^{sheep} ~~horses~~ and farm stock in general.

That on said day said plaintiff while said defendant was so driving said drove of hogs attempted to drive his team of horses hitched to a light wagon upon and over said defendant and upon and into the midst of said drove of hogs; that the acts complained of in the complaint herein were ~~then~~ done by the ^{defendant} plaintiff in order for said defendant to protect his life and his property from the

imprudent, careless and rash act of the plaintiff; that said ~~plm~~ defendant used no more force than was necessary to overcome the imprudent, careless, rash, malicious and foolhardy attempt to run upon and over said defendant and into, through and upon defendant's drove of hogs.

That immediately prior to the commission of the acts complained of herein said defendant kindly asked said plaintiff to take the highway leading by the farm house of Dominicus Hermann which highway leads into the village of Norwood, and that said defendant informed plaintiff that if he the plaintiff would drive or attempt to drive into said drove of hogs, that he the said defendant would prevent him even to the extent of using his pitchfork which he carried in his hand.

That at divers former times said plaintiff drove his team of horses and vehicle into droves of hogs owned by the defendant and scattered the same; that hogs are of a stubborn and perverse nature and disposition and if scattered will cause considerable trouble to get them back in a drove together.

That said defendant used due care and diligence in the use of said highway; that said plaintiff acted contrary to law in that if said plaintiff so desired he could have driven to the left of said drove of hogs or to the right and could have passed by said drove without disturbing defendant in his rights; that plaintiff had ample room on said highway to go by defendant's hogs without in any way interfering with the same.

Wherefore said defendant demands judgment that said plaintiff take nothing herein and that said defendant have his costs and disbursements herein.

John J. Talley
Defendant's Attorney,

Norwood, Minnesota.

STATE OF MINNESOTA,

IN JUSTICE'S COURT,

County of Carver, Before A.C. Klancke, Esq., Justice of the Peace.

Wm. J. Braunsworth, Plaintiff.

-vs-

G. P. May, Defendant.

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

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

Subscribed and sworn to before me:

this 19th day of July, A. D. 1907:

John J. Fahey

No.

State of Minnesota,

County of Carver

^{Justice's}
IN DISTRICT COURT,

Judicial District.

Wm. J. Dransworth

Plaintiff.

vs.

C. P. May

Defendant.

(Original)

SUMMONS AND COMPLAINT.

John J. Tahay
P. W. MORRISON,

Defendant
Attorney for Plaintiff.

NORWOOD, MINN.

Filed this 19th day of
May, 1907. W. K. Luecke
Justice of the Peace.

CARVER COUNTY.
FILED

JUL 30 1907

H. O. Mueller Clerk.

(510)

State of Minn⁽¹⁾ } Injustice Court
County of Carver } Ad. Klauke J.

Wm. J. Braumwirth, Plff.

vs

C. P. May - Defendants
Complaint

The plaintiff for his complaint against the above named defendants alleges as follows:-

- (1) That on the 2d-day of July, A.D. 1907, in the forenoon of that day, plaintiff started to drive to the village of Norwood, with a load of meal that he expected to ship east over C-M-St. Paul Ry. on the early passenger; that when he got about half way between the villages of Young America and Norwood, he overtook the defendants, the defendants father and Mr. Albert Trick on the road; that the defendants assisted by Mr. Trick were driving a herd of swine some little distance ahead of defendant's father who was following them driving a team of horses; that plaintiff drove behind defendant's father for some distance, but knowing his time was limited he resolved to pass by them; that on seeing ample room to pass on the right

(2)

hand side plaintiff very carefully turned his horses to the right and in a careful and prudent manner proceeded along the highway; that when he got to a point a little ahead of the team driven by defendant's father, the defendant suddenly turned and quickly crossed the road and did then and there willfully, negligently, wantonly and unlawfully obstruct plaintiff's free passage along the public highway by willfully, negligently, wantonly and ~~unlawfully~~ unlawfully, placing himself in front of plaintiff's team with a pitchfork held in his hands raised in a threatening manner near the horses heads; and did then and there willfully, negligently, wantonly and wrongfully strike one of the horses on the head with said fork while held in said defendant's hands.

That by reason of said willfulness, negligence, wantonness and misconduct on the part of said defendant, plaintiff's team became frightened and unmanageable, and proceeded to run away, one of them jumping

(3)

over the pole, breaking neckyoke straps and singletrees, and jerking plaintiff over the dash-board and dragging him a distance on the hard ground before he regained control over them; that plaintiff has suffered pains in the head caused by this fall and being dragged on the ground; that one of his horses was cut in two different places; that his team which were nice and gentle drivers before the accident have become restless and spirited and hard to control. Plaintiff further alleges, that on account of this accident caused by the willfulness, negligence and wantonness of said defendants, plaintiff was compelled to borrow a vehicle with which to haul his produce to the depot, to return the vehicle borrowed, and walk home a distance of over a mile; and that he has felt keenly the humiliation and disgrace to which he has been subjected by this affair.

(2) That by reason of the premises this plaintiff has been damaged in the sum of One Hundred (100) Dollars.

(4)

Wherefore, Plaintiff demands judgment against the defendants for the sum of One Hundred (\$100.00) Dollars, together with costs and disbursements of this action.

P. R. Curran
Attorney for Plff.

Verification.

Wm. J. Braumwirth, being duly sworn, upon oath deposes and says:

That he is the plaintiff in the foregoing entitled action; that he has read the foregoing complaint and knows the contents thereof and that the same is true of his own knowledge.

William J. Braumwirth
Subscribed and sworn to before me this 19th day of July, A.D. 1907.

A. C. Clarke
Justice of the Peace.

State of Minnesota,

In Justice's Court,

County of Carver

ss.

Before A. C. Klauke, Esq.
Justice of the Peace.Wm. J. Braunschworth, PlaintiffC. P. May, Defendant

State of Minnesota,

ss.

County of CarverC. P. Maythe defendant in this action, being duly sworn, says, that he appeals to the District Court in andsaid County, from the judgment rendered by said Justice of the Peace, in this cause, on the 19thday of July 1897, in favor of said Wm. J. Braunschworth, Esq.Plaintiffand against said C. P. May, Esq. Defendant

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

Subscribed and sworn to before me, this 27th day of July A. D. 1897John J. Dakey

Justice of the Peace.

Notary Public Carver Co., Minn., My Commission expires April 6, 1913.

IN JUSTICE'S COURT

County of Carver

Wm. J. Braunsworth,
Plaintiff.

C. P. May,
Defendant.

APPEAL AFFIDAVIT.

Filed this 27th day of July
A. D. 1897

Alf Clausen
Justice of the Peace.

5-15-'96-1500

CARVER COUNTY,
FILED

JUL 30 1897

H. O. Muehlberg
Clerk

(570)

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

Wm. J. Braunsworth, Plaintiff.
-vs-
C. P. May, Defendant.

To **Peter R. Curran, Esq., Attorney for the Plaintiff and Wm. J. Braunsworth, Esq., Plaintiff.**

PLEASE TAKE NOTICE, That the above named **C. P. May, Esq., Defendant** herein appeals to the District Court in and for said County, from the judgment rendered by said Justice of the Peace, in the above entitled cause, on the **19th** day of **July** A. D. 190**7**, in favor of said **Wm. J. Braunsworth, Esq., Plaintiff** and against said **C. P. May, Esq., Defendant**

herein, for the sum of **Thirty eight and 56/100** Dollars; and that the said appeal is taken upon questions of **Law and Fact**

Dated at **Norwood, Minn.** this **27th** day of **July** 190**7**

John J. Faherty
Attorney for said Defendant.

(Original)

IN JUSTICE'S COURT

County of Carver

Wm. J. Braunsworth,
Plaintiff.

-vs-

C. P. May,
Defendant.

NOTICE OF APPEAL

Filed this 27th day of July
A. D. 1907.

A. C. Clave
Justice of the Peace.

Due service of the within Notice of Appeal
admitted at Young America Town
this 27th day of July
A. D. 1907.

R. Q. Curran
Attorney for the Plaintiff.

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg

(510)

State of Minnesota
County of Carver

In Justice's Court

Before H. C. Klauke, J. of the Peace

Wm J. Braunschworth, P. Lf.

-vs-
C. P. May Defendant.

