



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

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3134

No. ~~10~~ 3.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Gottlieb Finkel

Plaintiff

vs.

N. H. Marshall

Defendant

H. J. Peck

Plaintiff's Atty.

H. C. Odell

Defendant's Atty.

Date of Entry *Sept. 21* 190*8*

Register of Actions, *2* Page *552*

Term Tried 190

Judgment for

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

Gotlieb Winkle/ Plaintiff.

vs.

N.H.Marshall/Defendant.

Issue joined Aug.30/1908.

H.J.Peck,Atty for Plaintiff.

W.C.Odell,Atty.for Deft.

Gotthelb Finckel
vs
N. H. Marshall

Note of Issue

CARVER COUNTY,
FILED
SEP 21 1908
H. O. Marshall, Clerk
(552)

STATE OF MINNESOTA,
County of *Carr* } ss.

I hereby certify and return, that on the *25th* day
of *August* 1908, at the ~~Town of~~ *City of Chaska* in the County
of *Carr* in said State, I served the within *Summons & Complaint* upon
the within named Defendant *N.H. Marshal*
by then and there handing to and leaving with *him* a true copy of said *Summons & Complaint*

SHERIFF'S FEES.

Return, - - \$ *1.00*
Mileage, - - *20*

Dated this *25th* day of *August* 1908

Sheriff *Carr* County, Minn.

By *G.A. Gatz* Deputy.

\$1.20

Print

State of Minnesota

County of Carver/ District Court.

Gotlieb Finkle/ Plaintiff.

vs.

N. H. Matshal/ Defendant.

The State of Minnesota to the ~~MEMORANDUM~~ above named defendant..

You are hereby summoned and required to answer the complaint of the plaintiff, in the above entitled action, which complaint is hereto attached and herewith served upon you, and to serve a copy of your answer to said complaint, upon the subscriber at his office in the city of Shakopee, Scott county 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 said plaintiff will apply to the court for the relief demanded in the complaint.

Dated Aug. 25th. 1908.

A. J. Beck

Attorney for Plain'ff

State of Minnesota

County of Carver/ District Court.

Gotlieb Finkle / Plaintiff.

vs.

N. N. Marshal/ Defendant.

The plaintiff for complaint against the defendant in th above entitled action, states and shows to the court-

That he is a resident of Chaska and has been for a great number of years, and is over eighty years of age.

That on the 20th. day of August 1908, the above named defenant did withot any cause or justification whatever, but with the wicked and malicious intention of injuring the plaintiff, in the village of Chaska, enter the dwelling of the plaintiff, in said city, and then and there make an assau upon this plaintiff, and wrongfully and maliciously seize this plaintiff and throw him out of doors and down upon the ground and injure the plaintiff, and then and there immediately after go into the said dwelling of the plaintiff, and seize him and violently throw him down upon the floor and jump upon the plaintiff with his knees and strike the plaintiff a number of times, and so continued to injure the plaintiff, until help came from the cries of the plaintiff.

That by reason of the facts aforesaid, the plaintiff was greatly injured and suffered great bodily and mental injury and pain, to his damage in the sum of five hundred dollars.

Wherefore plaintiff demands judgment against the defendant in the sum of five hundred dollars damages and costs of suit.

H. J. Beck
Att. for Plaintiff

Dist. Court
Carver County

John H. Finkler
vs.

M. H. Cleveland

James G. Crawford

CARVER COUNTY,
FILED

SEP 28 1908

H. D. Muehlberg, Clerk.
(552)

original

H. D. Peck
Atty for P. H. F.

3135

15.

No.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Lulu Barney Plaintiff

vs.

Ray Barney Defendant

Tjertsen & Lund Plaintiff's Atty.

H. J. Peck Defendant's Atty.

Date of Entry Sept 21st 1908

Register of Actions Page 553

Term Tried Sept Adjourned 1908

Judgment for Plaintiff

Amount of Judgment, \$1074.02

Date of Judgment February 15th 1909

Judgment Book 8 Page 282-283

Default Judgment Book Page

Date of Docketing Feb 15th 1909

Tjertsen & Lund Atty. for Plff.

0368

JRN

SERVICE OF SUMMONS OR COMPLAINT - To Attach.

For sale by Geo. F. Barnard & Co., St. Louis. S

STATE OF MINNESOTA,

ss.

County of

Carver

I hereby certify and return, that on the

18th

day

of

August

1908

at the Town of

Louisville

in the County

of

Scott

in said State, I served the within

Summons & Complaint upon

the within named Defendant

Ray Barry

by then and there handing to and leaving with

him

a true copy of said

Summons & Complaint

SHERIFF'S FEES.

Dated this

18th

day of

August

1908

Return, -

\$ 1.00

Mileage, -

6

60

\$ 7.60

By

Sheriff

G. A. Gatz

County, Minn.

Deputy.

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X-----		X	
Lulu Barney,	Plaintiff,	"	
	-vs	"	S u m m o n s .
Ray Barney,	Defendant.	"	
X-----		X	

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, and to serve a copy of your answer to the said complaint on the subscribers at their office in the City of Minneapolis in the said County of Hennepin, within thirty (30) 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.

Dated-- August 1, 1908.

Spencer and Sund
Attorneys for Plaintiff,
1015-16 New York Life Bldg.,
Minneapolis, Minn.

Fol.1.

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X-----X		
Lulu Barney,	Plaintiff,"	"
	-vs-	"
Ray Barney,	Defendant."	"
X-----X		

C o m p l a i n t .

Plaintiff for her cause of action against the defendant alleges:

1. That plaintiff, during all the times herein mentioned, was and still is a resident of the County of Carver, State of Minnesota.
- Fol.2. That both plaintiff and defendant now are, and have been for the last past five years, residents of the State of Minnesota. That defendant is thirty-one years old and that plaintiff is thirty years of age.
2. That on the 28th day of October, 1903, plaintiff and defendant were duly married at Shakopee, State of Minnesota and have since lived and cohabited as husband and wife up to the time herein mentioned when plaintiff was compelled to leave the defendant on account of his cruel and inhuman conduct and treatment of her. That there is no issue of said marriage.
- Fol.3. 3. That as a first ground for divorce plaintiff alleges that the defendant has been an habitual drunkard for more than one year next preceding the commencement of this action.
4. That as a second ground for divorce plaintiff alleges that since said marriage defendant has repeatedly treated plaintiff in a cruel and inhuman manner.
5. That during the month of July, 1907, at about eight-thirty o'clock in the evening, the defendant in a fit of insance jealousy

without any just cause or provocation, swore at plaintiff and called her vile names in the presence of plaintiff's sister and accused her, the plaintiff, of unfaithfulness to her marriage vow and then

"4. and there threatened to shoot the plaintiff.

6. That during the summer of 1906 the defendant, without any cause or provocation, swore at plaintiff, called her abusive names and struck her with his fist.

7. That in the month of February, 1908, while plaintiff was sick, the defendant came home intoxicated and pursued his usual treatment of plaintiff by cursing and swearing at her and calling her abusive names and by his conduct drove plaintiff out of the house into the cold, at which time he threatened to kill plaintiff.

"5. 8. That in the month of June, 1908, while plaintiff and defendant were driving home from town, defendant, without any cause, or excuse, swore at plaintiff and called her vile and abusive names and grabbed plaintiff by the throat and choked her, leaving marks on her person.

9. That the conduct of the defendant has been universally cruel and inhuman to such a degree that plaintiff's health has been impaired and that it has become unsafe for plaintiff to live and cohabit with defendant as his wife, and that by reason thereof, on the 10th day of July, 1908, plaintiff was compelled to, and did, leave defendant's

"6. abode and took up her abode with her mother, at Chanhassen in said County of Carver.

10. Plaintiff further alleges that the defendant is the owner of an improved farm in the County of Scott in said State of Minnesota, located about 2 1/2 miles from the Village of Chaska, which, together with the farm buildings thereon is of the reasonable value of \$7500.00. That said defendant is also possessed of cash, the proceeds of this year's crops; farm machinery, wagons, four horses, three cows and other personal property, all of the value of not less than \$2,000.00.

11. That during the time since their said marriage, plaintiff

"7. has devoted all her time to working upon said farm and attending to the

12. That plaintiff has no money or means with which to support herself or with which to prosecute this action. That defendant is abundantly able to pay temporary alimony and attorney's fees.

WHEREFORE plaintiff prays the judgment of this court:

2. That plaintiff be granted an absolute decree of divorce from the defendant, together with permanent alimony according to the provisions of the statute in such case made and provided, and that she have such other and further relief as to the court may seem just and proper, together with her costs and disbursements of this suit.

Gritter and Lund
Attorneys for Plaintiff,
1015-16 New York Life Bldg.,
Minneapolis, Minn.

Lulu Barney 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 and that the same is true of her own knowledge. Subscribed and sworn to before me this 1st day of August, A.D.1908.

Ludie K. Carlson
Notary Public, Hennepin County, Minn.
My commission expires June 5, 1912.

(Original)

State of Minnesota,

County of Carver

District Court.

Lulu Barney,
Plaintiff

vs.

Ray Barney,
Defendant

Summons and Complaint

Due and personal service of the within
is hereby admitted
this day of
A. D. 190

Attorney for

Gjertsen, ~~Rand~~ & Lund,

Attorneys for Plaintiff
1015-1016 N. Y. Life Bldg.
Minneapolis, Minn.

(553)

being

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A. D. 190

day of

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CARVER COUNTY,

FILED

SEP 21 1908

State of Minnesota.

County of

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Clark

7410

State of Minnesota

County of Carver / District Court.

Lulu Barney / Plaintiff.

vs.

Ray Barney / Defendant.

The defendant for answer to the complaint of the plaintiff in the above entitled action, states and shows to the ~~MINNESOTA~~ Court;

- 1- That the plaintiff is thirty four years of age, and the defendant is thirty three years of age.
- 2- Defendant admits that the plaintiff and defendant were married on the 28th. day of October 1903, at Shakopee Minn. as alleged in the complaint, and are now husband and wife to each other.
- 3- Defendant denies that he is now or ever was an habitual drunkard, whether as alleged in said complaint or otherwise.
- 4- Defendant further answering avers, that he denies paragraphs four, five, six, seven and eight, of said complaint, and each and every part and portion thereof.
- 5- Defendant avers that on the 5th. day of July 1908, and not on the 10th of July as alleged in the complaint, that plaintiff in the absence of the defendant, left the home of defendant, without cause, and took and carried away nearly all the household furniture and property of the defendant, and has not since returned.
- 6- Defendant admits that he has a farm in Scott county Minn. but denies that the same is of the value of \$7500.00, and avers that it is of no greater value than \$3000.00, and is incumbered by mortgages and debts for nearly the full value thereof.
- 7- Defendant denies that the plaintiff while she lived with defendant as his wife, devoted her time to working on the farm and attending to household duties incident to married life of people of their condition and circumstances, in life.

but on the other hand avers; that during the past two years she has refused to work, or attend to the household duties of the family, and has refused to perform the duties imposed upon her by her marriage, and as a consequence her house was filthy and unclean, and filled with vermin and the beds and clothing filthy and unclean, and the house unfit for decent people to inhabit or occupy, and that a great part of her time, she spent traveling and upon the highways and in the cities, of Minneapolis and St. Paul, pretending to give music lessons, and associating with men of questionable character and reputation, against the protest of the defendant, and when called to account for such conduct by the defendant which caused a scandal in the neighborhood, and a disgrace to him, she watched her opportunity, and in the absence of the defendant took the household goods of defendant and ran away as aforesaid.

8- Defendant further answering denies each and every allegation, statement, matter and thing in said complaint contained, not hereinbefore admitted.

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

H. J. Beck

Attorney for Defendant.

State of Minnesota

County of Scott/ss/ Ray W. Barney being duly sworn says that he
is the defendant in the above entitled action, and that the foregoing
answer is true of his own knowledge, except as to those matters therein
stated on information and belief and as to those matters he believes it
true.

Subscribed and sworn to this 2 day of
Sept. ~~August~~ 1908, before me,

Ray W. Barney

H. J. Peak
Notary Public Minn.

Comm. Exp. June 25-1913.

Dist. Court
Carver County
Lulu Barren
R. W. Barren
Arson

CARVER COUNTY,
FILED

FEB 6 1909

H. O. Muehlberg, Clerk

(553)

Rec'd Dec. 1-1908

W. J. Presc
Can for rec

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X-----	"	X
Lulu Barney,	Plaintiff,	"
-vs-	"	Reply.
Ray Barney,	Defendant.	"
X-----	"	X

Plaintiff replying to the answer of the defendant specifically denies each and every allegation, matter and thing in said answer contained and alleged

WHEREFORE, plaintiff prays judgment as demanded in her complaint herein.

Dated Sept. 4, 1908.

Gutierrez & Seward
Attorneys for Plaintiff,
1015-16 New York Life Bldg.,
Minneapolis, Minn.

STATE OF MINNESOTA :
:SS.
COUNTY OF HENNEPIN.:

Lulu Barney 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 reply and 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.

Subscribed and sworn to before me
this 4th day of September, 1908.

Lillian K. Karlson
Notary Public, Hennepin County, Minn.
My commission expires June 5, 1912.

" *Lulu Barney*
"

(Original)

State of Minnesota,

County of Carver

District Court.

Lulu Barney,
vs. Plaintiff

Ray Barney,
Defendant

Reply

Due and personal service of the within
is hereby admitted
this day of
A. D. 190

Attorney for

Gjertsen, ~~Re~~ & Lund,

Attorneys for Plaintiff

1015-1016 N. Y. Life Bldg.
Minneapolis, Minn.

(553)

CARVER COUNTY,
FILED

SEP 21 1908

H. O. Muehlberg, Clerk

State of Minnesota

County of

that at the

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in said county and state

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a true and correct copy of said

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is to affirm well known to be the same

A. D. 190

day of

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STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
NINTH JUDICIAL DISTRICT.