We the jury in the above entitled action
find in favor of the ~~defendant~~ ^{Plaintiffe} and
assess his damages in the sum
of twenty-five (25) dollars. Adam Hadick

Foreman

Verdict

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg Clerk

(510)

Returned and
filed this
19~~th~~ day of
July, 1907

A. K. Klaucke

~~Dr A. C. Leistico~~ Reff
~~H. Kinkert Jr~~ Reff
Adam Stadler
~~Henry Bruebe~~ Deft
~~Alto Miller~~ Deft.
William Arnold
Osacar Bury
Guenther Kuehnert Sr
Geo W Oetock
~~Alto Brauermeister~~ Reff
~~K. E. Helt~~ Reff
~~Herman Harbelt~~ Deft
~~Otto Muehle~~ Deft.
~~Edolph Splattstoss~~ Reff
~~Thos. Effert~~ Deft.
W. G. Fadel
~~Thomas Thompson~~ Deft.
~~John Boney~~ Reff

Sumors.

*In Justice Court,
County of Carver*

*Wm. J. Braumwath
Plaintiff*

*vs.
C. P. May,
Defendant.*

*Filed this 19th day
of July, 1907,
at Clam Lake.
Justice of the Peace.*

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg Clerk.

(510)

STATE OF MINNESOTA, IN JUSTICE'S COURT,
County of Carver, Before A.C. Klamcke, Esq., Justice of the Peace.

Wm. J. Braunsworth,

Plaintiff.

-VS-

G. P. May,

Defendant.

It is hereby stipulated and agreed by and between the above named parties and their respective attorneys that the above entitled action be continued from July 12th, 1907 at 10 O'Clock in the forenoon to and until July 19th, 1907 at 10 O'Clock in the forenoon; and that the pleadings in said action may be filed with said Justice on or before July 19th, 1907 at 10 O'Clock in the forenoon.

R. R. Curran
Plaintiff's Attorney.

John J. Fahy
Defendant's Attorney.

William M. O'Bo
(2101)

Justice's Court
Carver County

Mrs. J. Brunsworth

- 13 -

Ex. P. May

Defulation

Filed this 12th day
of July 1907

A. C. Klauke,
Justice of the Peace.

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg

(510)

STATE OF MINNESOTA,)
County of Carver.) SS

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

You are hereby commanded to summon *Albin Stadich*
William Arndt Oscar Berry Gunther Leubert Sr.
Geo. W. Alcock *W. J. Fabel*

of the Justices of the
Peace in and for said County, on the *19th* day of *July*, 1907, at
One o'clock *P.* M., to make a jury for the trial of a civil action
between *Wm. J. Braunwarth*, plaintiff, and *C. P. May*
defendant, and have you then and there this writ.

Given under my hand and dated this *19th* day of *July*, 1907.

A. Klauke
Justice of the Peace

In Justice Court.
County of Carver.

Wm. J. Bainworth

Plaintiff,

vs

C. P. May

Defendant.

VENUE.

Returned and filed this
19th day of July....., 1907.

W. Klauke
Justice of the Peace.

State of Minnesota,
County of Carver

ss.

In Justice's Court,

Before A. C. Klauke, Esq.
Justice of the Peace.

Wm J. Braunschworth,

Plaintiff.

C. P. May,

Defendant

Know all Men by these Presents, That we C. P. May

as principal, and

Albert Truck and T. P. May

as sureties,

are held and firmly bound unto Wm J. Braunschworth

in the sum of

One Hundred and 75/100

Dollars, lawful money of the

United States, to be paid unto the said Wm J. Braunschworth

his heirs, executors, administrators

or assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of our heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this 27th day of July, 1902

The condition of this obligation is such, that whereas the said C. P. May
Esq.

appeals to the District Court, in and for said County, from a certain judgment rendered by said Justice of the Peace in said cause, on the 19th

day of July, 1902, in favor of said Plaintiff, Wm J.

Braunschworth, Esq. and against said

Defendant, C. P. May, Esq.

for the sum of Thirty eight and 5/100 Dollars.

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

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

27th day of July, A. D. 1902

Signed, Sealed and Delivered in Presence of

Carroll P. May
J. M. Tuve

C. P. May,
Albert Truck
T. P. May

Seal

Seal

Seal

Seal

State of Minnesota,
County of Carver } ss.

On this 27th day of July A. D. 1907, before me, a
Notary Public
C. R. May, Albert Trick and T. R. May

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

Wm. J. Prange
Notary Public
My commission expires July 12th 1907

State of Minnesota,
County of Carver } ss.

Albert Trick and T. R. May
being duly sworn, say, each for himself, that he is one of the sureties within named; that he is a resident
and freeholder of the State of Minnesota, and worth the amount of One Hundred
Dollars, specified in the within Bond,
above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me, this
27th day of July 1907
Wm. J. Prange
Notary Public
My commission expires
July 12th 1907

Albert Trick
T. R. May

IN JUSTICE'S COURT

County of Carver

Wm J. Braunsworth,
Plaintiff

vs.

Ch. P. May
Defendant

APPEAL BOND

I hereby approve the within Bond and
the sureties thereon.

Dated July 27 1907

A. C. Klauke
Justice of the Peace.

The within Bond filed this 27th
day of July 1907

A. C. Klauke
Justice of the Peace.

1232000
CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg Clerk

(510)

July 19 1907

Norwood, Minnesota,
July 19th. 1907.

Received of A.C.Klanke, the sum of \$1.00, the same being my
fee as witness for the plaintiff in the case of Braunwarth vs May.

John D. Walker
Witness.

1908 WE ATTEND THE COURT HOUSE IN THE CASE OF BROWNWARTH AN
HOGSTADT OF V.C. HENSON. THE SUM OF \$1.00. THE COURT ORDER IS

State of Minnesota,)
County of Carver,) ss

William J. Braunwarth,/
Plaintiff, /
-vs- /
P. May, /
Defendant /

I, John Miller, hereby certify that I
was a witness in the above entitled action
for the plaintiff; that I attended said
trial for one day and that I travelled one
mile in attending the said trial.

.....John Miller.....

Alphonse
Justice of the Peace.

County of Denver,
State of Colorado,
} ss: I, the undersigned,
} do hereby certify that the
} foregoing is a true and
} correct copy of the
} original as the same
} appears of record in
} the office of the
} County Clerk of said
} County.

История
инженеров

I hope Father's presence really did I

X.O. M.

CARVER COUNTY
FILED

Jul 30 1990

H. O. Muehlberg

(570)

Norwood, Minnesota,
July 19th, '07.
Received of A.C. Klancke the sum of \$3.05, the same being my
fees in the case of Braunwarth vs May.

Fred Falk
Constable.

Received July 19 09

Constables fees

Attending on Justice Court 1.00

Writing a list of jurors 15

Summoning a jury 1.00

Attending on a jury 50

Total 2.65

Fred Falk
Constable

40
2.65
3.05

2.65

2.65
3.05

Filed this 20th
day of July, 1907

A. K. Lauette
Justice of the Peace.

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg

(570)

State of Minnesota, }
County of Carver } ss.

In District Court of said County, 8th Judicial
District, Term, 189

~~IN THE MATTER OF~~

Wm. J. Trautswarth
vs. Plaintiff

C. P. May
Defendant

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

J. H. Miller
Foreman.

DISTRICT COURT,

8th Judicial District
Sept Term, ~~188~~ 1887

State of Minnesota, }
County of *Carver* } ss.

VERDICT FOR DEFENDANT

IN THE MATTER OF

Wm. J. Braunsworth
vs. Plaintiff

L. P. May
Defendant

Filed in open Court the *1st*
day of *October* 1887
H. O. Muehlberg
Clerk.

No. 864.—Pioneer Press Co., St. Paul, Minn.

(370)

State of Minnesota,)
County of Carver.) ss In Justice's Court,
Before A.C. Klancke, Justice.

William J. Braunwarth,
Plaintiff,

vs

C.P. May,

Defendant.

(D-O-C-K-E-T.)

Norwood, Minnesota, July 2nd, 1907. Summons issued, returnable at my office in the Village of Norwood in said County, on the 12th day of July, 1907, at 10 o'clock, a.m.; and delivered to Constable Fred Falk for service. July 2nd, 1907. Summons returned, with certificate thereon showing personal service upon the within named defendant within said County. Summons filed. Constable fees, \$.40.

July 12th, 1907, 10 o'clock, a.m. Case called. Plaintiff appears by his Attorney, Peter R. Curran. Defendant appears by his attorney, John J. Fahey. Stipulated and agreed by and between the parties in the above entitled action and with the consent of the Justice, that the said entitled action be continued to and until 10 o'clock, a.m. of July 19th, 1907, and that the pleadings in the above entitled action may be filed on or before 10 o'clock a.m. of the 19th day of July, 1907. Stipulation filed. Case so continued.

July 19th, 1907, 10 o'clock a.m. Complaint filed, stating in substance that on the 2nd day of July, 1907, in the forenoon of that day, plaintiff started for the Village of Norwood, with a load of veal, intending to ship the same on an early morning train, and when about half-way between the villages of Norwood and Young America, plaintiff overtook the defendant on the public highway, defendant driving along a drove of hogs; that plaintiff's time being limited, plaintiff undertook to pass by the defendant and the drove of hogs, there being ample room to pass by to the right of defendant and the hogs. Plaintiff so attempted to pass, using due care and regard for said drove of hogs; that ~~plaintiff~~ defendant, crossing the beaten path of said road to the right, did then and there, wilfully, negligently, wantonly and unlawfully obstruct the plaintiff's passage along the public highway, by placing himself in front of plaintiff's team, with pitchfork raised in threatening manner near the horses' heads and that said defendant wilfully, etc., struck one of plaintiff's horses; that by reason of such wilful, etc., conduct on the part of the defendant, plaintiff's team became unmanageable and proceeded to run away, breaking neck-yoke straps and single-trees, throwing from his vehicle and dragging the plaintiff some distance on the ground; that plaintiff has suffered pains in the head caused by such fall; that one of plaintiff's horses was injured in several places; that said plaintiff's horses, which were nice and gentle drivers, previous to this conduct of defendant; that they are now spirited and restless; that plaintiff was compelled to borrow a vehicle in order to haul his load to town, return the vehicle and was compelled to walk home, a distance of over a mile; that plaintiff has keenly felt the disgrace and humiliation to which he has been subjected to by this defendant and by reason of the said premises, plaintiff demands damages in the sum of \$100, together with the costs and disbursements of this action.

July 19th, 10 o'clock, a.m. Case called. Plaintiff with his attorney, Peter R. Curran and defendant with his attorney, J.J. Fahey appear especially, and moves the Court to dismiss the action on the ground that the complaint does not state facts sufficient to constitute a cause of action. The motion is denied. Exception taken by the defendant. Defendant appears especially and moves the court to dismiss the action on the ground that the Court has not jurisdiction of the case and that the summons is void on its face. The motion is denied and defendant takes an exception thereto. Defendant appears especially and moves the Court that the plaintiff give security for the costs of this action. The motion is denied for the reason that the Court deemed sufficient security given at issuance of the summons, and the defendant takes an exception. Defendant then files answer denying each and every allegation of the complaint, except as is expressly admitted, qualified or explained.

Answering further, the defendant avers that he is a resident of the Village of Young America, engaged in the business of buying and selling hogs, sheep, etc.; that on the 2nd day of July, 1907, he was engaged in driving a large drove of hogs from Young America village to Norwood, preparatory to making a shipment of hogs at Norwood over the C.M. & St. P. Ry. using the most direct road to Norwood and that defendant used diligence in the driving of the same and driving said hogs at a speed which was convenient and practicable; that while defendant was driving said drove of hogs, plaintiff attempted to drive his team of horses, hitched to a light wagon, upon and over the defendant and the drove of hogs; that the acts complained of by the plaintiff and done by the defendant, were done by the defendant in order to protect his life and property; that immediately prior to commission of the acts complained of, defendant kindly requested the plaintiff to take another road, viz: leading by the farmhouse of one Dominicus Hermann, which road leads to Norwood, with a warning to the plaintiff that any attempt to drive upon and into said drove of hogs would be prevented by means of a pitchfork in the hands of the defendant; that at former times the plaintiff had driven his team of horses and vehicle into the droves of hogs owned by the defendant and scattered the same; that hogs are of a stubborn nature, and when scattered are hard to get back into drove again; that the defendant used due care and diligence in the use of said highway; that the plaintiff acted contrary to law, in that, if said plaintiff desired, he could have driven to the left or to the right without disturbing defendant in his rights and that the plaintiff had ample room on said highway to go by defendant's hogs without interfering with the same.

Wherefore defendant demands judgment that the said plaintiff take nothing herein and said defendant have his costs and disbursements herein.

Defendant asks for a jury trial of six jurors and advances \$6 for the fees. Constable Fred Falk instructed to make a list of 18 names of persons, qualified to serve as jurors. List filed with the attorneys and alternately they strike out six names each. Venire issued requiring Adam Stadick, W.G. Fabel, Oscar Berry, Geo. W. Ocoock, William Arndt and Gunther Teubert, Sr., to appear at one o'clock, p.m. this day and act as jurors in said case. Venire delivered to Constable Fred Falk for service. The trial of the said case is continued until 1 o'clock, p.m., July 19th, 1907.

At 1 o'clock, July 19th, 1907. Case called. Venire returned by Constable with his certificate thereon that he has personally served the same upon all of the within named jurors. Venire filed. Constable fees, \$1. Jurors called and all present. Examined. By reason of having previously formed an opinion which could not be overcome by the evidence, Jurors Ocoock and Fabel were excused from serving; the others being accepted. Theo. Zeiper and John Boyle summoned to fill the vacancies. Examined and accepted. The jury sworn.

Defendant moves the court that the action be dismissed on the ground that there is a misjoinder of actions in the complaint. The motion is denied and the defendant takes an exception. Defendant moves the Court to dismiss the action on the ground that the complaint is double and bad. The motion is denied and the defendant takes an exception. Defendant moves the Court to dismiss the action on the ground that there is no proper allegation of damages in the complaint. Motion denied and the defendant takes an exception.

Plaintiff opens case and calls the defendant, C.P. May for cross-examination. Defendant sworn. Plaintiff calls Wm. J. Braunwarth for direct examination. Witness sworn. (QUESTION) Why did you turn to the right in passing Mr. May's father and in attempting to pass Mr. May and the hogs? Objected to by the defendant as being irrelevant, immaterial, etc. Objection overruled and the defendant takes an exception. (QUESTION) Was there more room on the right hand side than on the left? Objected to by the defendant as being incompetent, immaterial, etc. The objection overruled and the defendant takes an exception. (QUESTION) Was there a ditch on the left hand side? Coming? Objected to by the defendant as being irrelevant, immaterial, etc. Objection overruled and the defendant takes an exception. (QUESTION) Were you directly in front of the defendant's father? Objected to by defendant as being a leading question. The objection overruled. Examination of Wm. Braunwarth by the defendant waived, and the is recalled for examination by the plaintiff. Plaintiff rests.

Defendant now moves the Court to dismiss the case on the ground *ground* ~~that the~~

that the evidence produced by the plaintiff does not sustain the allegations of the complaint and that plaintiff has not proved his case by a preponderance of the evidence. The motion is denied and the defendant takes an exception.

Plaintiff called for cross-examination under the statute. (QUESTION) Do you suppose that the team is in the present condition as a result of this accident? Objected to by the plaintiff as being a question for the jury. The objection sustained.

Defendant called for direct examination. Called for cross-examination by the plaintiff. (QUESTION) Did you ever order anyone off of the road before? Objected to by the defendant, no foundation being laid and no allegation in the complaint to that effect. The objection is overruled and the defendant takes an exception.

A. Trick called by the defendant. Witness sworn. Examined by defendant. Cross-examined by the plaintiff. (QUESTION) Did plaintiff stop when the defendant walked up? Objected to by the defendant as being a leading question. Objection overruled and the defendant takes an exception.

T.R. May called for examination by the defendant. Witness sworn and examined by the defendant. Witness cross-examined by the plaintiff and recalled for examination by the defendant.

Joseph Platzer called by the defendant. Witness sworn. Examined by the defendant. Cross-examined by the defendant. (QUESTION) Do you know of any attempt previous to this of the plaintiff thru the defendant's hogs? Objected to by the defendant and the objection is overruled. (QUESTION) How much are you receiving for coming here today and testifying? Were you subpoenaed to come here? You came here simply to testify in Mr. May's behalf, did you not? Objected to by the defendant on the ground that plaintiff wishes to impeach the character of the witness. The objection is overruled and the defendant takes an exception. Plaintiff, Wm. J. Braunwarth called in rebuttal.