X-----		X	
		"	
Lulu Barney,	Plaintiff,	"	
		"	
	-vs-	"	ORDER.
		"	
Ray Barney,	Defendant.	"	
X-----		X	

This matter came before this Court at Chambers at the Village of Norwood, County of Carver, State of Minnesota, on Saturday, the 17th day of October, 1908, on an application by plaintiff for an order directing the defendant to pay temporary alimony and attorneys' fees. Messrs. Gjertsen and Lund appeared as attorney for plaintiff and H. J. Peck, Esq. appeared as attorney for the defendant in opposition thereto.

After hearing the respective parties and duly considering the motion

IT IS ORDERED

That defendant pay to Messrs. Gjertsen & Lund, attorneys, for plaintiff, the sum of seventy-five dollars attorneys fees and suit money to enable the plaintiff to prosecute the trial of said action. Said payment to be made on or before the 24th day of October, 1908.

The application for temporary alimony is denied for the present in view of the agreement of the parties to try the case the next Scott County Term of Court, and on the trial of said action an order for alimony and attorneys fees may be finally adjusted.
Dated October 20, 1908.

By the Court.

H. W. Morrison
Judge.

STATE OF MINNESOTA
COUNTY OF CARVER.

Lulu Barney , Plaintiff,

-vs-

Ray Barney Defendant.

O R D E R

CARVER COUNTY,
FILED

OCT 24 1908

H.O. Muehlberg Clerk

(553)

State of Minnesota.

County of *Carver* ~~Scott~~.

District Court,

Eighth Judicial District.

-----0-----
Lulu Barney, Plaintiff,

against

Ray W. Barney, Defendant.
-----0-----

At an adjourned term of the District Court duly held in and for the County of Carver, in said District, on the 7th day of January, 1909, the above entitled cause came duly on for trial to the Court.

Gjertson & Lund, Esquires, appeared as counsel for the Plff.;

H. J. Peck, Esquire, appeared as counsel for the Defendant.

After hearing the evidence adduced at the trial, reading the briefs and arguments of counsel for the respective parties, and giving all things involved therein due consideration, the Court makes the following findings of fact and conclusions of law:

F A C T :

1. That the plaintiff during all the time stated in the complaint was a resident of the County of Scott and State of Minnesota, and that the plaintiff's age is about 33 years and the age of the defendant is 31 years; and that on the 28th day of October, 1903, the plaintiff and defendant were duly married to each other at the City of Shakopee and State of Minnesota, since which time they lived and cohabited together as husband and wife up to and until the month of July, 1908, upon a farm in said County of Scott, Minnesota, at which time the plaintiff, on account of cruel and inhuman conduct and treatment of her by the defendant, was compelled to and did leave said defendant.

2. That during said intermarriage there were no children born to said plaintiff and defendant.

3. That all of the allegations contained in plaintiff's complaint respecting the acts of cruelty and inhuman conduct and treatment of the plaintiff by the defendant are true as therein alleged and set forth.

4. That by reason of such acts of cruelty and inhuman treatment, said plaintiff on the 10th day of July, 1908, was compelled to and did leave defendant's abode and took up her ~~residence~~ abode with her mother at Chanhassen in the County of Carver, Minnesota.

5. That defendant is the owner of an improved farm in the County of Scott and State of Minnesota, consisting of 160 acres, according to the government survey thereof, located about two and one half miles from the City of Chaska, described as follows, to-wit:

All that portion of the Northwest quarter (NW 1/4) of Section 21, Township 115, Range 23, lying west of the Chicago, St. Paul, Minneapolis and Omaha Railroad, excepting twenty two (22) acres out of the north end thereof, to-wit: commencing at a point on the North line of said quarter section fifty feet west of the center of said Railroad Co's. track, thence Southerly along said Railroad track fifty (50) feet therefrom eleven and 35/100 chains, thence west parallel with the North line of said Quarter section twenty one and 50/100 chains, thence in a right line to the North line of said Quarter section at a point nineteen and one half chains west of the point of beginning, thence east along ~~said~~ the said North line to point of beginning. Commencing at a point on the North line of the Southwest quarter of section 21, township 115, Range 23, fifty (50) feet West of the center of said above mentioned Railroad track, thence Southerly along said Railroad fifty (50) feet ~~xxxx~~ therefrom fourteen (14) rods; thence Westerly in a direct line one hundred and two rods and eleven feet

(102 rods 11 feet) to the Northwest corner of said Quarter section; thence East on the North line of said Quarter section to the place of beginning. Lots seven (7), and eight (8) in Section 20, township 115, Range 23, excepting five (5) acres off from the north end of said Lot seven (7) and so much of said lots seven and eight (7 and 8) as was conveyed to the Minneapolis and St. Louis Railroad Co.; All of said parcels of land containing One hundred and sixty (160) acres, more or less.

which farm and real estate is of the reasonable worth and value of \$4000.00; and that he is the owner, or was at the time the plaintiff left the defendant, of certain personal property consisting of grain, growing crops, horses, cows, farm utensils and other items of personal property of the worth and value of \$1220; that there is an encumbrance on said farm amounting in the aggregate to the sum of \$2100, and that the defendant owns real and personal property of the worth and value of \$3120 over and above all encumbrances and debts; and that the plaintiff has no money or means of support or any property whatever except one horse, the value of which the Court is unable to determine.

As Conclusions of L A W , the Court finds:

1. That plaintiff is entitled to an absolute divorce from the defendant, and it is hereby adjudged, decreed, ordered and determined that the plaintiff be granted an absolute divorce from the defendant.

2. It is further decreed, adjudged, ordered and determined that as permanent alimony the plaintiff recover of the defendant, and that he pay to her the sum of \$1040.00, together with the costs and disbursements of this action; and the payment of said sum is hereby made a specific lien upon the real estate hereinbefore described, and that in the event of said sum not being paid on or before thirty days from notice of the filing of this decision, said property be sold to

satisfy said lien.

Let judgement be entered accordingly.

Dated at Norwood, Minnesota, this 3d day of February, 1909.

W. M. Morrison
Judge of said Court.

State of Minnesota
County of Carver
In said Court

Lucas Bonney,
vs
Ray W. Bonney.
Deft

Decision and
Order

CARVER COUNTY,
FILED
FEB 6 1909.
H.O. Muehlberg, Clerk
(553)

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X- - - - -		X
Lulu Barney,	Plaintiff,	"
		"
-vs-		"
		"
Ray Barney,	Defendant.	"
		"
X- - - - -		X

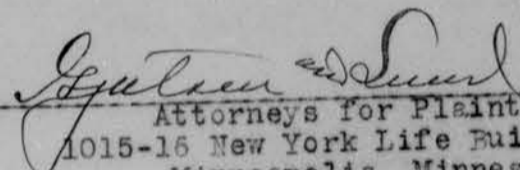
NOTICE OF TAXATION OF COSTS.

SIR:

PLEASE TAKE NOTICE, that on the 15th day of February, 1909, at ten-thirty 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 Chaska, County of Carver, 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 February 9, 1909.

Yours respectfully,


Attorneys for Plaintiff,
1015-16 New York Life Building,
Minneapolis, Minnesota.

To
Hon. H. J. Peck,
Attorney for Defendant,
Shakopee, Minn.

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X- - - - -X
" "
Lulu Barney, Plaintiff, "
" "
-vs- " BILL OF COSTS AND DISBURSEMENTS.
" "
Ray Barney, Defendant. "
" "
X- - - - -X

Permanent alimony allowed by court-----\$1040.00
Statutory costs-----10.00
Four affidavits-----1.00
Sheriff's Fees, serving summons and complaint-----1.60
Sheriff's Fees, serving subpoenas-----2.82
Register of Deed's Fee for description of defendant's
Scott County land-----1.00
Clerk's Fees, to be taxed,-----6.40
Witness Fees, as follows:

Name.	Res.	No. days.	Dates.	Miles.
Mrs. Leonard Ess, Chaska,		2	Oct. 7, '08, Jan. 7 '09.	2 --- 2.12
Myrtle Brown, St. Paul		3	Oct. 7, " " 6&7 "	64 6.84
Adolph Hesse, Chaska		1	" 7 " "	2 1.12
Jess Trybitowski		1	" 7 " "	2 1.12

The above bill of costs and disbursements taxed and
allowed at-----

Dated February 15th 1909.

Total Amount,

1074.02

H. C. Muehlberg
CLERK.

AFFIDAVIT OF DISBURSEMENTS.

STATE OF MINNESOTA :
:SS.
COUNTY OF HENNEPIN. :

Henry J. Gjertsen being duly sworn, says, on oath,
that he is one of the attorneys for the plaintiff in the above en-
titled action; that the foregoing is a true and correct statement of
the costs and disbursements as 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; ~~and~~
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 oppo-
site his name, in going from his said place of residence to, and re-
turning to said place of residence from, the place of trial of said
action, and for the purpose of so testifying actually and necessarily
traveled the number of miles, and attended said court thenumber 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) *[Signature]*
this 9th day of Feb. 1909.

Lillian K. Carlson
Notary Public, Hennepin County, Minn. Commission expires June 5, 1912.

STATE OF MINNESOTA:
:SS.
COUNTY OF HENNEPIN.:

Lydia K. Carlson being first duly sworn upon oath deposes and says, that on the 9th day of February, 1909, she served the annexed notice of taxation of costs and bill of costs and disbursements upon defendant's attorney by mail. That she then and there, at the City of Minneapolis mailed a true and correct copy thereof to H.J. Peck, Esq., attorney for the defendant, at Shakopee, Minnesota, by enclosing a true and correct copy thereof in a sealed envelope, with postage prepaid thereon, addressed to said H. J. Peck, Shakopee, Minnesota, and depositing the same in the United States Post Office at the City of Minneapolis. That there are daily communications by mail between the City of Minneapolis and said City of Shakopee where resides defendant's attorney.

Subscribed and sworn to before me
this 9th day of February, 1909.

Lydia K. Carlson

John A. Swan
Notary Public, Hennepin County, Minn.
My commission expires March 8, 1913.

Lulu Barney, Plaintiff,
-vs-
Ray Barney, Defendant.

CARVER COUNTY,
FILED

FEB 15 1907

H. O. Muehlberg Clerk.

GJERTSEN & LUND,
ATTORNEYS FOR PLAINTIFF,

H/ J. PECK,
ATTORNEY FOR DEFENDANT.

P3531

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X- - - - -	-X	
	"	
Lulu Barney,	Plaintiff,	"
	"	
-vs-	"	Judgment and decree.
	"	
Ray W. Barney,	Defendant.	"
	"	
X- - - - -	-X	

The above entitled action having been regularly placed upon the calendar of the above named court for the ~~September~~ ^{September}, A. D. 1908 General Term, thereof, came on for trial before the above Court at ~~a general~~ ^{an adjourned} Term thereof, duly held in and for the County of Carver in said District on the 7th day of January, 1909; and the court, ~~after~~ hearing the evidence adduced at said trial, being fully advised in the premises, did, on the 6th day of February, 1909, duly make and file its findings and order for judgment herein.

Now, pursuant to said order, and on motion of Messrs. Gjertsen and Lund, attorneys for the plaintiff, it is hereby adjudged and decreed that the bonds of matrimony heretofore existing between plaintiff and defendant be, and the same are hereby dissolved and said parties absolutely divorced from each other.

IT IS FURTHER adjudged and decreed that plaintiff have and recover of the defendant the sum of ten hundred and forty dollars (\$1040.00) as permanent alimony, together with the costs and disbursements in this action, taxed at thirty-four and 02/100 dollars (\$34.02); making in all, the sum of ten hundred seventy-four and 02/100 (\$1074.02) and it is further adjudged and decreed that the said sum of \$1074.02 is hereby made a specific lien upon the following described real estate of the defendant, situated in the County of Scott, State of Minnesota, described as follows, to-wit:

All that portion of the north-west quarter (N.W.1/4) of Section twentyone (21), Township one hundred fifteen (115), Range Twenty-three (23), lying West of the Chicago, Saint Paul, Minneapolis

& Omaha Railroad; excepting twenty-two (22) acres out of the north end thereof, to-wit:

Commencing at a point on the North line of said quarter section, fifty (50) feet, west of the center of said railroad company's track; thence southerly along said railroad track, fifty (50) feet, therefrom eleven and thirty-five one hundredths chains (11-35/100 ch.); thence west, parallel with the north line of said quarter section twenty-one and 50 one hundredths chains (21-50/100 ch.); thence in a right line to the north line of said quarter section, at a point nineteen and one half chains (19-1/2 ch.) West of the point of beginning; thence east along the said north line to point of beginning.

All that portion of the south-west quarter of said section twenty-one (21), as follows:

Commencing at a point on the north line of said south west quarter (S.W. 1/4) of said Section, Fifty (50) feet west of the center of said above mentioned railroad track; thence southerly along said railroad track, fifty (50) feet, therefrom, fourteen (14) rods; thence westerly in a direct line, one hundred and two rods and eleven feet (102 rds. & 11 ft.) to the north-west corner of said last mentioned quarter section; thence east on the north line of said south-west quarter to the place of beginning.

All of lots seven (7) and eight (8) in Section twenty (20), Township one hundred fifteen (115), Range twenty-three (23), excepting five (5) acres off from the north end of said lot seven (7), and so much of said lots seven (7) and eight (8), as was conveyed to the Minneapolis and St. Louis Railroad Company.

All of said parcels of land containing one hundred and sixty (160) acres of land, more or less.

It is further adjudged and decreed, that in the event said sum of ten hundred seventy-four and 02/100 (\$1074.02) dollars, is not paid on or before the 10th day of March, 1909, that being thirty (30) days from the service of notice of the decision and taxations of costs herein upon the defendant, said property to be sold to satisfy said lien, at public sale.