Mrs. Leo Braunwarth called by the plaintiff. Witness sworn. Examined by the defendant in rebuttal of testimony of C.P. May. Examined by defendant.

Martin Braunwarth called by the plaintiff. Witness sworn and examined in rebuttal of testimony of witness Platzer. Examined by defendant.

John Miller called by the plaintiff. Witness sworn and examined by plaintiff in rebuttal of witness Platzer. (QUESTION) What did he say. Objected to by the defendant and the objection overruled. Witness examined by the defendant. Wm. J. Braunwarth recalled by the plaintiff and examined. Witness examined by the defendant. Testimony closed. Plaintiff rests. Defendant rests.

Recess of 15 minutes and the case is continued for that time. Case resumed. Defendant opens the argument to the jury with an objection on the part of the defendant to certain language used in the argument to wit: IF THE COURT HAD DONE ITS DUTY, THIS CASE WOULD HAVE LASTED ONLY LONG ENOUGH TO BE DISMISSED AND NEVER GONE TO A JURY. Counsel remanded to confine himself to other remarks. Plaintiff opens argument to the jury. Arguments closed.

Constable Falk sworn to take charge of jury. Jury returned written verdict into court and assessed the damage of the plaintiff in the sum of Twenty-five Dollars. (\$25) Verdict filed, the jurors paid their fees and discharged.

It is therefore determined and adjudged that the plaintiff recover of the defendant, the sum of Twenty-five Dollars, (\$25) and the costs of this action taxed at \$13.56. Total judgment, \$38.56. Dated July, 19th, 1907.

A.C. Slavens
Justice of the Peace.

Costs and Disbursements. 45

Justice Fees,

\$ 9.49

Witness Fees

1.08

Constable fees

3.08

\$ 13.56

for plaintiff. Defendant executes appeal bond in the sum of \$100, with Albert Trick and T.R. May as sureties. The bond approved and filed. Case certified to the District Court and transcript of docket filed with Clerk of Court.

A.C. Slavens
Justice of the Peace.

JUSTICE FEES.	
Issuing Summons	\$. 25
Two Adjournments	30
Affidavit to Complaint	15
Issuing Venire for Jury	25
Swearing Jury and attending officer	40
Swearing 7 witnesses on trial	1. 05
Filing 5 papers in case	25
Taxation of Costs	15
Entering judgment	25
Entering 16 folios Docket Entries	2. 85
Entering 5 motions	75
Entering 9 objections	1. 85
Entering 10 Exceptions	1. 50
TOTAL	9. 45

Officer's Fees	
Serving Summons and copy	. 30
Travel to make service of Summons, 1 mile	10
Attendance on Justice Court	1. 00
Writing list of Jurors	25
Summoning Jury	1. 00
Attendance on Jury	50
Total	\$3. 05

Witness Fees	
One day witness fees, John Miller	\$1. 00
Travel, 1 mile	. 05
TOTAL	\$1. 05

State of Minnesota,)
County of Carver.) ss I hereby certify that the within trans-
cript is a true and correct copy of the
docket kept by me in the case of William
J. Braunwarth vs C.P. May.

Acklaude
Justice of the Peace.

State of Minnesota,)
County of Carver.) ss I hereby certify, that the within
papers are those, such as were filed with
me in the case of Braunwarth vs May.

Acklaude
Justice of the Peace

Travel, 1 mile
One day witness fees, John Miller
Witness fees

TOTAL

\$1.08
\$1.00

Attendance on jury

TOTAL

\$2.00

Witnessing jury

1.00

Waiting list of jurors

1.00

Attendance on Justice Court
Travel to take service of summons, 1 mile
Serving summons and costs
Officer's fees

TOTAL

\$2.00

Entering 10 exceptions

\$1.00

Entering 3 objections

1.00

Entering 2 motions

1.00

Entering 10 folios Pocket Entries

2.00

Entering Judgment

2.00

Execution of Costs

2.00

Writing 2 reports in case

1.00

Swearing 2 witnesses on first

1.00

Swearing jury and attending officer

1.00

Issuing venire for jury

1.00

Attendant to Complaint

1.00

Two adjournments

1.00

Issuing summons

1.00

Justice fees

1.00

CARVER COUNTY,
FILED

JUL 30 1907

H. O. Muehlberg

(510)

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Wm. J. Braunewarth

No. 1.

Against

Plaintiff

List of Jurors.

C. P. May

Defendant

Attorneys Mark Here	NAMES	REMARKS
	1 Christof Buetow Jr	
	2 Herman Kroening	
	3 Frank Crawford	
	4 Frank Wagner	
	5 Henry Blodel	
	6 Albert Hedtke	
	7 Geo. Becker	
	8 Ernest Lindquist	
	9 Alfred Anderson	
	10 Chas. Stege	
	11 Dennis O'Hagan	
	12 Frank Miesler	
	13 John Sicheneder	
	14	
	15	
	16	
	17	
	18	
	19	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30	

No. _____

STATE OF MINNESOTA,

County of *Carver*

DISTRICT COURT.

Wm. J. Braunschwarth

Plaintiff

Against

C. P. May

Defendant

JURY LIST.

CARVER COUNTY,
FILED

OCT 1 1907

H. O. Muehlberg Clerk

PIONEER PRESS CO., ST. PAUL, MINN.

(570)

State of Minnesota, }
 County of Carver } ss. Eighth Judicial District.
William J. Braumworth,
Plaintiff,
 vs.
C. P. May,
Defendant

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, - - - - - \$
 Interest on same from the - - - day of - - - 1 - - - \$

COSTS AND DISBURSEMENTS.

Statutory Costs, - - - - - \$10.00
 Justice's Court Costs - Jury fees \$6⁰⁰, Return of Justices \$2⁰⁰, Paid Clerk \$ - - - \$18.00
Three Affidavits, - - - - - \$.75
 Acknowledgments, - - - - - \$ 0.00
 Sheriff's Fees, - - - - - \$ 0.00
 Jury Fees, - - - - - \$ 3.00
 Clerk's Fees (to be taxed), (balance) - - - - - \$ 4.35

WITNESS FEES, VIZ.:

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

NAMES.	RESIDENCE.	NO. DAYS ATTENDANCE.	DATES OF ATTENDANCE	NO. MILE TRAVELED.	
<u>Albert Trick, Jr.</u>	<u>In Justice's Court</u>	<u>one</u>	<u>July 12th 1907</u>	<u>3</u>	\$ <u>1.18</u>
<u>Thos. R. May</u>	<u>Young America, Minn.</u>	<u>one</u>	<u>July 12th 1907</u>	<u>3</u>	\$ <u>1.18</u>
<u>Jos. Platzer</u>	<u>Young America, Minn.</u>	<u>one</u>	<u>July 12th 1907</u>		\$ <u>1.18</u>
	<u>In District Court</u>				\$
<u>Albert Trick, Jr.</u>	<u>Young America, Minn.</u>	<u>one</u>	<u>Sept 3d 1907</u>	<u>44</u>	\$ <u>3.84</u>
<u>Thos. R. May</u>	<u>Young America, Minn.</u>	<u>one</u>	<u>Sept 3d 1907</u>	<u>44</u>	\$ <u>3.84</u>

The above Bill of Costs and Disbursements taxed and allowed at - - - \$ 40.32

Dated June 16th 1908 H. O. Muehlberg Total Amount, \$ 40.32
 Clerk.

AFFIDAVIT OF DISBURSEMENTS.

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

Subscribed and sworn to before me this

11th day of June 1908

Al Klauke
 Justice of the Peace for Carver County, Minn.
 Notary Public.

John J. Fahey

NOTICE OF TAXATION OF COSTS.

State of Minnesota, }
County of Carver } ss. Eighth Judicial District.
William J. Braumworth,
Plaintiff
- 15 -
C. P. May,
Defendant

Sir: Please Take Notice, That on the 16th day of June 1908
at 10 o'clock A. M., application will be made to H. O. Muehlberg Esq.,
Clerk of said Court, at his office in the Court House in the City
of Chaska in the County of Carver and State of Minnesota, to have the
within bill of costs and disbursements taxed and inserted in the judgment then and there to be entered
herein.