Dated February 15th 1909.

By the Court,

H. O. Muehlberg
Clerk of District Court.

$\frac{d}{dx} \left(x^2 + \frac{1}{x} \right) = 2x - \frac{1}{x^2}$

Lulu Barney, Plaintiff,

-VS-

Ray W. Barney, Defendant.

[illegible]

JUDGMENT AND DECREE

FILED
FEB 15 1909
H. O. Muehlberg, Clerk.

H.O. Muehlberg..... Clerk.

(553)

Form No. 61

2M-3-30-07

~~Court~~
~~JURY~~

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

No.

District Court
~~Carson~~
~~HERNIMAN~~ COUNTY

Lulu Barney, Plaintiff,
AGAINST

Ray Barney, Defendant

NOTE OF ISSUE

Gjertsen & Lund
Attorney for Plaintiff

H. M. Peck
Attorney for Defendant

Will the clerk please file this note of issue
and enter the cause on the Gen Term
Calendar of said Court for the 28th day
of Sept. 1908

Yours, etc.,

Gjertsen & Lund

Attorney for Plaintiff

LAST PLEADING SERVED

CARVER COUNTY,
FILED

SEP 21 1908

H.O. Muehlberg, Clerk

(553)

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X- - - - -X
Lulu Barney, Plaintiff, "
-vs- "
Ray W. Barney, Defendant. "
X- - - - -X
Partial Assignment of Judgment.

For a valuable consideration I hereby assign, transfer and set over unto my attorney Henry J. Gjertsen, three hundred thirty-four and 02/100 (\$334.02) dollars, of that certain judgment recovered by me against Ray W. Barney, defendant, which judgment was duly given and made by said court on the 15th day of February, 1909 for the sum of ten hundred seventy-four and 02/100 (\$1074.02) dollars, and duly docketed in the office of the Clerk of said District Court on said 15th day of February, 1909, which judgment was made a lien upon the following described real estate situate in the County of Scott, State of Minnesota, to-wit:

All that portion of the north-west quarter (N.W. 1/4) of Section twenty-one (21), Township one hundred fifteen (115), Range twenty-three (23), lying West of the Chicago, St. Paul, Minneapolis & Omaha Railroad; excepting twenty-two (22) acres out of the north end thereof, to-wit:

Commencing at a point on the North line of said quarter section, fifty (50) feet, west of the center of said railroad company's track; thence southerly along said railroad track fifty (50) feet, therefrom eleven and thirty-five one hundredths chains (11-35/100 ch.); thence west parallel with the north line of said quarter section twenty-one and 50 one hundredths chains (21-50/100 ch.); thence in a right line to the north line of said quarter section, at a point nineteen and one half chains (19-1/2 ch) west of the point of beginning; thence east along the said north line to point of beginning.

All that portion of the south-west quarter of said section twenty-one (21), as follows:

Commencing at a point on the north line of said south west quarter (S.W. 1/4) of said Section, Fifty (50) feet west of the center of said above mentioned railroad track; thence southerly along said railroad track, fifty (50) feet therefrom, fourteen (14) rods; thence westerly in a direct line, one hundred and two rods and eleven feet (102 rds. & 11 ft.) to the north-west corner of said last mentioned quarter section; thence east on the north line of said south-west quarter to the place of beginning.

All of lots seven (7) and eight (8) in Section twenty (20) Township one hundred fifteen (115), range twenty-three (23), excepting five (5) acres off from the north end of said lot seven (7), and so

much of said lots seven (7) and eight (8), as was conveyed to the Minneapolis and St. Louis Railroad Company.

All of said parcels of land containing one hundred and sixty (160) acres of land, more or less.

And I hereby assign the lien of said judgment in said property to the extent of three hundred and thirty four and 02/100 dollars co-ordinate with my own lien for the remainder of said judgment.

It is further stipulated and agreed that in case a sale of said property is necessary to enforce the collection of said judgment the same shall be made by my said attorney and that he may bid in said property for our joint benefit.

In testimony whereof I have hereunto set my hand and seal this 23rd day of March, A.D. 1909.

Signed, sealed and delivered"

In the Presence of

Lulu Barney
L. J. Carlson
John A. Swers

Lulu Barney (SEAL)

STATE OF MINNESOTA :
:SS.
COUNTY OF HENNEPIN.:

On this 23rd day of March, A. D. 1909,
before me a Notary Public within and for said County, personally
appeared Lulu Barney to me known to be the person described in and
who executed the foregoing instrument and she acknowledged that she
executed the same as her free act and deed.

L. J. Carlson
Notary Public, Hennepin County, Minn.
My commission expires June 5, 1912.

Lulu Barney, Plaintiff

-VS-

Ray W. Barney, Defendant.

CARVER COUNTY,
FILED

MAR 25 190

H.O. Muehlberg

(553)

STATE OF MINNESOTA
COUNTY OF CARVER.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

X-----			
Lulu Barney,	Plaintiff,	"	
		"	
-vs-		"	Notice of Trial.
		"	
Ray Barney,	Defendant.	"	
		"	
X-----			

Sir:--

YOU WILL PLEASE TO TAKE NOTICE, that the issue of law and fact in the above entitled action will be brought on for trial at the next General Term of said District Court, to be held in the Court House in the City of Chaska, on the 28th day of September, A. D. 1908, at the opening of said court on that day, or as soon thereafter as counsel can be heard.

Dated September 4, 1908.

Respectfully,

Attorneys for Plaintiff,
1015-16 New York Life Bldg.,
Minneapolis, Minn.

To
H. J. Peck,
Attorney for Defendant,
Shakopee, Minn.

(Original)

State of Minnesota,

County of Carver

District Court.

Lulu Barney, Plaintiff

vs.

Ray Barney, Defendant

Notice of Trial

Due and personal service of the within
Notice is hereby admitted
this 4th day of Sept.
A. D. 1908

Attorney for Defendant

Gjertsen, Rand & Lund,

Attorneys for Plaintiff

1015-1016 N. Y. Life Bldg.
Minneapolis, Minn.

being

A. D. 1908

day of

therein named, personally, by handing to and

a true and correct copy of said

that said

is to affiant well known to be the same

State of Minnesota,

CARVER COUNTY,

FILED

SEP 21 1908

first duly sworn upon oath deposes and says, that at the
in said county and
served upon
upon
leaving with said

Clerk.

(553)

No. 3134

DISTRICT COURT,
CARVER COUNTY, MINN.

State of Minnesota
Plaintiff.

vs
Emil Johnson
Defendant.

Thos F. Craven
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry Sept 29 1908
Register of Actions D. Page 554
Term Tried Oct 1908
Judgment for State
Amount of Judgment \$ 10.00 Fine
Date of Judgment _____ 19____
Judgment Book _____ Page _____
Default Judgment Book _____ Page _____
Date of Docketing _____ 19____

Herald Pub. Co., Chaska, Minn.

7

State of Minnesota,
County of Carver } ss.

THE DISTRICT COURT,
Eighth Judicial District.
September Term, A. D. 1908

THE STATE OF MINNESOTA, AGAINST Emil Johnson.

Emil Johnson
ACCUSED by the Grand Jury of the County of Carver and State of Minnesota,
by this Indictment, of the crime of willfully, without authority, driving away
from the place where left by its owner a horse

committed as follows:
The said Emil Johnson

on the 26th day of September A. D. 1908, at the village
of Carver in the County of Carver and State of Minnesota, did
willfully, without authority, drive away a horse and buggy
of another, to wit, of William O'Brien, from a hitching post in said
village of Carver where said horse was then and there left said
William O'Brien the owner and person in charge of said
horse.

W. O. Muehlberg
 Clerk.
 Thos. L. Cooney
 County Attorney
 (Signed)

No. 3137

DISTRICT COURT,
CARVER COUNTY, MINN.

Carl Rolf

Plaintiff.

vs.

Berthold Sommer et al

Defendant.

Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry October 16, 1908

Register of Actions 12 Page 555

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

STATE OF MINNESOTA,
County of Carver,

IN DISTRICT COURT,
Eighth Judicial District.

Carl Rolf,

Plaintiff.

-VS-

Berthold Dummer and Anna Dummer, Defendants.

THE STATE OF MINNESOTA to the above named DEFENDANTS:

You, and each of you, are hereby summoned and required to answer the complaint of the plaintiff in the above entitled action of which a copy is hereto annexed and herewith served upon you and to serve a copy of your answer thereto upon the subscriber at his office in the Village of Norwood, Carver County, Minnesota, within twenty days after the service of this summons upon you exclusive of the day ~~of~~ of such service.

If you fail to answer the complaint within such time the plaintiff will take judgment against you for the sum of Two Hundred Dollars with interest at 6 percent per annum from and after October 1, 1908.

John J. Laherty
Plaintiff's Attorney,

Norwood, Minnesota.

STATE OF MINNESOTA ,
County of Carver,

IN DISTRICT COURT,
Eighth Judicial District.

Carl Rolf,

Plaintiff.

-VS-

Berthold Dummer and Anna Dummer,

Defendants.

The plaintiff in the above entitled action complaining of the defendants therein alleges: For a first cause of action.

1. That plaintiff is now and has been for more than three years last past the owner and entitled to the possession of the following described real estate situate, lying and being in the County of Carver, State of Minnesota, to-wit, the West One Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Eleven (11), Township One Hundred and Sixteen (116) North, Range Twenty-six (26) West.

2. That from the first day of October, 1907, to the first day of October, 1908, defendants used and occupied the above described premises by permission of the plaintiff.

3. That the value of the use of said premises for said period of time was One Hundred and Twenty-five Dollars (\$125); that no part thereof has been paid.

For a second cause of action plaintiff alleges:

1. He realleges said first ~~XXXXX~~ paragraph of said first cause of action as fully and as complete as if they ^{shall} were restated herein.

2. That located on said premises is a grove which is fenced and protected; that said defendants allowed and permitted their horses and cattle to run through and upon said grove and the trees and shrubs in said grove damaging the same to the extent of Fifty Dollars.

3. That no part thereof has been paid.

For a third cause of action plaintiff alleges:

1. He realleges paragraph one of the first cause of action herein as fully and as complete as if the same was restated herein.
2. That located upon the premises and lands of the plaintiff herein is a large meadow; that defendants herein allowed and permitted there cattle and horses during the months of August and September, 1908, to run over and destroy the grasses of said meadow land destroying and damaging the same in the sum of Fifteen Dollars.
3. That no part thereof has been paid.

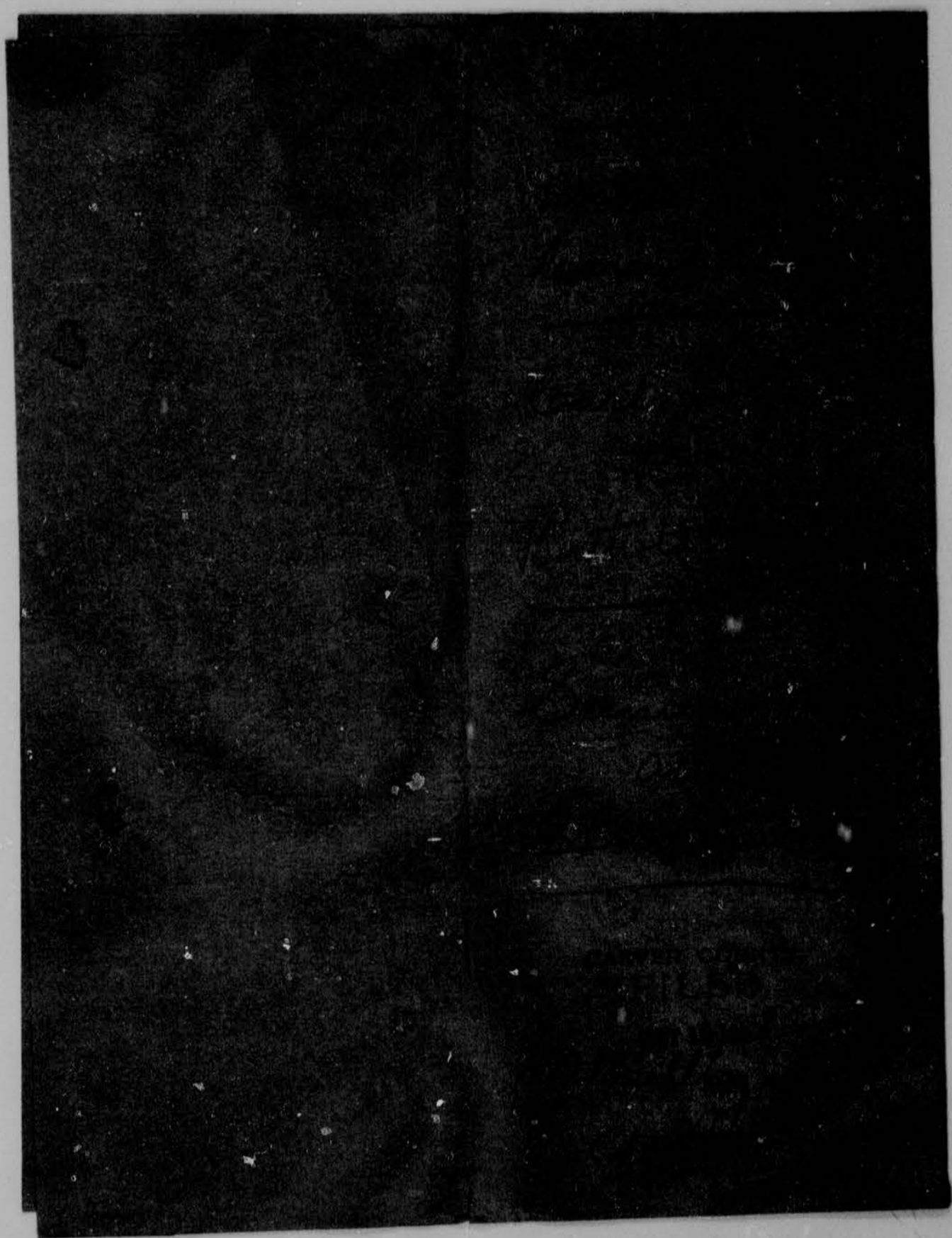
For a ~~the~~ fourth cause of action plaintiff alleges:

1. He realleges paragraph one of the first cause of action herein as fully and complete as if the same was restated herein.
2. That located upon the premises of the plaintiff herein were a large number of green trees which defendants caused to be cut and destroyed during the year 1908 to the damage of plaintiff in the sum of Ten Dollars.
3. That no part thereof has been paid.