Dated June 11th 1908

Yours respectfully,

To P. R. Curran, Esq.
Attorney for Plaintiff
John J. Fahy
Attorney for Defendant

District Court,

Eighth Judicial District,
County of *Carver*

William J. Braun with
Plaintiff

vs.
C. P. May,
Defendant

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

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

day of 190..... at

Attorney for

Filed this *12* day of *June*
A. D. 190*8*
H. O. Muehlberg
Clerk.

No. 13

(570)

3094
No. 3.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

State of Minnesota
Plaintiff

vs.

Joseph Meyers
Defendant

Thos. F. Craven
Plaintiff's Atty.

Defendant's Atty.

Date of Entry *August 29th* 1907

Register of Actions, *D.* Page *511*

Term Tried *September* 1907

Judgment for *8 months or \$1000*

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

*Def. pleaded guilty and was
sentenced to 8 months to State
Prison*

State of Minnesota,
County of **CARVER**

THE DISTRICT COURT,

ss.
Eighth Judicial District.
September Term, A. D. 190**7**

THE STATE OF MINNESOTA, AGAINST **Joseph Meyers.**

Joseph Meyers is

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

committed as follows:

The said **Joseph Meyers**

on the **twenty fourth** day of **August** A. D. 190 **7**, at the village of

~~in the County of~~ **Carver** ~~and State of Minnesota, did~~
~~under circumstances not amounting to Grand Larceny in the first degree,~~
wilfully, unlawfully, wrongfully and feloniously take steal and carry away
from the possession of Joseph Glatzel, and in and from the Roman Catholic
Church building there situated on Lot 1/2 in Block 23 in said village of Ner-
weed, in the day time of of the said ~~twenty~~ fourth day of August 1907, two
prayer books each of said books being then and there of the worth and value
seventy five cents, a mere particular description of said books or of
either of said prayer books being to this grand jury unknown: said property,
to wit, said prayer books, being then and there the property of, and in the
lawful possession of, and belonging to said Joseph Glatzel, and all said
property, to-wit, said prayer books, being then and there in the said Roman
Catholic Church building aforesaid there situated: with intent then and
there had and entertained by him the said Joseph Meyer to deprive the said
Joseph Glatzel, the true owner of said property, of his said property, and
to appropriate the said property, the said prayer books, to the use of him
the said Joseph Meyer

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

Dated at Chaska in the County of Carver and State of Minnesota, this 30th day of September A. D. 1907.

O. W. Mapes

Foreman of the Grand Jury.

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

Rev. Max Gornat
Michael Zahler
Joseph Klatzer
J. A. Gatz

8th Judicial District,
Carver County.

AGAINST
Joseph Meyer

For Grand Lorenzo
2nd Degree

O. W. Mapes
Foreman of the Grand Jury.

Carol

H. O. Muehlberg
Clerk

Thos H. Craven
County Attorney

WILLIS DAVIS PRINTING CO., MINNEAPOLIS
(140)

ATTENTION

[illegible]

In Justice Court.

County of Carver.

State of Minnesota,)
County of Carver.) ss

In Justice Court,
Before *Ad. Klauke*,
Justice of the Peace.

Joseph Glatzel of the Town of Young America, of said county and state, being first duly sworn and examined on oath by the undersigned, one of the Justices of the Peace of said County, on his oath complains and says that on the *24th* day of August, A.D., 1907, at the Village of Norwood in said County,

Joseph Myers, did commit the crime of

Grand Larceny in the second degree as follows:

On the *24th* day of August, A.D., 1907, the said *Joseph Myers* did unlawfully ^{and feloniously} take from the Ascension Church, a place of worship, in the Village of Norwood, in said County, in the day time, property, ^{of complainant} viz: PRAYER-BOOKS.

against the peace and dignity of the State of Minnesota and contrary to the Statute in such case made and provided, and complainant asks that the said *Joseph Myers* may be arrested and dealt with according to law.

Subscribed and sworn to before me this *24th* day of August, A.D., 1907.

Ad. Klauke
Justice of the Peace.

Joseph Glatzel
Complainant

In Justice Court.

County of Carver.

The State of Minnesota,

County of Carver,
State of Minnesota,
vs.
Joseph Grey
Defendant.

CRIMINAL COMPLAINT

Filed this 26th day of August, A.D. 1907.
Justice of the Peace.

Comes to the attention of the Court in such case made and provided, and
relating to the peace and dignity of the State of Minnesota and
the peace and dignity of the County of Carver,
that the said defendant, *Joseph Grey*,
was found guilty of the crime of
Grand Larceny in the second degree as follows:
On the 21st day of August, A.D. 1907, the said
defendant, *Joseph Grey*, did commit the crime of
Grand Larceny in the second degree as follows:
On the 21st day of August, A.D. 1907, the said
defendant, *Joseph Grey*, did commit the crime of
Grand Larceny in the second degree as follows:
On the 21st day of August, A.D. 1907, the said
defendant, *Joseph Grey*, did commit the crime of
Grand Larceny in the second degree as follows:

CARVER COUNTY,

FILED

AUG 29 1907

H.O. Muehlberg

(511)

I hereby certify and return
State of Minnesota,)
County of Carver,)
as first by virtue of the writ of habeas corpus, and have him in custody
and before the Court.

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

WHEREAS, *Joseph Glazel*, has this day complained in
writing to me, on oath, that *Joseph Meyers*, did, on
the *24th* day of August, A.D., 1907, at Norwood, in said County
Commit the crime of Grand Larceny in the second degree, com-
mitted as follows, viz:

On the *24th* day of August, A.D., 1907, the said *Joseph Meyers*
did unlawfully take from the Ascension Church, a place of wor-
ship, in the Village of Norwood, in said County, in the day
time, property, viz: *Two* PRAYER BOOKS
and prayed that the said *Joseph Meyers* might be arrested and
dealt with according to law: NOW THEREFORE, you are commanded
forthwith to apprehend the said *Joseph Meyers*, and bring him
before me, to be dealt with according to law.

Given under my hand this *26th* day of August, A.D., 1907.

A. C. Lawrence
Justice of the Peace.

County of Carver,
State of Minnesota,
Office of Justice Center.

State of Minnesota,)

County of Carver,) ss

The State of Minnesota, to the Sheriff or any Constable of said County and the Keeper of the Common Jail of said County:

WHEREAS, Joseph Meyers of said County, has been brought before the undersigned, one of the Justices of the Peace, in and for said County, charged on the oath of Joseph Flatzel, with having on the 24th day of August, A.D., 1907, at Norwood in said County, committed the offence of Grand Larceny in Second Degree, committed as follows:

On the 24th day of August, A.D., 1907, the said Joseph Meyers did unlawfully take from the Ascension Church, a place of worship, in the village of Norwood in said County, in the day time, property of the complainant, viz: TWO PRAYER BOOKS.

and it appearing to the said Justice that there is probable cause to believe that the said Joseph Meyers has been guilty of the offence of Grand Larceny in Second Degree, committed at the time and place aforesaid, of which offence the said Justice has not final jurisdiction, and whereas the said Joseph Meyers, waived examination, touching such charge and offence, the Justice did adjudge that the said offence has been committed, and that there is probable cause to believe the said Joseph Meyers to be guilty thereof, and whereas the said Joseph Meyers has not offered sufficient bail for his appearance to answer for said offence, you are commanded forthwith to take the said Joseph Meyers and him convey to the common jail of said County the Keeper whereof is hereby required to detain him in custody in said jail until he shall be thence discharged according to law.

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

A. C. Klauke
Justice of the Peace,
Carver Co., Minnesota.

State of Minnesota }
County of Carver }

I hereby certify that by virtue of the within warrant
I have delivered the within named Joseph Meyers
to the Sheriff of said county,
as appears by his receipt in due season.

Dated this 27 day of Aug. A.D. 1907.

Fees: Sheriff's fee, 25 cents
Mileage, 36 miles 1.26
Carriage, 1.00
Total \$2.51

State of Minnesota }
County of Carver }

I hereby certify that I
have received into my custody the within
named Joseph Meyers, and have
lodged him in the common jail of
said county, as within commanded.

Dated this 27 day of Aug. A.D. 1907.

Yours truly,
J. D. Gatz

Property of the complainant, viz: TWO PRAYER BOOKS.
and it appearing to the said Justice that there is probable cause
to believe that the said Joseph Meyers has been guilty of the

County of Carver,)
 State of Minnesota,) ss
 Joseph Meyers,)
 Plaintiff,)
 vs)
 Joseph Meyers,)
 Defendant.)