Wherefore plaintiff demands judgment in all four causes of action for the sum of Two Hundred Dollars.

John J. Fahy
Plaintiff's Attorney,

Norwood, Minnesota.



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

Carl Rolf, Plaintiff.

vs.

Berthold Dummer and

Anna Dummer, Defendants.

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

THE STATE OF MINNESOTA

To the Sheriff of the County of Carver.

WHEREAS, In the above entitled action an application has been duly made to the proper officer for a Writ of Attachment against the property of Berthold Dummer and Anna Dummer

Defendants therein, setting forth by affidavit that a cause of action exists against such Defendants, and specifying the amount of claim and the ground thereof; and that the Defendants are about to assign, secrete or dispose of their property with intent to delay or defraud their creditors,

and the bond required by law has been duly executed, approved and filed, and said Writ allowed and directed to issue by said officer.

THEREFORE, You are hereby commanded and required to attach and safely keep all the property of said Berthold Dummer and Anna Dummer within your County, and not exempt from execution, or so much thereof as may be sufficient to satisfy the said Plaintiff's demand, which amounts to the sum of Two Hundred Dollars

as appears by the complaint in said action, together with costs and expenses, and that you proceed herein in the manner required of you by law.

WITNESS, The Honorable P. W. Morrison. Judge

of the District Court aforesaid, at Chaska, Minnesota,

this 16th day of October A. D. 19 08.

H. O. Muehlberg Clerk.

By

Deputy.

No. _____
DISTRICT COURT,
Eighth Judicial District,
County of Carver

Carl Rolf,
Plaintiff,

against
Berthold Dummer and
Anna Dummer.

Defendants.

WRIT OF ATTACHMENT.

Issued Oct. 16th, 19 08

H. O. Muehlberg
Clerk.
By _____ Deputy.

Returned and filed this 20th
day of October, A. D. 19 08

H. O. Muehlberg
Clerk.
By _____ Deputy.

Plaintiff's Attorney.

S-S.A.

STATE OF MINNESOTA,
County of _____ } ss.
of _____ and my Inventory of Levy thereon as above, with the original in my
possession, and that the same are true and correct copies therefrom and the whole thereof.
WITNESS my hand, this _____ day of _____ 19 _____

By _____

Sheriff

Co., Minn.

Deputy.

STATE OF MINNESOTA,
County of Carver,

IN DISTRICT COURT,
Eighth Judicial District.

Carl Rolf,

Plaintiff.

-vs-

Berthold Dummer and Anna Dummer, Defendants.

State of Minnesota,
County of Carver. ss.

John J. Fahey being first duly sworn says:

1. That he is the Attorney of the plaintiff in the above entitled action.
2. That it is brought for the recovery of money.
3. That a cause of action exists in favor of the plaintiff and against the defendants therein.
4. That the amount of said claim is Two Hundred Dollars.
5. That the ground of said claim is that the said defendants are indebted to the plaintiff in the sum of One Hundred and Twenty-five Dollars for the rent of plaintiff's farm and for the sum of Fifty Dollars for damages done to plaintiff's grove and for Fifteen Dollars ~~xxxx~~ for damages done to plaintiff's meadow and for damages done to plaintiff's green trees in the sum of Ten Dollars making in all Two Hundred Dollars.
6. That defendants are about to assign, secrete or dispose of their property with intent to delay or defraud their creditors. Therefore the plaintiff who has made no other application therefor, prays that a writ of attachment issue out of this Court in the above entitled action against the property of the defendant therein.

Subscribed and sworn to before me this 14th day of October, 1908
Upon the filing of the foregoing affidavit and an indemnifying bond
approved by me let a writ of attachment issue out of this Court in the
above entitled action against the property of the defendants therein.

John J. Fahey
John J. Fahey
District Judge.

Defendant for the sum of Plaintiff's claim for the sum of \$1.00

indented to the Plaintiff in the sum of One hundred and twenty-five

2. That the amount of said claim is that the said defendant are

3. That the amount of said claim is that the said defendant are

4. That a cause of action exists in favor of the Plaintiff and

5. That it is brought for the recovery of money.

action.

1. That he is the attorney of the Plaintiff in the above entitled

John T. Baker being first duly sworn says:

County of Carver, ss.

State of Minnesota,

Barthold Ottmer and Anna Ottmer, Defendants.

-vs-

Carl Gott,

Plaintiff.

County of Carver,

State of Minnesota,

IN DISTRICT COURT

CARVER COUNTY,
FILED

OCT 16 1908

H.O. Muehlberg, Clerk.

(533)

STATE OF MINNESOTA ,
County of Carver,

IN DISTRICT COURT
Eighth Judicial District.

Carl Rolf,

Plaintiff.

-VS-

Berthold Dummer and Anna Dummer, Defendants.

KNOW ALL MEN BY THESE PRESENTS, That CARL ROLF as Principal, and
Ferdinand Schmidt & Rudolph Kochler
as Sureties, are held and firmly bound unto Berthold Dummer and Anna
Dummer in the sum of Two Hundred and Fifty & No/100 Dollars, lawful
money of the United States, to be paid unto the said Berthold Dummer
and Anna Dummer, their 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 14th day of October, A.D. 1908.

THE CONDITION OF THIS OBLIGATION is such that whereas the above
named Plaintiff has duly applied for a Writ of Attachment against
the property of said Defendants in this action, according to the
statute in such case made and provided;

NOW, THEREFORE, If said Defendants recover judgment, if the Plaintiff
shall pay all costs that may be awarded to the Defendants and all
damages which they may sustain by reason of the attachment, not exceed-
ing the penalty of this Bond, then this obligation shall be void, other-
wise to remain in full force.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this
14th day of October, A. D. 1908.

Signed, Sealed and Delivered in Presence of

Al Klauke : Carl Rolf (SEAL)
Minne Rolf : Ferdinand Schmidt (SEAL)
: Rudolph Kochler (SEAL)

State of Minnesota,
County of Carver. ss.

On this 14th day of October, A. D. 1908, before me, the subscriber, a Justice of the Peace, in and for said County, personally appeared Carl Rolf and Ferdinand Schmidt and Rudolph Koehler 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.

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

State of Minnesota,
County of Carver. ss.

Ferdinand Schmidt and Rudolph Koehler being duly sworn, say each for himself that he is one of the Sureties above named; that he is a resident and freholder of the State of Minnesota, and worth the amount of Two Hundred and Fifty Dollars, specified in the foregoing bond, above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me ~~this 14th day of October, 1908.~~

this 14th day of October, 1908.
A. A. Klauke
Justice of the Peace for Carver
County, Minnesota.

Ferdinand Schmidt
Rudolph Koehler

County, Minnesota.
Office of the Sheriff for Carver

This 14th day of October, 1908.

Subscribed and sworn to before me this 14th day of October, 1908, at
exclusive of his property exempt from execution.

Specified in the foregoing bond, above the debts and liabilities, and
indebtedness, and with the amount of Two Hundred and Fifty Dollars,

District Court
Carver County,

Carle Rolf

- vs -

Bertold Sommer
et al

Bond in Attachment

I hereby approve the
within Bond and the
written thereon

FILED
OCT 16 1908
H. O. Muehlberg, Clerk

John J. Fahy
Ref's Attorney,

On this 14th day of October, A. D. 1908, before me, the undersigned, a
County of Carver, ss.
State of Minnesota,

3138

No. 4.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Ferdinand Drescher

Plaintiff

vs.

Rosina Giebarth, et al.

Defendant &

W. H. H. Pilgram

Plaintiff's Atty.

Defendant's Atty.

Date of Entry *Dec. 22nd* 190*8*

Register of Actions *D* Page *556*

Term Tried *March* 190*9*

Judgment for *Plaintiff*

Amount of Judgment, \$

Date of Judgment *March 1st* 190*9*

Judgment Book *D* Page *290*

Default Judgment Book Page

Date of Docketing 190

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

I hereby certify and return, that after due and diligent search, I have been unable to find the within defendants Rosina Ziebarth,.....Ziebarth, her husband, Caleb Lewis,.....Lewis, his wife, within my said County and the Defendant's aforesaid cannot be found within said Carver County.

Dated this 22nd day of December 1908.

G. A. Gatz

Sheriff of Carver County,
Minn

STATE OF MINNESOTA.
COUNTY OF CARVER.

DISTRICT COURT.
FOURTH JUDICIAL DISTRICT.

Ferdinand Dressler,
Plaintiff.

-vs-

Rosina Ziebarth,.....
Ziebarth, her husband, Caleb
Lewis, Lewis, his
wife, and all other persons and parties
unknown, claiming any right, title,
estate, lien or interest in the
real estate described in the
complaint herein.

SUMMONS.

Defendants.

STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You and each of you are hereby summoned and required to answer the complaint of the plaintiff in the above entitled action, a copy of which complaint has been filed in the office of the Clerk of the above named Court, within twenty days after the date of the service upon you, exclusive of the day of such service, and in the event of your failure so to do, plaintiff will apply to the Court for the relief demanded in said complaint.

DATED December 10th, 1908.

WMA Pilgram
Attorney for plaintiff.
515-520 Temple Court.
Minneapolis, Minn.

TO THE ABOVE NAMED DEFENDANTS AND EACH OF THEM:

You are hereby notified that the above entitled action is brought by plaintiff to have himself adjudged the owner in fee simple of the following described property, situated in the County of Carver, State of Minnesota, to-wit:

Lot six (6) block twenty eight (28) in the village of Watertown, and that in case you do not answer, plaintiff seeks no personal judgment of any kind against you or either of you.

WMA Pilgram
Attorney for plaintiff.

STATE OF MINNESOTA.

COUNTY OF CARVER.

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT.

Ferdinand Dressler,
Plaintiff.

--VS--

Rosina Ziebarth,.....
Ziebarth, her husband, Caleb
Lewis, Lewis, his wife,
and all other persons or parties
claiming any right, title, estate,
lien or interest in the real estate
described in the complaint herein.
Defendants.

COMPLAINT.

For his complaint in the above entitled action, plaintiff herein
alleges:

That he is the owner siezed in fee, and in the possession
and entitled to the possessoon, of the following described real
property, situated, lying and being in the County of Carver, State
of Minnesota, to-wit:

Lot six (6), block twenty-eight (28) in the village of
Watertown, according to the map and platt thereof ^{on} filed, and ^{of}
record in the office of the Register of Deeds in and for said County,

That said defendants claim an interest and estate in and to
said real property, adverse to this plaintiff,

WHEREFORE, Plaintiff demands judgement against said defend-
ants and each of them, that he be adgudged to be the owner and siezed
in fee of all of said premises,

That said defendants and each of them be adjudged to have no
right, title, interest, estate or lien, in or to siad premises or
any part thereof,

That the title of said plaintiff in and to said property,
and to the whole thereof, be affirmed and established in him and that
defendants and each of them and all other persons or parties unknown
claiming any right, title, estate, interest or lien in the said real
estate, be forever barred from asserting or claiming ang right, title
estate, lien or interest therein or any part therof and that plaintiff

recover costs and disbursements in this action.

DATED December 10, 1908.

WMA Pilgrame
Attorney for plaintiff.
515-520 Temple Court.
Minneapolis, Minn.

STATE OF MINNESOTA.

ss

COUNTY OF HENNEPIN.

Ferdinand Dressler, being first duly sworn and upon oath, deposes and says, that he is the plaintiff in the above entitled action, that he has read the same and that to his own knowledge and belief he believes it to be true, excepting as to those matters therein stated upon his information and belief, and as to those matters he believes it to be true.

Subscribed and sworn to before

me this 10th day of December, 1908.

Ferdinand Dressler

WMA Pilgrame

Notary Public, Hennepin Co., Minn.
My commission expires April 7, 1909

Notary Public, Hennepin Co., Minn.
My commission expires April 7, 1909

Original

State of Minnesota,

County of Carver

District Court

Ferdinand Drassler

vs. Plaintiff

Rosina Ziebarth et al.
Defendant

Summons and Complaint.

Due and personal service of the within
is hereby admitted
this day of
A. D. 190

Attorney for

W. H. H. PILGRAM,
515-520 Temple Court,
MINNEAPOLIS, MINN.

Attorney for

CARVER COUNTY,
FILED

DEC 22 1908

H. O. Muehlberg, Clerk.

(556)

STATE OF MINNESOTA.

DISTRICT COURT.

COUNTY OF CARVER.

FOURTH JUDICIAL DISTRICT.

FERDINAND DRESSLER.,
Plaintiff.

-vs-

Rosina Ziebarth,.....

Ziebarth, her husband, Caleb

AFFIDAVIT FOR PUBLICATION
OF SUMMONS.

Lewis, Lewis, his wife,

and all other persons and parties,

unknown, claiming any right, title, estate,

lien or interest, in the real estate described

in the complaint herein.

Defendants.

STATE OF MINNESOTA.

ss

COUNTY OF HENNEPIN.