In Justice Court,
 Before A.C. Klauke,
 Justice of the Peace.

Michael Zahler....., being duly sworn, says that he arrested the Defendant in the above entitled action: that he necessarily travelled the number of miles set opposite his name, in bringing the prisoner to jail and that he necessarily expended the sum of \$. 60, as carfare for himself and prisoner.

Michael Zahler, Travel .. 20 miles, ^{\$1.20} Arrest \$.25 Expense \$.60 Total \$3.05

Subscribed and sworn to before me this 26th day of August, 1907.

A.C. Klauke
 Justice of the Peace.

In Justice Court,
County of Carver.

State of Minnesota, Plaintiff
vs.
Joseph Meyers, Defendant.

Affidavit of Travel and
Service of
Constable *Michael Gable*

Subscribed with me this
26th day of August, 1907.

W. H. Hauke
Justice of the Peace.

Subscribed and sworn to before me this 26th day of August, 1907, at *Wadena*, Minnesota, I, the undersigned, being duly sworn, depose that the above entitled action was first brought by the defendant in the above entitled action: that he necessarily traveled the number of miles set opposite his name, in his own car, and that he necessarily expended the sum of \$. 80, as set opposite for himself and prisoner.

CARVER COUNTY
FILED
AUG 29 1907
H. D. Mueller Clerk

(571)

County of Carver.
In Justice's Court.

State of Minnesota,)
County of Carver.) ss

In Justice's Court,
Before A.C. Klanke,
Justice of the Peace.

The State of Minnesota,)
Plaintiff,)
vs
Joseph Meyers,)
Defendant.)

(Transcript)

Norwood, Minn., August 26th, 1907. Joseph Glatzel came before me and made written complaint under oath against the said defendant, Joseph Meyers, charging the said defendant with having on the 24th day of August, 1907, at the Village of Norwood, in said County, unlawfully and feloniously, taken from the Ascension Church, a place of worship, in said Village and County, property of the complainant in the day time, viz: Two Prayer Books and prays that he may be arrested and dealt with according to law. Complaint filed. Warrant issued for the apprehension of said Joseph Meyers and delivered to Constable Fred Falk for service.. Aug., 26th, '07. Warrant returned by Constable Fred Falk with his certificate thereon that virtue of the within warrant I the within named defendant in custody and in Court. Warrant filed. Defendant appears in Court and expressly waives examination touching the said charge and offence. Defendant offering no bail, Commitment issued and delivered to Constable Fred Falk for service. August 27th, '07. Certified copy of Commitment, together with receipt of Jailor and certificate of service of constable returned and filed. Constable fees \$6.10 and \$2.85. Costs taxed at \$10.85.
Dated August 27th, 1907.

A.C. Klanke,
Justice of the Peace,
Carver County, Minn.

August 28th, 1907. A transcript of all the docket entries together with all the files herein, certified to the Clerk of District Court of said County and State.

A. C. Klanke,
Justice of the Peace,
Carver County, Minn.

Constable Zahler's Fees.	Justice Fees.
Making Arrest at Waconia	Complaint, 2 Folios & Oath \$ 45
Conveying Prisoner to Jail	: Issuing Warrant 25
20 Miles	2.00: Filing 4 papers in case 20
Carfare for Prisoner and	: Commitment to Jail 25
Officer	.80: Taxation of Costs 25
TOTAL	\$2.85: Entering Three Folios
	: Docket Entries
Constable Falk's Fees.	: 45
Serving Warrant	.25 : Drawing Affidavit, 1 Folio 15
Conveying Prisoner to	: Total \$1.90
County Jail 30 miles	3.60 :
Commitment to Jail	.50 : Justice Fees, \$1.90
Meals for Prisoner	.70 : Constable Fees, 8.95
Carfare for Prisoner and	: Total \$10.85
Officer	1.05 :
TOTAL	\$8.10 :

The State of Minnesota, Plaintiff,)
vs

Joseph Meyers, Defendant

To the District Court of Carver County, Minn.

Defendant in the above entitled action, having expressly waived examination, I make return of the proceedings had before me as appears from my docket.

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

and all proceedings had before me in said action. A.C. Klanke

(511)

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

The State of Minnesota,
against
Joseph Meyers, Defendant.

The County Attorney now moved for sentence upon the above named defendant.

The defendant, being first duly sworn, testified as follows

By the Court:

Q Your true name is Joseph Meyers? A Yes, Joseph Meyers

Q Where were you born? A I been born in Germany.

Q How long have you lived in this country?

A I was living here in the United States, I think, I came here in 1873.

Q Came over in 1873? A Yes.

Q And you are a citizen of the United States?

A Oh, yes, I have my second papers out five years after.

Q What trade do you follow? A Shoemaker.

Q Anything else? A No, that is all.

Q When did you come to Minnesota?

A Now, it is a little over five weeks I have been here; may be it was ten days before that.

Q You are a man of family?

A My family is killed.

Q Killed in the earthquake at San Francisco?

A I am alone now.

Q Have you ever been convicted of any crime before?

A No, I caught this sickness by this earthquake.

By the Court: The sentence of this Court that you are adjudged guilty of the crime of Grand Larceny in the Second Degree, as charged in the indictment found by the Grand Jury of this county against you, and as a punishment for said crime you be committed to and confined in the State Prison at Stillwater for a period of eight months.

Q Now, you are a man of business?
 A Yes, sir.
 Q Do you have any other business?
 A Yes, sir.
 Q What is it?
 A I have a business in the United States.
 Q Where is it?
 A It is in the State of New York.
 Q How long have you lived in the United States?
 A I have lived here for about ten years.
 Q How long have you lived in the State of New York?
 A I have lived here for about five years.
 Q How long have you lived in the City of New York?
 A I have lived here for about three years.
 Q How long have you lived in the City of New York?
 A I have lived here for about three years.

Q Now, you are a man of business?
 A Yes, sir.

Q Do you have any other business?
 A Yes, sir.

Q What is it?
 A I have a business in the United States.

Q Where is it?
 A It is in the State of New York.

H. C. M. M. M.

CO. 5 1907

State of Minnesota,
County of *Carver*

} ss.

DISTRICT COURT,

8th

Judicial District.

General Term,

190*7*No. *The State of Minnesota*

vs.

Joseph Meyers

Defendant

INDICTMENT

FOR

*Grand Larceny 2nd Degree*I, *H. O. Muehlberg*

Clerk of the District Court in and for the

County of *Carver*

State of Minnesota, do hereby certify, that after the above

named defendant *Joseph Meyers* had been convicted in said Courtof the crime of *Grand Larceny in 2nd Degree*and before passing sentence upon *him* the Court examined the said defendant under oath, and took the further evidence of

as to the business in which said
defendant had been engaged, or the mechanical trade which had learned and practiced prior
to arrest and conviction; and upon such evidence the Court ascertained and decided the
facts to be that

Witness My hand and the seal of said Court this _____ day of

190

Clerk.

State of Minnesota, }
County of

DISTRICT COURT,

Judicial District.

General Term of
190.....

The State of Minnesota
vs.

INDICTMENT
FOR

Filed this
day of 190.....

Clerk of District Court.

No. 802

3095
No. 4.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

State of Minnesota
Plaintiff

vs.

Benjamin Brose
Defendant

Thos. J. Craven
Plaintiff's Atty.

Defendant's Atty.

Date of Entry *Sept 4th* 190*7*
Register of Actions *8* Page *512*
Term Tried *September* 190*7*
Judgment *Deferred until March 1908*
Amount of Judgment, \$
Date of Judgment 190
Judgment Book Page
Default Judgment Book Page
Date of Docketing 190

State of Minnesota,
County of **CARVER**

THE DISTRICT COURT,

Eighth Judicial District.

September Term, A. D. 190**7**

THE STATE OF MINNESOTA, AGAINST **Bernard** Brose.