Ferdinand Dressler, being first duly sworn, deposes and says, that he is the plaintiff in the above entitled action, that the present address of the following named persons are wholly unknown to this affiant, -Rosina Ziebarth, Ziebarth, her husband, Caleb Lewis and Lewis, his wife, - that affiant has inquired of the friends and acquaintances of said defendants, and each of them, as to the present residence and address of said defendants, and has made diligent inquiry for them and that affiant has been unable to ascertain their whereabouts, that the last place of residence of said defendants, Rosina Ziebarth, Ziebarth, her husband, known to this affiant was at Delano, Minnesota, and that the last place of residence of Caleb Lewis and Lewis, his wife, was at Watertown, Minnesota,

BUT THAT THE SAID DEFENDANTS; AND EACH OF THEM, have since removed from their respective places of abode, and that the place to which they have removed is wholly unknown to affiant and that affiant believes that the said defendants are not residing in the State of Minnesota and cannot be found therein.

Affiant further states that none of the above named defendants, nor any of them, reside in the State of Minnesota and cannot be found therein and that the sheriff of said Carver County, Minnesota, has made his return upon the summons issued in the above entitled, action, stating that the said defendants, nor any of them, can be found in the County of Carver, State of Minnesota,

Affiant further states that the above entitled action is brought by the plaintiff for the purpose of having himself adjudged and decreed the owner in fee simple of the following described property, to-wit, Lot Six (6) Block Twenty-eight (28) in the Village of Watertown, according to the map or plat thereof on file and of record in the office of the Register of Deeds, in and for said County of Carver, by the above named Court, and that the relief demanded herein consists wholly in excluding the defendants and each of them and all other persons and parties unknown from any right, title, estate, lien or interest in the real estate described herein.

Affiant further states that he is a resident of the State of Minnesota and has been for a number of years last past, and that personal service cannot well be had on the above named defendants nor any of them.

Subscribed and sworn to before me
this 18th day of December, A. D. 1908.

Ferdinand Dressler

W. H. Gilman

Notary Public.

Notary Public, Hennepin Co., Minn.
My commission expires April 7, 1909

State of Minnesota,
County of Carver
District Court
Ferdinand Dressler
Plaintiff
vs.
Rosina Ziebarth et al.
Defendants

Affidavit for Publication.

Due and personal service of the within
is hereby admitted
his day of
A. D. 190

Attorney for

V. H. H. PILGRAM,
515-520 Temple Court,
MINNEAPOLIS, MINN.

Attorney for

CARVER COUNTY,
FILED

DEC 22 1908
H. O. Muehlberg, Clerk.
(556)

COURT.

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

No.

District Court,

^{Carver}
KENNEBEC COUNTY

Eight Judicial District

Ferdinand Dressler

Plaintiff

AGAINST

Rosina Ziebarth

Et al. Defendants

NOTE OF ISSUE.

W.H. Dilgram

Attorney for Plaintiff.

No appearance

Attorney for Defendant.

Will the clerk please file this note of issue
and enter the cause on the *Gen.* Term
Calendar of said Court for the *8* day
of *March* 190*9*.

Yours, etc.

W.H. Dilgram

Attorney for *Plaintiff*

LAST PLEADING SERVED



CARVER COUNTY,

FILED

FEB 23 1909

H.O. Muehlberg Clerk.

(556)

AFFIDAVIT OF PUBLICATION.

Chaska Herald Print

STATE OF MINNESOTA, COUNTY OF CARVER, DISTRICT COURT, FOURTH JUDICIAL DISTRICT.

Ferdinand Dressler, Plaintiff.

-vs- Rosina Ziebarth, her husband, Caleb Lewis, his wife, and all other persons and parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the complaint herein.

Defendants. STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You and each of you are hereby summoned and required to answer the complaint of the plaintiff in the above entitled action, a copy of which complaint has been filed in the office of the Clerk of the above named Court, within twenty days after the date of the service upon you, exclusive of the day of such service, and in the event of your failure so to do, plaintiff will apply to the Court for the relief demanded in said complaint.

Dated, December 18th, 1908. W. H. H. Pilgram, Attorney for Plaintiff, 15-520 Temple Court, Minneapolis, Minn.

STATE OF MINNESOTA, COUNTY OF CARVER, DISTRICT COURT, EIGHTH JUDICIAL DISTRICT.

Ferdinand Dressler, Plaintiff.

-vs- Rosina Ziebarth, her husband, Caleb Lewis, his wife, and all other persons and parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the complaint herein.

Defendants.

LIS PENDENS.

TO WHOM IT MAY CONCERN: Notice is hereby given that the above entitled action has been brought in said Court by this plaintiff to determine the adverse claims of the above named defendants and other persons and parties unknown, that the subject of this action is real estate in the county of Carver, State of Minnesota, and the defendants and each of them have or claim a lien or interest, actual or contingent therein, and the relief demanded consists wholly in excluding the defendants and each of them from any interest or lien in the following described property, to-wit: Lot six (6) Block twenty eight, (28) in the village of Watertown, according to the map and plat thereof filed, and of record in the office of the Register of Deeds, in and for said County.

W. H. H. Pilgram, Attorney for Plaintiff, 15-520 Temple Court, Minneapolis, Minn. (First publication Dec. 31, 08)

State of Minnesota, ss. County of Carver

Came personally before me *J. E. L. J. J.*

and, being duly sworn, deposes and says that he now is, and during all the time hereinafter mentioned has been, the editor and printer of THE WEEKLY VALLEY HERALD, a weekly newspaper printed and published in Chaska in said Carver county on Thursday of each week. That he knows of his own knowledge that the printed

notice of "*Summons*" & "*Lis Pendens*" hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said

newspaper once in each week for 6 successive weeks, and that all of said publications were made in the English language. That said notice was first in-

serted, printed and published in said newspaper on Thursday, the 31st

day of December 1908 and was printed and published therein on each and every Thursday thereafter until and including Thursday the 4th

day of February 1909. That during all the time aforesaid said newspaper was a collection of general and local news, comments and miscellaneous literary items, and regularly issued and published on Thursday of each week from a known office of publication, said office being equipped with the necessary materials, presses, etc., and skilled workmen for producing the same, and has consisted of not less than four pages, of five columns or more to each page, each column not less than seventeen and three-fourths inches in length, and never made up wholly of patents, plates and advertisements, or either or any of them, and has not been substantially a duplicate of any other newspaper, and has been regularly delivered each week to more than two hundred and forty paid subscribers, and that said newspaper, composed and consisting as above set forth, was printed and published in the English language weekly, and generally circulated in Carver county for more than one year next preceding the date of the first publication of said notice. That the publishers of said newspaper have filed with the county auditor of said Carver county, an affidavit setting forth the facts required by section 2, chapter 33, of the Laws of the State of Minnesota for the year 1893, and amendments thereto.

Subscribed and sworn to before me this 1st day of March 1909

J. E. L. J. J.
Notary Public, Carver County, Minn.

My Commission Expires Aug. 6, 1914

Affidavit of Publication

No.

In the matter of the Estate of

Deceased.

Filed this day of

..... A. D. 190.....

Judge of Probate.

CARVER COUNTY,
FILED

MAR 1 1909.

H. O. Muehlberg, Clerk.

(556)

Mr. and has filled the place with a
ent stock of men's and boys' cloth
to and furnishings, and intends to
hil- the entire lot at half price and
to He advertises the sale in the Her
today and has circulated 2,000 pe
ith ers advertising the sale.

STATE OF MINNESOTA.
COUNTY OF CARVER.

DISTRICT COURT.
EIGHTH JUDICIAL DISTRICT.

Ferdinand Dressler,
Plaintiff.

-vs-

Rosina Ziebarth,-----
Ziebarth, her husband, Caleb
Lewis,-----Lewis, his wife,
and all other persons and parties
unknown, claiming any right, title,
estate, lien or interest in the real
estate described in the complaint herein.

(Affidavit of no answer)

Defendants.

STATE OF MINNESOTA.
COUNTY OF HENNEPIN.

W. H. H. Pilgram being first duly sworn, upon oath
deposes and says that he is the attorney for the plaintiff in the
above entitled action, that more than twenty (20) days have elapsed
since the summons in the said action was served upon all of the def-
endants above named, by publishing the same as required by the statutes
of the State of Minnesota, in such case made and provided, and that
each and all of said defendants are now wholly in default of any answer,
demurrer or appearance of any kind whatever in said action.

Subscribed and sworn to
before me this 27th day
of February, 1909.

W. H. H. Pilgram

J. A. Breun
Notary Public, Hennepin County, Minn.
My commission expires Dec. 19, 1915

State of Minnesota,

County of Carver

District Court.

Ferdinand Dressler
Plaintiff

vs.

Rosina Ziebarth et al.
Defendants

Affidavit of no answer.

Due and personal service of the within
is hereby admitted
this day of
A. D. 190

Attorney for

W. H. H. PILGRAM,
515-520 Temple Court,
MINNEAPOLIS, MINN.

Attorney for Plaintiff.

CARVER COUNTY,
FILED

MAR 1 1909

H. O. Muehlberg Clerk.

(556)

STATE OF MINNESOTA.

DISTRICT COURT

COUNTY OF CARVER.

EIGHTH JUDICIAL DISTRICT.

Ferdinand Dressler,
Plaintiff.

--VS--

Rosine Ziebarth,-----
Ziebarth, her husband, Caleb
Lewis, -----Lewis, his wife, and
all other persons and parties unknown,
claiming any right, title, estate, lien or
interest in the real estate described in
the complaint herein.

(Findings of Fact,
Conclusions of Law,
and Order for Judgement.)

The above entitled cause, being regularly on the General Term Calendar for March, 1909, in the above entitled Court, came up for hearing before the Honorable P. M. Morrison, Judge of said Court, without a jury on the 1st day of March, 1909, the Plaintiff, Ferdinand Dressler appearing by his attorney, W. H. N. Pilgren and it appearing to the satisfaction of said Court that the summons in said action was duly served on each and all of the Defendants herein named and on all other persons and parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the complaint herein, by publishing the said summons as required by the Statutes of Minnesota, in such case made and provided, -that more than Twenty (20) days have elapsed since the said service was completed, -that each and all of the defendants named herein and that all other persons and parties unknown claiming any right, title, estate, lien or interest in the real estate described herein have not answered, demurred or made any appearance in said action and that each and all of them are now wholly in default of any appearance whatever herein.

The Court having heard the evidence adduced here in said cause finds

as

Facts

(1st) That on the 10th day of December, 1908, the Plaintiff herein named, was and still is the owner in fee simple and in the act-

and possession of the following described real ~~estate~~ property,
situated, lying and being in the County of Carver, State of Minn-
esota, to-wit:

Lot six (6), Block Twenty eight (28) in the Village
of Watertown, according to the map and plat thereof as filed and
of record in the office of the Register of Deeds in and for said
County.

(2nd)-That Plaintiff, Ferdinand Dressler acquired
title to the property described in section (1st) herein by deed,
dated March 24th, 1881, said deed being made and executed by Bertha
A. Brothers and James E. Brothers, her husband for a valuable con-
sideration and that said deed was filed in the office of the Regist-
er of Deeds in and for said Carver County, Minnesota, on the 31st
day of March 1881 at Nine (9) o'clock A. M. and was duly recorded
in Book V of Deeds on pages 604 and 605.

(3rd)-That the Plaintiff aforesaid, Ferdinand Dressler,
has been the owner and in actual possession of the real estate prop-
erty described in Section (1st) herein continuously from the said
24th day of March 1881, and is now the owner and holder thereof.

(4th)-That the Defendants and each of them named herein
and all other persons and parties unknown, claiming any right, title,
estate, lien or interest in the premises described in Section (1st)
herein have no right, title, estate, lien or interest therein, adverse
to this Plaintiff, and

as

Conclusions of Law

the Court finds,

(1st)-That the Plaintiff herein named, Ferdinand
Dressler be adjudged and decreed to be the owner in fee simple of
the following described real estate property, to-wit:

Lot Six (6), Block Twenty eight (28) in the
Village of Watertown, Carver County, Minnesota, according to the
map and plat thereof as filed and of record in the office of the
Register of Deeds in and for said County and State.

(2nd)- That the Plaintiff, Ferdinand Dressler is entitled to the Judgement and decree of this Court that Defendants and each of them and all other persons and parties unknown, have no right, title, estate, lien or interest in the real estate herein described, adverse to this Plaintiff and that the defendants and each of them and all other persons and parties unknown be forever barred from asserting or claiming any right, title, estate, lien or interest in said real property or any part thereof.

Let Judgement Be Entered Accordingly.

Dated-March 1st-1909.

By the Court,

W. Morrison
Judge.

STATE OF MINNESOTA.

DISTRICT COURT.

COUNTY OF CARVER.

EIGHTH JUDICIAL DISTRICT.

Ferdinand Dressler,
Plaintiff,

--VS--

Rosina Ziebarth,-----
Ziebarth, her husband, Caleb
Lewis, ----- Lewis, his wife,
and all other persons and parties
unknown claiming any right, title,
estate, lien or interest in the real
estate described herein.
Defendants.

(Judgement and Decree)

The above entitled action came up for hearing before the Court at Chaska Minnesota on the 1st day of March, 1909 and the Court after hearing the evidence adduced at said hearing and being fully advised in the premises did, on the 1st day of March 1909 duly make and file its findings and order for Judgement.

Now pursuant to said order and on motion of W. H. H. Pilgram, attorney for Plaintiff, does hereby adjudge and decree:

That the said Plaintiff is the owner in fee simple of the following described real estate, lying and being in the County of Carver, State of Minnesota, to-wit:

Lot Six (6)-Block Twenty eight (28) in the Village of Watertown, according to the map and plott thereof as filed and of record in the office of the Register of Deeds in and for said County.

And it is further ordered, Adjudged and Decreed that the Defendants and each of them herein named and all other persons and parties unknown, claiming any right, title, estate, lien or interest in said property have no right, title, estate, lien or interest therein adverse to this Plaintiff.

Dated-March 1st, 1909.

By the Court,

H. O. Muehlberg
Clerk of said District Court.

State of Minnesota,

County of Carver

District Court.

Ferdinand Dressler

Plaintiff

vs.

Rosine Zieharth et al

Defendants

Findings of Fact, Conclusions
of Law and Judgement and Decree,

Due and personal service of the within

is hereby admitted

this day of

A. D. 190

Attorney for

W. H. H. PILGRAM.

515-520 Temple Court,
MINNEAPOLIS, MINN.

Attorney for Plaintiff

CARVER COUNTY,
FILED

MAR 1 1909.

K. O. Muehlberg, Clerk.

(536)

No. 3139

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Johanna Baylor Plaintiff

vs.
George W. Baylor Defendant

C. M. Burns & Thor. J. Craven
Plaintiff's Attys

John J. Fahy & H. J. Tice
Defendant's Attys

Date of Entry January 8th 1909

Register of Actions D. Page 557

Term Tried September Adjourned 1908

Judgment for Plaintiff

Amount of Judgment, \$ 20.35

Date of Judgment March 24th 1909

Judgment Book D. Page 24-293

Default Judgment Book Page

Date of Docketing March 24th 1909

STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

VS.

SUMMONS.

George W. Baylor,

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 and to serve a copy of your answer to the said complaint on the subscriber at his office in the New York Life Building, city of Minneapolis, in the County of Hennepin within Thirty (30) days after service of this Summons upon you, exclusive of the day of said 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 October 26, 1908.

P. M. Burns
Plaintiff's Attorney,
819-21 New York Life Bldg.
Minneapolis, Minn.

4d1 STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

vs.

George W. Baylor,

Defendant.

Complaint.

The plaintiff in the above entitled action complains of the defendant and alleges:

That the plaintiff and defendant are and for more than one year immediately preceding the time of the commencement of this action have been residents of the county of Carver and state of Minnesota.

That on the 22nd day of February, 1898, at Watertown in said county and state, the plaintiff and defendant were duly married, and ever since have been and now are husband and wife.

That the age of plaintiff is Thirty-one years, and the age of the defendant is Thirty-seven years.

That there are living of the issue of said marriage two children, named Joseph, aged ten years and Mary Baylor aged six years, both of said children being now in the custody of plaintiff.

That since said marriage the defendant has treated plaintiff in a cruel and inhuman manner, and since about the month of April, 1898, has repeatedly committed acts of cruelty and violence upon plaintiff and her said children, and in particular as follows; during nearly all the time that plaintiff and defendant lived together since the said date of their marriage, excepting at rare intervals, defendant has been an excessive and habitual user of intoxicating liquors and has repeatedly in his fits of anger usually superinduced by drink, and while in his habitual states of intoxication, committed acts of cruelty upon this plaintiff of which but a few specific instances are herein set forth; that as early as the month of April, 1898, and shortly after their marriage, defendant commenced abusing and maltreating plaintiff by

addressing himself to her using the most vile names and violent and abusive language at his command and repeatedly cursed and swore at plaintiff and accused her wrongfully of squandering his property and of extravagance in their home and in caring for her said children.

404 That defendant continued his usual course of drunkenness and debauchery from the month of April, 1898, to the present time, and during nearly all said time defendant neglected the work on the farm where they resided, so that as a usual occurrence plaintiff was obliged to and did the chores caring for neglected cattle, horses and other domestic animals about the farm which said choring and work plaintiff often did and was obliged to do at times when she was not well, that all such neglect of duty on defendants part was due to his drinking and debauchery, in which pursuit defendant spent the greater portion of the time away from home leaving plaintiff and her said children alone on the farm. That during the month of February, 1900, the exact date of which plaintiff does not now recall, defendant struck and beat plaintiff with his clinched fist and cursed and swore at her and called her opprobrious names, and on one occasion during the month of November, 1905, defendant struck and slapped plaintiff and censured her severely without cause or provocation other than the annoyance she caused him while washing her dishes.

906 That on the 28th day of May, 1906, defendant struck plaintiff with a chair and ordered her from his house, at which time plaintiff was forced to leave the home with her said children and take refuge at the home of her father where she remained until the 25th day of June, 1906, when she returned to the home of defendant by request of defendant and his parents who then assured plaintiff that defendant had reformed and would treat plaintiff as a wife thereafter, but that, on about the 20th day of August, 1906, and shortly after plaintiff returned to their said home to resume her duties as a wife, the defendant again commenced drinking and carousing in the usual manner and his entire course of conduct towards the plaintiff has ever since been brutal and abusive, he being constantly in the habit of applying abusive epithets to her, of being cross, irritable, surly and unsociable, of threatening her with violence

7067 and of striking her so that it became entirely unsafe for her to live with defendant.

That on the 10th day of February, 1907, defendant while in his usual drunken condition, cursed and swore at plaintiff and in the presence of her and her said children discharged five shots from a loaded revolver into the ceiling of a room in their home thus greatly frightening the said children and plaintiff.

7068 That on the 28th day of November, 1907, defendant came home in his usual drunken condition and ordered plaintiff out of the house at about eight o'clock in the evening of said day, and threw and hurled chunks of fire-wood at and after plaintiff and her children, so that she and her children were forced to stay out about the farm yard in the cold frosty night air until about eleven o'clock at night.

That again on the 13th of February, 1908, defendant forcibly expelled plaintiff from his residence and shoved and knocked her to the floor in doing so, so that plaintiff was obliged to remain out all night.

7069 That on the morning of the 21st day of March, 1908, defendant placed a loaded revolver on a chair at his bedside and threatened to shoot plaintiff if she caused him the slightest annoyance while doing her house work, and later he threatened and attempted to strike plaintiff with a shot gun and hurled several sticks of firewood at plaintiff and children and forced them to leave his house before having breakfast.

That on the 23rd day of March, 1908, defendant again ordered the plaintiff from his house and struck her on the side of the head with a stick of firewood, cutting her head and causing blood to flow from the wound.

That all of said acts of cruelty and violence were unprovoked by any acts or conduct on plaintiff's part.

7070 That at divers other times and on several occasions not mentioned in this complaint, the dates of which plaintiff does not now recall, the defendant treated plaintiff in a cruel and inhuman manner similar to the specific instances hereinbefore described, and during nearly all the time herein referred to defendant spent and squandered for drink

as the Court shall deem proper; that the plaintiff shall be adjudged such alimony out of defendant's estate, or such share of his property as shall seem to the Court just and equitable; that she recover the costs and disbursements of this action; and for such other and further relief as may be just and equitable.

2nd 14. Dated October 26, 1908.

P. M. Burns
.....
Plaintiff's Attorney,
819-21 New York Life Bldg,
Minneapolis, Minn.

STATE OF MINNESOTA)
)SS.
COUNTY OF CARVER)

Johanna Baylor being first duly sworn, deposes and says that she is the plaintiff in the foregoing within entitled action; that she has 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.

Johanna Baylor
.....

Subscribed and sworn to before me this 26 day of October, 1908

Peter M. Burns
.....
Notary Public, State of Minnesota
My Commission expires Dec. 4th 1912.

STATE OF MINNESOTA)
COUNTY OF CARVER)SS

Fred Falk being first duly sworn, upon oath deposes and says, that at the Village of Norwood in said County and State, on the 26th day of October, 1908, he served the within Summons & Complaint upon George W. Baylor, the defendant therein named, personally, by handing to and leaving with said defendant a true and correct copy of said Summons & Complaint

Fred Falk

Subscribed and sworn to before me this 7 day of November, 1908

Peter M. Burns
Notary Public, State of Minnesota
My commission expires Dec. 4th 191

the greater portion of the product of the farm which plaintiff and defendant occupied up to the month of April, 1908, thus depriving the plaintiff and their said two children of many of the necessities of life; that plaintiff worked and toiled as a diligent housewife in and about the home and farm of defendant, from the said date of their marriage up to the month of April, 1908, and helped to accumulate much of the property which defendant so recklessly wasted and squandered for intoxicating
701 11. liquor as aforesaid. That for a long time prior to the month of April, 1908, defendant so conducted himself towards plaintiff that her life became burdensome and unbearable and her health greatly impaired and injured, and that on the 8th day of April, 1908, plaintiff, believing and apprehending that her life was in danger and by reason of all the aforesaid acts of cruelty and violence and especially those which immediately preceded said date, left said defendant and has ever since lived apart from defendant, and has through her own efforts and with the aid and assistance of her father and friends, supported and maintained their said two children and the defendant has not contributed or tendered
701 12. to contribute anything whatsoever towards their support.

That the moral character of defendant is such as to render him unfit to have the custody of said children, and that it is for the best interest of said children that they remain in the custody of plaintiff.

That plaintiff is wholly without property of her own, and her health is somewhat impaired so that she is not capable of earning an amount sufficient to support and maintain her said children and herself.

That as plaintiff is informed and believes, the defendant is possessed of personal property to the value of about Two Thousand Dollars, and has a certain interest in the farm on which plaintiff and defendant resided
701 13. for several years, the value of which plaintiff is unable to state.

Wherefore, plaintiff prays judgment of divorce from bed and board forever; that the care and custody of said children may be awarded to her, the said plaintiff, and that the defendant be required to pay such suitable allowance in money for their support, maintenance and education

Original

R. F. MARVIN,

NO. 3.

State of Minnesota,
County of *Carver*

District Court.

Johanna Bayler
Plaintiff

vs.

George W. Bayler
Defendant

Summons & Complaint

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

CARVER COUNTY,
Attorney for **FILED**

JAN 8 1909
H. O. Mueller Clerk

Attorney for _____

(557)

State of Minnesota,
County of Carver.

I, Henry Heimkes, Deputy Sheriff in and for Carver County, Minnesota,
hereby certify and return that on, to-wit, the 27th day of October, 1908,
I personally served the Order to Show Cause attached hereto upon the
~~Joseph Bayles and John Kunk~~
~~within named defendant, George W. Bayles,~~ by handing to and leaving
with ^{them} ~~him~~ a true and correct copy thereof and I further certify and
signature
return that I then exhibited the ~~name~~ of the Honorable P. W. Morrison,
which signature is attached to said Order to Show Cause hereto
attached.

H. Heimkes
Deputy Sheriff for Carver Co., Minn.

Fees - \$3.00

STATE OF MINNESOTA)
CARVER COUNTY)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

VS.

George W. Baylor,

Defendant.

affidavit

STATE OF MINNESOTA)
COUNTY OF CARVER) SS.

Johanna Baylor, being duly sworn, says that she is the plaintiff in this action and that the same is brought to secure a divorce from bed and board from the defendant upon the grounds stated in her complaint of which a copy is annexed hereto.

That she is without means of support for herself or her children hereinafter named, and is also without means to pay the necessary expenses for counsel fees and disbursements in the prosecution of said action.

That the children of said marriage consist of Joseph Baylor, aged 10 years and Mary Baylor aged six years, and that she desires the custody of said children pending this action; that the defendant is not a proper person to have charge of said children for the reason that he is an excessive user of intoxicating liquor and is under the influence of liquor nearly all the time.

That said defendant threatens that he will take said children from affiant by force and carry them away; and affiant verily fears that, unless restrained by the order of this court, he will carry such threats into execution.

That affiant is living apart from her husband and not receiving any support from him, and that Forty Dollars per month is a reasonable amount to meet her monthly living expenses including the support of said children. That One Hundred Dollars is a reasonable amount to meet her expenses in prosecuting this action.

That defendant is the owner of the following personal property of the value, as affiant verily believes of ^{from} Fifteen Hundred to Two Thousand Dollars: Four Mares, One single driving horse, Six Milch Cows, Three

twomyear old heifers, one heifer, 1-1/2 year old, One mulie bull, 2 years old, one heifer 1 year old, one spring calf, six spring pigs, three brood sows, 40 chickens, 4 geese, three wagons, two buggies, one sulky, three sleighs, one portland cutter, one deering bänder, one Milwaukee Mower, Deering Horse Rake, Monitor Seeder, One Sterling Hay Tedder, 3 walking plows, 2 shovel plows, 2 harrows, 1-25 gallon kettle, Grind stone,

2 set heavy harness, two set light harness, two single harnesses, saddle and bridle, hayrack, stock rack, potato plow, two cook stoves, one heating stove, four acres of corn in shock, some 30 tons of hay, all the household furniture and other farming utensils heretofore used by the plaintiff and defendant on the farm operated by them up to the month of April, 1908. That defendant has advertised a sale of said property to take place on the 27th day of October, 1908, and is about to sell and dispose of said property, and convert the same into money, and remove with the same out of this state; that he threatens and gives out that he will do so, and declares such to be his purpose; and she believes and fears that unless restrained by the order of this court, the defendant will convert said property into cash by making sale thereof as aforesaid and move out of this state and depart therefrom so as to render ineffectual any judgement for alimony which affiant may obtain.

That defendant is a strong and able bodied man hereto-fors engaged in farming and as affiant is informed and believes has an interest in that certain 720 acres of land on which he and plaintiff resided from the date of their marriage to the date of their separation, and affiant is informed and believes that defendant has either received, owns or is entitled to the products of said farm for the season of 1908.

That she has fully and fairly stated her case and the facts in the case to her counsel, P. M. Burns, a resident of Minnesota, and has a good and substantial cause of action on the merits, as she is advised by her counsel after such statement, and verily believes true.

Subscribed and sworn to before
me this 26 day of October, 1908

Peter M. Burns
Notary Public, State of Minnesota
My Commission expires Dec. 4th 1912.

Johanna Bayler

STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

vs.

George W. Baylor,

Defendant.