Bernard Brose is

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

committed as follows:

The said **Bernard** Brose

on the **eighteenth** day of **August** A. D. 190**7**, at the City of
Chaska in the County of **Carver** and State of Minnesota, did

under circumstances not amounting to grand larceny in the first degree, wilfully, unlawfully, wrongfully and feloniously take steal and carry away from the possession of Meritt Melvin and in and from the the store building of said Meritt Melvin there situate on lot 4 Block 22 in the city of Chaska, in the day time of said eighteenth day of August 1907, two pounds of candy of the value of forty cents, thirty cigars of the value of five cents each, two boxes of sardines each of the value of ~~five~~ ^{four} cents, three pounds of ~~of~~ tobacco of the value of one dollar, two rings each of the value of one dollar, one watch chain of the value of fifty cents, one watch feb of the value of one dollar and fifty cents, one purse of the value of seventy five cents, one pocket knife of the value of fifty cents, one pair of cuff holders of the value of twenty five cents, twenty one pennies genuine lawful and current money of the United States of America of the value of twenty one cents, and divers and sundry nick~~els~~ and silver coin pieces genuine lawful and current money of the United States of America amounting in the aggregate to one dollar and of the worth and value of one dollar; a more particular description of said property, or of said coins, or of any or either of said articles or coins, is to this grand jury unknown; said property, to wit, said candy, cigars, sardines, tobacco, rings, watch-chain, watch feb, purse, pocket knife, cuff holders, pennies and nickel and silver coin pieces, being then and there the property of, and in the lawful possession of, and belonging to said Meritt Melvin, and all said property being then and there in the said store building aforesaid there situated; with intent then and there had and entertained by him the said **Bernard** Brose to deprive the said Meritt Melvin, the true owner of said property, of his said property, and to appropriate the said property to the use of him the said **Bernard** Brose

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

Dated at Onaska in the County of Carver and State of Minnesota, this 1st day of October A. D. 1907.

C. W. Mages

Foreman of the Grand Jury.

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

Myrtle Nelson
Theodore Lundberg
J. A. Gatz

(Original)

DISTRICT COURT,

8th Judicial District,

Carver County.

The State of Minnesota,

AGAINST

Bernard Rose

INDICTMENT

For Grand Larceny

2nd Degree

A TRUE BILL.

O. W. Mages

Foreman of the Grand Jury.

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

Carver

Minnesota, this 1st day of

October 1907

H. O. Muehlberg

Clerk.

Phos. L. Cravens

County Attorney

HILLER-DAVIS PRINTING CO., MINNEAPOLIS

(142)

State of Minnesota,
County of Carver } ss

The Complaint of Meritt Melvin of said County,
made before Albert F. Young Esq., one of the
Justices of the Peace, in and for said County, who, being duly sworn, on his oath, says, that on the
18th day of August A. D. 1907, at the City of Chaska
in said County, Benjamin Brese did
wilfully, unlawfully, wrongfully, knowingly and feloniously take steal and
carry away from the possession of Meritt Melvin, and in and from the store
building there situated of said Meritt Melvin, in the day time of said
eighteenth day of August 1907, 2 pounds of candy of the value of forty
cents, 30 cigars of the value of one dollar and fifty cents, 2 boxes of
sardines of the value of twenty cents, 3 pounds of tobacco of the value
one dollar, 2 rings of the value of one dollar each, 1 watch chain of the
value of fifty cents, 1 watch fob of the value of one dollar and fifty
cents, 1 purse of the value of seventy five cents, 1 pocket knife of the
value of fifty cents, 1 pair of cuff holders of the value of twenty five
cents, 21 pennies genuine and current copper coins money of the United
States of America of the worth and value of twenty one cents; and divers
and sundray nickels and dimes, the exact number whereof and the particular
denomination whereof is to complainant unknown, genuine and current money
of the united States of America, of the worth and value of One Dollar; a
more particular description of said property being to complainant unknown:
said property being then and there the property of, and in the lawful poss-
ession of, and belonging to said Meritt Melvin, and all said property being
then and there in the store building there situate of said Meritt Melvin;
with intent then and there had and entertained by the said Benjamin Brese
to deprive the said Meritt Melvin, the true
owner of said property, of his said property, and to appropriate the said
property to the use of said Benjamin Brese

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

may be arrested and dealt with according to law.

Subscribed and sworn to before me, this 18th day of August 1907

Albert F. Young Justice of the Peace.

No 1

IN JUSTICE'S COURT

County of Carver

The State of Minnesota

AGAINST

Rugain Bros.

Criminal Complaint

CARVER COUNTY,
FILED

SEP 4 1907

H.O. Muehlberg Clerk.

Filed this 19th day of

August A. D. 1907

A. J. Jones
Justice of the Peace.

MILLER DAVIS PRINTING CO. MINNEAPOLIS
(512)

State of Minnesota,
County of CARVER ss.

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

Whereas, Meritt Melvin has this day
complained in writing to me, on oath, that Benjamin Brose

on the 18th day of August

A. D. 1907, at the City of Chaska in said County, did

wilfully, unlawfully, wrongfully knowingly and feloniously take steal and carry away from the possession of Meritt Melvin, and in and from the store building there situated of said Meritt Melvin, in the day time of said eighteenth day of August A.D. 1907, 2 pounds of candy of the value of forty cents, 30 cigars of the value of one dollar and fifty cents, 2 boxes of sardines of the value of twenty cents, 3 pounds of tobacco of the value of one dollar, 2 rings each of the value of one dollar, 1 watch chain of the value of fifty cents, 1 watch face of the value of one dollar and fifty cents, 1 purse of the value of seventy five cents, 1 pocket knife of the value of fifty cents, 1 pair of cuff holders of the value of twenty five cents, 21 pennies genuine and current copper coins money of the United States of America of the worth and value of twenty one cents, and divers and sundry nickels and dimes, the exact number whereof and the particular denomination whereof is to complainant unknown, genuine and current money of the United States of America, of the worth and value of one dollar;

a more particular description of said property being to complainant unknown; said property being then and there the property of, and in the lawful possession of, and belonging to said Meritt Melvin, and all said property being then and there in the store building there situate of said Meritt Melvin; with intent then and there had and entertained by the said Benjamin Brose

to deprive the said Meritt Melvin, the true owner of said property, of his said property, and to appropriate the said property to the use of said Benjamin Brose 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 Benjamin Brose

might be arrested and dealt with according to law.

Now, Therefore, You are commanded forthwith to apprehend the said Benjamin Brose

and bring him before me, to be dealt with according to law. And you are also commanded to

subpoena

material witnesses in said Complaint, to appear and testify concerning the same.

Given under my hand, this 18th day of August A. D. 1907

Attest

Justice of the Peace.

State of Minnesota,

County of

Carver

ss.

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

Dated at Chaska this 19th day of Aug A. D. 1907

FEES—Mileage _____ Miles, \$ _____

Service, - - - - \$ _____

Total, - - - - \$ _____

G. A. Gatz

Constable.

Sheriff Carver Co

Min

No 2

IN JUSTICE'S COURT

County of Carver

The State of Minnesota

— AGAINST —

Regina Bros

CRIMINAL WARRANT

CARVER COUNTY,

FILED

SEP 4 1907

H. O. Muehlberg Clerk

Filed this 1st day of

August A. D. 1907

A. J. [Signature]
Justice of the Peace.

(3/2)

State of Minnesota,
County of Carver } ss.

We, Benjamin Brose as principal, and
Julius Brose & Philip Riedel as sureties,
acknowledge ourselves to owe and be indebted unto the State of Minnesota in the
sum of Two Hundred Dollars, to be levied of our several
goods and chattels, lands and tenements, to the use of said State, if default be
made in the condition following, to-wit:

The condition of this Recognizance is such, that whereas the said Benjamin Brose
A. F. Young Esq., a Justice of the Peace in and for said County,

upon the complaint in writing of Meritt Melvin
charging said Benjamin Brose with grand larceny in the second degree committed as follows:
upon oath, for that said Benjamin Brose on the 18th day of August 1907 at
the City of Chaska in said County, did unlawfully, feloniously, wrongfully, know-
ingly and feloniously take and carry away from the possession of Meritt
Melvin, and in and from the store building there situated of said Meritt
Melvin, in the day time of said 18th day of August 1907, 2 pounds of Candy
of the value of 40 cents, 30 cigars of the value of one dollar and fifty cents,
2 boxes of sardines of the value of 20 cents, 3 pounds of tobacco of
the value of one dollar 2 rings each of the value of one dollar,
1 watch chain of the value of fifty cents, 1 watch of the value of
one dollar and fifty cents, 1 shoe of the value of seventy five cents,
1 pocket knife of the value of fifty cents, 1 pair of cuff buttons
of the value of twenty five cents, 21 pairs of wire pinning and copper
evins money of the United States of America of the worth and
value of twenty one cents, and divers and sundry nickels and coins
the exact number whereof and the particular denomination
whereof is to be complained and unknown, green and current
money of the U. S. of America of the worth and value of one dollar,
A more particular description of said property being to be complain-
ed and unknown, said property being then and there the property of
and in the lawful possession of and belonging to said Meritt Melvin, and
said property being then and there in the store building there situated of said Meritt Melvin,
with intent then and there to steal and feloniously take and carry away
said property from the possession of said Meritt Melvin, and to feloniously
take and carry away said property from the possession of said Meritt Melvin,
and whereas it appeared to the said Justice from an examination of the said

Meritt Melvin upon oath and other witnesses, upon oath, in the
presence of the said Benjamin Brose 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

Benjamin Brose to be guilty thereof; Now if the said
Benjamin Brose shall personally be and

appear at the next general term of the District Court, to be held in and for the said
County of Carver 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 the said Court without leave duly granted, then this Recognizance shall be
void; otherwise to remain in full force.