Complaint

The plaintiff in the above entitled action complains of the defendant and alleges:

That the plaintiff and defendant are and for more than one year immediately preceding the time of the commencement of this action have been residents of the county of Carver and state of Minnesota.

That on the 22nd day of February, 1898, at Watertown in said county and state, the plaintiff and defendant were duly married, and ever since have been and now are husband and wife.

That the age of plaintiff is Thirty-one years, and the age of the defendant is Thirty-seven years.

That there are living of the issue of said marriage two children, named Joseph, aged ten years and Mary Baylor aged six years, both of said children being now in the custody of plaintiff.

That since said marriage the defendant has treated plaintiff in a cruel and inhuman manner, and since about the month of April, 1898, has repeatedly committed acts of cruelty and violence upon plaintiff and her said children, and in particular as follows; during nearly all the time that plaintiff and defendant lived together since the said date of their marriage, excepting at rare intervals, defendant has been an excessive and habitual user of intoxicating liquors and has repeatedly in his fits of anger usually superinduced by drink, and while in his habitual states of intoxication, committed acts of cruelty upon this plaintiff of which but a few specific instances are herein set forth; that as early as the month of April, 1898, and shortly after their marriage, defendant commenced abusing and maltreating plaintiff by

addressing himself to her using the most vile names and violent and abusive language at his command and repeatedly cursed and swore at plaintiff and accused her wrongfully of squandering his property and of extravagance in their home and in caring for her said children.

That defendant continued his usual course of drunkenness and debauchery from the month of April, 1898, to the present time, and during nearly all said time defendant neglected the work on the farm where they resided, so that as a usual occurrence plaintiff was obliged to and did the chores caring for neglected cattle, horses and other domestic animals about the farm which said choring and work plaintiff often did and was obliged to do at times when she was not well, that all such neglect of duty on defendants part was due to his drinking and debauchery, in which pursuit defendant spent the greater portion of the time away from home leaving plaintiff and her said children alone on the farm. That during the month of February, 1900, the exact date of which plaintiff does not now recall, defendant struck and beat plaintiff with his clinched fist and cursed and swore at her and called her opprobrious names, and on one occasion during the month of November, 1905, defendant struck and slapped plaintiff and censured her severely without cause or provocation other than the annoyance she caused him while washing her dishes.

That on the 28th day of May, 1906, defendant struck plaintiff with a chair and ordered her from his house, at which time plaintiff was forced to leave the home with her said children and take refuge at the home of her father where she remained until the 25th day of June, 1906, when she returned to the home of defendant by request of defendant and his parents who then assured plaintiff that defendant had reformed and would treat plaintiff as a wife thereafter, but that, on about the 20th day of August, 1906, and shortly after plaintiff returned to their said home to resume her duties as a wife, the defendant again commenced drinking and carousing in the usual manner and his entire course of conduct towards the plaintiff has ever since been brutal and abusive, he being constantly in the habit of applying abusive epithets to her, of being cross, irritable, surly and unsociable, of threatening her with violence

and of striking her so that it became entirely unsafe for her to live with defendant.

That on the 10th day of February, 1907, defendant while in his usual drunken condition, cursed and swore at plaintiff and in the presence of her and her said children discharged five shots from a loaded revolver into the ceiling of a room in their home thus greatly frightening the said children and plaintiff.

That on the 28th day of November, 1907, defendant came home in his usual drunken condition and ordered plaintiff out of the house at about eight o'clock in the evening of said day, and threw and hurled chunks of fire-wood at and after plaintiff and her children, so that she and her children were forced to stay out about the farm yard in the cold frosty night air until about eleven o'clock at night.

That again on the 13th of February, 1908, defendant forcibly expelled plaintiff from his residence and shoved and knocked her to the floor in doing so, so that plaintiff was obliged to remain out all night.

That on the morning of the 21st day of March, 1908, defendant placed a loaded revolver on a chair at his bedside and threatened to shoot plaintiff if she caused him the slightest annoyance while doing her house work, and later he threatened and attempted to strike plaintiff with a shot gun and hurled several sticks of firewood at plaintiff and children and forced them to leave his house before having breakfast.

That on the 23rd day of March, 1908, defendant again ordered the plaintiff from his house and struck her on the side of the head with a stick of firewood, cutting her head and causing blood to flow from the wound.

That all of said acts of cruelty and violence were unprovoked by any acts or conduct on plaintiff's part.

That at divers other times and on several occasions not mentioned in this complaint, the dates of which plaintiff does not now recall, the defendant treated plaintiff in a cruel and inhuman manner similar to the specific instances hereinbefore described, and during nearly all the time herein referred to defendant spent and squandered for drink

the greater portion of the product of the farm which plaintiff and defendant occupied up to the month of April, 1908, thus depriving the plaintiff and their said two children of many of the necessities of life; that plaintiff worked and toiled as a diligent housewife in and about the home and farm of defendant, from the said date of their marriage up to the month of April, 1908, and helped to accumulate much of the property which defendant so recklessly wasted and squandered for intoxicating liquor as aforesaid. That for a long time prior to the month of April, 1908, defendant so conducted himself towards plaintiff that her life became burdensome and unbearable and her health greatly impaired and injured, and that on the 8th day of April, 1908, plaintiff, believing and apprehending that her life was in danger and by reason of all the aforesaid acts of cruelty and violence and especially those which immediately preceded said date, left said defendant and has ever since lived apart from defendant, and has through her own efforts and with the aid and assistance of her father and friends, supported and maintained their said two children and the defendant has not contributed or tendered to contribute anything whatsoever towards their support.

That the moral character of defendant is such as to render him unfit to have the custody of said children, and that it is for the best interest of said children that they remain in the custody of plaintiff.

That plaintiff is wholly without property of her own, and her health is somewhat impaired so that she is not capable of earning an amount sufficient to support and maintain her said children and herself.

That as plaintiff is informed and believes, the defendant is possessed of personal property to the value of about Two Thousand Dollars, and has a certain interest in the farm on which plaintiff and defendant resided for several years, the value of which plaintiff is unable to state.

Wherefore, plaintiff prays judgment of divorce from bed and board forever; that the care and custody of said children may be awarded to her, the said plaintiff, and that the defendant be required to pay such suitable allowance in money for their support, maintenance and education

as the Court shall deem proper; that the plaintiff shall be adjudged such alimony out of defendant's estate, or such share of his property as shall seem to the Court just and equitable; that she recover the costs and disbursements of this action; and for such other and further relief as may be just and equitable.

Dated October 26, 1908.

P. M. Burns,.....
Plaintiff's Attorney,
819-21 New York Life Bldg.,
Minneapolis, Minn.

STATE OF MINNESOTA)
)SS.
COUNTY OF CARVER)

Johanna Baylor being first duly sworn, deposes and says that she is the plaintiff in the foregoing within entitled action; that she has 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.

Johanna Baylor.....

Subscribed and sworn to before me this 26 day of October, 1908

Peter M. Burns.....
Notary Public, State of Minnesota
My Commission expires Dec. 4th 1922.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

On the foregoing verified complaint and the affidavit of Plaintiff
and on motion of P. M. Burns, attorney for the plaintiff,

It is ordered that George W. Baylor, defendant, and all persons acting under him or in conjunction with him, refrain from selling or disposing of that certain personal property described in plaintiff's affidavit hereto annexed, until the further order of the court.

And it is further ordered that the said defendant, show cause before the court at a special term thereof to be held at its chambers in the village or city of Norwood, in said county and state, on the 2^d day of November, 1908, at 2 o'clock P m., why a temporary injunction should not issue commanding ~~ALL~~ him, and all persons acting under or in conjunction with him, to refrain from selling and disposing of the above mentioned personal property, until the final judgement and decree herein, or until the further order of this court.

Let this order and attached complaint and affidavit be personally served on the said defendant, not later than 26 day of October, 1908, by exhibiting to him the originals and leaving with him copies thereof.

Dated October 26, 1908.

R. W. Morrison
Judge.

STATE OF MINNESOTA)
)SS.
COUNTY OF CARVER)

Fred Falk being first duly sworn says that on the 26th day of October, 1908, at the village of Norwood, in said County and State, he served the within affidavit, complaint and Order to Show Cause upon George W. Baylor the defendant therein named, personally, by handing to and leaving with said defendant a true and correct copies thereof, and by then and there exhibiting the original of said order to show cause and the signature of the Honorable P. W. Morrison thereto attached, to the said defendant.

Fred Falk

Subscribed and sworn to before me this 7 day of November, 1908

Peter M. Burns

Notary Public, State of Minnesota.
My commission expires Dec. 4, 1912.

Original

R. F. MARVIN,

NO. 3.

State of Minnesota,

County *Carver*

District Court.

Johanna Baylor
Plaintiff

vs.

George W. Baylor
Defendant

Order to Show Cause.

Due and personal service of the within

is hereby admitted

this _____ day of _____

A. D. 19____

CARVER COUNTY,

Attorney for **FILED**

JAN 8 1907

H. O. Mueller
Clerk.

Attorney for _____

(557)

STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

vs.

George W. Baylor,

Defendant.

Notice of Motion

NOTICE OF MOTION.

To George W. Baylor, defendant in the above entitled action.

Take notice that on the ~~XXXXX~~ Affidavit of the plaintiff of which a copy is hereto annexed and herewith served upon you, and on the verified complaint and pleadings copies of which are herewith served upon you, the plaintiff herein will move the court at its chambers in the city or village of Norwood, on the 2nd day of November, 1908, at 2 o'clock m., or as soon thereafter as counsel can be heard, for an order directing the defendant to pay to the plaintiff the sum of \$40.00 dollars monthly for her support and the support of her said children during the pendency of this action and the sum of \$100.00 dollars to enable her to defray the costs and expenses of this action, and for such other relief as may be just.

Dated October 26, 1908.

P. M. Burns
Plaintiff's Attorney,
819-21 N. Y. Life Bldg.,
Minneapolis, Minn.

STATE OF MINNESOTA)
CARVER COUNTY)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

VS.

George W. Baylor,

Defendant.

STATE OF MINNESOTA)
COUNTY OF CARVER) SS.

Johanna Baylor, being duly sworn, says that she is the plaintiff in this action and that the same is brought to secure a divorce from bed and board from the defendant upon the grounds stated in her complaint of which a copy is annexed hereto.

That she is without means of support for herself or her children hereinafter named, and is also without means to pay the necessary expenses for counsel fees and disbursements in the prosecution of said action.

That the children of said marriage consist of Joseph Baylor, aged 10 years and Mary Baylor aged six years, and that she desires the custody of said children pending this action; that the defendant is not a proper person to have charge of said children for the reason that he is an excessive user of intoxicating liquor and is under the influence of liquor nearly all the time.

That said defendant threatens that he will take said children from affiant by force and carry them away; and affiant verily fears that, unless restrained by the order of this court, he will carry such threats into execution.

That affiant is living apart from her husband and not receiving any support from him, and that Forty Dollars per month is a reasonable amount to meet her monthly living expenses including the support of said children. That One Hundred Dollars is a reasonable amount to meet her expenses in prosecuting this action.

That defendant is the owner of the following personal property of the value, as affiant verily believes ^{from} of Fifteen Hundred to Two Thousand Dollars: Four Mares, One single driving horse, Six Milch Cows, Three

twomyear old heifers, one heifer, 1-1/2 year old, One mulie bull, 2 years old, one heifer 1 year old, one spring calf, six spring pigs, three brood sows, 40 chickens, 4 geese, three wagons, two buggies, onâ sulky, three sleighs, one portland cutter, one deering binder, one Milwaukee Mower, Deering Horse Rake, Monitor Seeder, One Sterling Hay Tedder, 3 walking plaws, 2 shovel plows, 2 harrows, 1-25 gallon kettle, Grind stone,

2 set heavy harness, two set light harness, two single harnesses, saddle and bridle, hayrack, stock rack, potato plow, two cook stoves, one heat- ing stove, four acres of corn in shock, some 30 tons of hay, all the household furniture and other farming utensils heretofore used by the plaintiff and defendant on the farm operated by them up to the month of April, 1908. That defendant has advertised a sale of said property to take place on the 27th day of October, 1908, and is about to sell and ispose of said property, and convert the same into money, and remove with the same out of this state; that he threatens and gives out that he will do so, and declares such to be his purpose; and she believes and fears that unless restrained by the order of this court, the defendant will convert said property into cash by making sale thereof as aforesaid and move out of this state and depart therefrom so as to render ineffectual any judgement for alimony which affiant may obtain.

That defendant is a strong and able bodied man hereto-fore engaged in farming and as affiant is informed and believes has an interest in that certain **120** acres of land on which he and plaintiff resided from the date of their marriage to the date of their separation, and affiant is informed and believes that defendant has either received, owns or is entitled to the products of said farm for the season of 1908.

That she has fully and fairly stated her case and the facts in the case to her counsel, P. M. Burns, a resident of Minnesota, and has a good and substantial cause of action on the merits, as she is advised by her counsel after such statement, and verily believes true.

Subscribed and sworn to before
me this 26 day of October, 1908

Peter M. Burns

Notary Public, State of Minnesota
My Commission expires Dec. 4th 1912.

Johanna Baylin

STATE OF MINNESOTA)
)SS
COUNTY OF CARVER)

Fred Falk being first duly sworn, upon oath deposes and says, that at the Village of Norwood in said County and State, on the 26th day of October, 1908, he served the within Notice of
Motion ^{affidavit} upon George W. Baylor, the defendant therein named, personally, by handing to and leaving with said defendant a true and correct copy of said affidavit & Notice of Motion.

Fred Falk

Subscribed and sworn to before me this 2 day of November, 1908

Peter M. Burns
Notary Public? State of Minnesota
My commission expires Dec. 4th 191

Original

R. F. MARVIN.

NO. 3.

State of Minnesota,

County of

Carver

District

Court.

Johanna Bayler,

Plaintiff

vs.