Taken and acknowledged before
me, this 21st day of
August 1907
A. F. Young
Justice of the Peace.

Benjamin Brose
Julius Brose
Philip Riedel

To be returned to the Court at the next general term of the District Court.

State of Minnesota,
County of Carver } ss.

Julius Boze & Philip Riedel
being duly sworn, say each for himself, that he is one of the sureties in the foregoing recognizance; that
he is a resident and freeholder of the State of Minnesota, and worth the amount of Two Hundred Dollars, specified in the
foregoing recognizance, above his debts and liabilities and exclusive of his property exempt from execution.

Subscribed and sworn to before me, this
21st day of August 1870
Alfonso
Justice of the Peace.

Julius Boze
Philip Riedel

No 3

IN JUSTICE COURT,

County of *Carver*

THE STATE OF MINNESOTA,
against

Benjamin Bros

RECOGNIZANCE

TO APPEAR AT DISTRICT COURT.

I hereby approve the within Recogni-
zance and the sureties therein contained,
this *21st* day of *August 1907*

Justice of the Peace.

The within Recognizance filed this *21st*
day of *August 1907*

W. J. Young
Justice of the Peace.

CARVER COUNTY,

FILED

SEP 4 1907

H. O. Muehlberg Clerk.

(572)

State of Minnesota
County of Carver 55

The State of Minnesota to the Sheriff of said County
Whereas Benjamin Bros has been brought this
day before me one of the Justices of the peace of said County
charged an oath of Merrett Melvin with having on the
19th day of August 1907 at the City of Chaska in
said County committed the offense of Grand
Larceny in the Second Degree, as in the com-
plaint and warrant specifically charged, ref-
erence is hereby made to said warrant for a particular
description of said offense and the description of
said offense as contained in said warrant is
hereby referred to and made a part hereof,
And whereas on the progress of said preliminary
hearing before me the said Benjamin Bros
expressly in open Court, waived all preliminary
examinations on said charge, and it
appearing ^{to me} that said offense has been committed
and that there is probable cause to believe the
said Benjamin Bros is guilty thereof, And
wherefore, after such examination and waiver
including said charge I did adjudge that said
offense had been committed and there was
probable cause to believe the said Benjamin
Bros to be guilty thereof; and whereas the
said Benjamin Bros offered Julius Bros
and Philip Riedels as bail for his said
appearance at the next term of the District
Court of Carver County to answer for said
offense, and said bail was fixed by me in the
sum of two hundred dollars and said bail
sum was duly executed by said accused and
said Julius Bros and Philip Riedels as his
sureties, and said sureties having each duly
justified, the said Benjamin Bros
was discharged from custody on his
said recognizance of \$200.00 to appear and
answer said charge at the next term of
the District Court of Carver County ap-
pointed to be held in the City of Chaska beginning
on the 30th day of Sept 1907.

A. J. Young
Justice of the Peace

State of Minnesota
Plaintiff
vs
Benj. Boose
Defendant

State of Minnesota
County of Carver
City of Chaska
In Justice Court
Before A. F. Young Justice of the Peace

Aug 19th 1907

The Complaint of Meritt Melvin
of said County, Came before me A. F. Young Esq
one of the Justices of the Peace, in and for said
County, who, being duly sworn, on his oath,
says, that on the 18th day of August A. D
1907 at the City of Chaska in said County,
Benjamin Boose did Wilfully, Unlawfully,
Wrongfully, Knowingly and feloniously take
steal and carry away from the possession
of Meritt Melvin, and in and from the
store building there situated of said Meritt
Melvin, in the daytime of said eighteenth day
of August 1907 - 2 pounds of Candy of the
Value of forty Cents, 30 Cigars of the value of
one dollar and fifty Cents, two boxes Sardines
of the value of 20 Cents, 3 pounds tobacco of
the value of one dollar, 2 rings of the value
of one dollar each, 1 watch chain of the
value of fifty Cents, 1 watch fob of the value
of one dollar and fifty Cents, one purse of the
value of twenty five cents, one pocket knife
of the value of fifty cents, one pair cuff
buttons of the value of twenty five cents,
twenty-one pennies genuine and current copper
coins money of the United States of America
of the worth and value of twenty one cents.

and divers and sundry nickles and dimes, the exact number whereof and the particular denomination of whereof is to the Complainant unknown, genuine and Current Money of the United States of America, of the worth and value of one dollar; more particular description of said property being to the Complainant unknown; said property being then and there the property of, and in the lawful possession of, and belonging to said Meritt Melvin, and all said property being then and there in the store building there situated of said Meritt Melvin; with intent then and there had and entertained by the said Benj. Brose to deprive the said Meritt Melvin, the true owner of said property of his said property, and to appropriate the said property to the use of said Benj. Brose against the form of the Statute in such case made and provided, and against peace and dignity of the State of Minnesota, and prays that the said Benj. Brose may be arrested and dealt with according to law.

I issued a warrant for the apprehension of the said Benj. Brose returnable forthwith and delivered the same to Sheriff G. A. Gatz to serve.

Aug 19th - Warrant returned by Sheriff G. A. Gatz with defendant in custody before me. ~~Warrant~~ ~~Complainant~~ read to said defendant.

^{ex parte}
Defendant ^{Wm. S. Examination}

I considered the Complaint and considered that there was good cause to believe that the defendant is guilty of the crime charged in the Complaint and ordered and determined that the said Benj. Brose enter into a recognizance in the sum of Two Hundred Dollars for his appearance at the next term of the district Court held in and for said County of Carter, and answer to the crime so charged, and abide by the order of said Court therein, and in default of said recognizance be committed to the Common Jail of said County, to await the action of the District Court unless sooner discharged.

Court adjourned until Wednesday August 21st A.D. 1907 at 10 O'Clock A.M. to give defendant time to get the amount of recognizance aforesaid.

August 21st 1907 10 O'Clock A.M.

Sheriff G.A. Gatz appeared with defendant Benj. Brose in charge.

Defendant entered into recognizance for the amount required with Julius Brose and Philip ~~As dele as sureties thereon~~

Said recognizance approved by me with the sureties therein named.

Dated this 21st day of August A.D. 1907

A. H. Young Justice of the Peace

I A. H. Young, a Justice of the Peace in and for said County, hereby certify that I have compared the foregoing with the docket entries made in this action, and that the same is a correct transcript therefrom; that the exami-

Justice Fees.	-	notions and recognizances taken before me
Complaint & filing	30	in said action, together with all the papers
Warrants & -	30	had before me therein, being numbered from
Oath to Comp.	15	(1) to (4) inclusive, are attached and returned
Order to Bring fine	25	herewith.
Summons	25	Given under my hand this 22 nd day
Return	15	of August A.D. 1907
Answer & fil.	30	
Return of 9/10	135	
Order to Comp.	15	
Order to 15 th fol		
Order to Return	250	
	570	

Attest
Justice of the Peace

In Justices Court
Before A. F. Young
Justice

No 4

Transcript

State of Minnesota
vs
Benjamin Brose
Grand Larceny 2nd Deg.

State of Minnesota
Against
Benj Brose

Transcript & Return to
District Court

CARVER COUNTY,
FILED

SEP 4 1907

H. O. Muehlberg, Clerk

(512)