George W. Bayler,

Defendant

Notice of Motion.

Due and personal service of the within

is hereby admitted

this day of

A. D. 19

CARVER COUNTY,

Attorney for

FILED

JAN 8 1909

H. O. Muehlberg Clerk.

Attorney for

(557)

STATE OF MINNESOTA)
COUNTY OF CARVER)

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT.

Johanna Baylor,

Plaintiff,

vs.

George W. Baylor,

Defendant.

The plaintiff's Motion for suit money, temporary alimony and other relief therein prayed for, coming on to be heard this day before me on the verified complaint and the affidavit of said plaintiff in support of said motion, and the affidavit of defendant in opposition thereto; after hearing P. M. Burns, Attorney for plaintiff and J. J. E. Key attorneys for defendant,

IT IS ORDERED, that the defendant pay to P. M. Burns, the plaintiff's attorney, the sum of \$50.00 dollars, on or before the 14th day of November, 1908, as suit money, to enable the plaintiff to carry on this action, and that he pay to the plaintiff personally the sum of \$25.00 dollars on or before the 10th day of Nov. 1908 ~~XXXXXX~~ for the support and maintenance of the plaintiff, pending this action.

That the plaintiff be allowed the custody of the said two children named in her said complaint until the further order of the Court, and that the defendant pay to plaintiff the sum of _____ dollars per month, for their suitable support and maintenance, to be paid on the _____ day of each month at Herwood, Minn.

That the defendant do absolutely refrain and desist from imposing any restraint upon the personal liberty of the plaintiff and from taking from her custody or charge any or either of said children.

That the defendant refrain from disposing of, or concealing, removing out of the state, or incumbering any of his property, real or personal, until the further order of this Court.

Dated November 14th 1908.

P. W. Morrison
Judge.

Order

Due and personal
Service of within
Order is hereby
admitted this

7th day of Nov. 1908

H. J. Peck and

J. J. Dahm
Defts Attys.

CARVER COUNTY,
FILED

JAN 8 1909
H. O. Muehlberg, Clerk.

(557)

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

-----0-----
Johanna Baylor, Plaintiff,
against
George W. Baylor, Defendant.
-----0-----

At an adjourned term of the District Court duly held in and for the said County of Carver, at the Court House, in the City of Chaska, in said District, on the 8th day of January, A. D. 1909, the above entitled cause came on for trial and was thereafter submitted to the Court for determination and decision.

P. M. Burns, Esquire, and Thos. F. Craven, Esquire, appeared as counsel for the plaintiff;

John J. Fahey, Esquire, and H. J. Peck, Esquire, appeared as counsel for the defendant.

After hearing all of the evidence adduced at the trial, and giving all matters and things involved in said cause due consideration, the Court makes the following findings of fact and conclusions of law:

F A C T .

1. That plaintiff and defendant now are and for many years last past have been, residents of the County of Carver in the State of Minnesota; that on the 22d day of February, 1898, at the Village of Watertown in said County of Carver and State of Minnesota, the plaintiff and defendant were duly married to each other, ever since which time they have sustained the relation of husband and wife; that the age of the plaintiff is Thirty one years, and the age of the defendant is thirty seven years; and that there are living of the issue of said intermarriage two children, named respectively Joseph Baylor, aged ten years, and Mary Baylor, aged six years, both of whom are now in the custody of the plaintiff; and each allegation of said complaint with respect to residence, marriage, ages, and issue of the parties is true.

2. That from the time of said intermarriage up to the 8th day
1.

of April, 1908, said plaintiff and defendant resided upon a farm * consisting of 120 acres of land located in the Township of Camden in said County of Carver and State of Minnesota.

3. That about ~~the~~ month of April, 1908, the defendant commenced a course of cruel and inhuman treatment toward the plaintiff and committed acts of cruelty and violence on the plaintiff which continued up to April the 8th, 1908, at which time said plaintiff was compelled to leave the home of said defendant.

4. That all of the allegations of plaintiff's complaint respecting acts of cruelty and violence directed by said defendant toward and upon the person of the plaintiff and her children, and respecting the conduct, habits and disposition of the said defendant as alleged therein, and the whole thereof, are true.

5. That on the 13th day of February, 1908, the defendant forcibly expelled plaintiff from his residence, shook her, knocked her to the floor, and by reason thereof plaintiff was obliged to and did remain out in the cold all night; and thereafter, and on the 21st day of March, 1908, after said plaintiff had returned to the defendant at his own solicitation and request, the defendant placed a loaded revolver on a chair at his bedside and threatened to shoot plaintiff if she * caused him any annoyance whatever; and again, on the 23d day of March, 1908, he ordered her from his house and struck her on the side of her head with a stick of firewood, cutting her head and causing the blood to flow from the wound; which course of treatment continued up to the 8th day of April, 1908, without any fault or provocation so far as the plaintiff in this case is concerned; at which time the plaintiff believing that her life was in danger, was compelled to and did leave the home of said defendant, ever since which time she has, thru her own efforts and with the aid and assistance of her father and friends, supported and maintained herself and her children without any contribu-

tion whatsoever on the part of said defendant.

6. That the moral character of the defendant is such as to render him wholly unfit to have the custody of said children, and that it is for their best interests that they remain under the custody and control of the plaintiff, who is without property or means of her own to support and maintain them.

7. That at the time said plaintiff was compelled to and did leave the home of said defendant, he had personal property consisting of horses, cattle, hogs, hay, grain, farming utensils, and all other articles of property, of about the worth and value of \$1500.00, which property was, between the time said plaintiff left the home of the defendant and the time of the trial of this action, disposed of to the father of said defendant Joseph Baylor, who, from the proceeds of said property paid the indebtedness of said defendant, which amounted, in the aggregate, to the value of said personal property.

8. That all of the debts of the said defendant have now been paid from the proceeds of said personal property so sold and disposed of by him, and that he now is and for many years last past has been, the owner of the following described tracts or parcels of land situated, lying and being in the said County of Carver and State of Minnesota, to-wit:

The southeast quarter of section 26, township 118 north of range 26 west, excepting therefrom the east one half of the northeast quarter of the southeast quarter and the south one half of the southeast quarter of the southeast quarter of the same section, according to the government survey thereof and comprising 120 acres more or less, of the worth and value of \$75 per acre, amounting in the aggregate to the sum of \$9000.00, upon which there is no encumbrance whatever, and which is sufficient to pay the plaintiff suitable permanent alimony, attorney's fees, and a certain amount for the support and maintenance

of said children.

9. That the defendant is of such a violent and disagreeable disposition that the plaintiff cannot live with him without impairing her health and jeopardizing her life, and there is no hope of a reconciliation between them, and that the interests of both parties will be better subserved by an absolute divorce from the bonds of matrimony instead of a limited divorce as prayed for.

10. That the complaint states facts sufficient to entitle the parties to an absolute divorce from the bonds of matrimony, and the evidence adduced at the trial fully warrants the Court in reaching such conclusion.

AS CONCLUSIONS OF LAW, the Court finds:

1. That by reason of the foregoing facts, the defendant has been guilty of cruel and inhuman treatment of the plaintiff as charged in the complaint.

2. That the plaintiff is entitled to the judgement of this Court dissolving the bonds of matrimony heretofore existing between the plaintiff and the defendant forever, and adjudging that the plaintiff and defendant each be free and absolutely released from the bonds of matrimony and all the obligations thereof.

3. That the plaintiff is entitled to recover of the defendant the sum of Three thousand dollars as permanent alimony, and the further sum of \$100.00 as attorney's fees, together with the costs and disbursements of this action, the same to be paid to the plaintiff on or before thirty days from notice of the filing of this decision; and the further sum of \$80 per year each ~~ix~~ for the support and maintenance of said minor children until they shall have respectively attained ~~to~~ the age of 18 years, to be paid semi-annually, the sum of \$30 for each

minor child, commencing from the first day of February, 1909; the payment of all which amounts is hereby made a specific lien upon the real property hereinabove described; and in default of any payment as hereinbefore provided, the plaintiff have execution for the enforcement of same.

4. That the plaintiff is entitled to the custody and control of her said minor children during their minority, or until the further order of this Court, upon the express condition that she shall not remove them from the State of Minnesota, and that the defendant be permitted and allowed to see and visit them at all reasonable times that he chooses so to do, without in any manner interfering with the rights of said plaintiff.

Let judgement be entered accordingly.

All proceedings herein stayed for a period of thirty days.

Dated at Norwood, Minnesota, this 6th day of February, 1909.

P. W. Morrison
Judge of said Court.

State of Minnesota
County of Carver
In Dist Court.

Johanna Baylor
- vs -
Geo W. Baylor
Def

Findings and
Decision

CARVER COUNTY,
FILED

FEB 8 1909

H. O. Muehlberg, Clerk

(557)

State of Minnesota, } ss.
County of Carver

DISTRICT COURT.

Eighth

Judicial District.

Johanna Baylor, Plaintiff,
- vs -
George W Baylor, Defendant

AMOUNT OF JUDGMENT OR VERDICT.

~~Amount of Judgment or Verdict,~~~~Interest on same from the~~~~day of~~

COSTS AND DISBURSEMENTS.

Statutory Costs,

\$10.00

Affidavits,

\$0.00

Acknowledgments,

\$0.00

Sheriff's Fees,

\$3.50

Jury Fees,

\$0.00

Clerk's Fees (to be taxed),

\$6.85

WITNESS FEES, VIZ.:

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

NAME.	RESIDENCE.	NO. DAYS ATTENDANCE.	DATES OF ATTENDANCE.	NO. MILE TRAVELED.
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$

The above Bill of Costs and Disbursements taxed and allowed at

\$20.35

Dated

March 24th1909

Total Amount,

\$

H. O. Muehlberg

Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota, } ss.
County of Carver

Thos F Craven

being duly sworn, says on oath, that he is att 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

19day of March 1909

W. D. Scumolly
County Auditor County Minn.

Thos F Craven

NOTICE OF TAXATION OF COSTS.

State of Minnesota,
County of Carver } ss.

DISTRICT COURT,
Eighth Judicial District.

Johanna Baylor, Plaintiff
-vs-
George W. Baylor, Defendant

Sir: Please Take Notice, That on the 24th day of March 1909
at One o'clock P. 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 20th day March 1909.

Yours respectfully,
O. M. Burns & J. H. Brown
Attorney for Plaintiff
To John J. Fahey & H. J. Peck Esqrs,
Attorney for Defendant

District Court,
8th Judicial District,
County of Carver

Johanna Baylor, Plaintiff
-vs-
George W. Baylor, 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 20th
day of March 1909 at Hamwood
John J. Fahey and H. J. Peck
Attorneys for Defendant

Filed this 24th day of March
1909
H. O. Muehlberg Clerk.

No. 13

(587)

STATE OF MINNESOTA
County of Carver.

DISTRICT COURT
Eighth Judicial District.

-----:-----
Johanna Baylor, Plaintiff

- VS. -

George W. Baylor, Defendant.
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The above entitled action having been duly brought on for trial at the adjourned September General Term of this Court, and tried on the eight day of January A.D. Nineteen Hundred Nine, on all the issues before the Court without a jury, and the said Court having duly made and filed its findings of fact and decision, and order for judgment:

Now therefore, on motion of P.M. Burns and Thos. F. Craven, Esqrs., attorneys for said plaintiff, It is ORDERED, ADJUDGED and DECREED, That the marriage relation existing between said plaintiff and said defendant be, and the same is, hereby absolutely dissolved, and said plaintiff is hereby granted an absolute divorce from said defendant and is freed forever from the duties and obligations of the marriage contract heretofore existing between said plaintiff and said defendant:

And, On like motion, it is further Ordered Adjudged and Decreed, That said plaintiff have the absolute and complete care and custody of the infant children, Joseph Baylor, born as the issue of said marriage on the 25th day November A.D. 1898, and Mary Baylor, born as the issue of said marriage on the 18th day of November A.D. 1902; that said plaintiff have the complete care custody and control of said infant children and each one of them until the further order of this Court, but said plaintiff shall not however remove said infant children during said time from the State of Minnesota, and shall permit said defendant to see and visit said infant children at reasonable times, but said defendant shall in no manner interfere with said plaintiff, or with said plaintiff's care custody or control of said infant children, or either of them, upon his said visits or otherwise;

And, On like motion, It is further Ordered Adjudged and Decreed, That said defendant pay to said plaintiff, as permanent alimony, the sum of Three Thousand Dollars (\$3000.00), together with the sum of One Hundred Dollars (\$100.00) balance of as attorney fees, and Twenty and 35/100 Dollars (\$20.35), as costs and disbursements taxed in this action; and that said plaintiff have judgment against said defendant for said alimony, attorney fees and costs amounting

in the aggregate to the sum of Three Thousand One Hundred Twenty and 35/100 Dollars (\$3120.35), the same to be forthwith paid upon the entry of this judgment:

And, On like motion, It is further Ordered, Adjudged and Decreed, That said defendant pay to said plaintiff for the support of said infant children the sum of Ten Dollars (\$10.00) per month during each and every month beginning with the month of February A.D. 1909 until Joseph Baylor, the eldest of said infant children aforesaid, shall attain the full age of sixteen years; and that said defendant thereafter shall pay to said plaintiff for the support of Mary Baylor, the younger of said minor children, the sum of Five Dollars (\$5.00) per month during each and every month until said Mary Baylor shall attain the full age of sixteen years; that in case of the death of either of said minor children prior to their, or either of them, attaining said age of sixteen years then and in that case from and after said death, or deaths, said monthly payments for support as above provided shall proportionately be reduced, or entirely cease should ^{or both} th said infant children die. That said mothly allowance for the support of said children as hereinbefore provided shall be promptly paid by said defendant to said plaintiff semi-annually, one half of said yearly allowance to be paid on the first day of August, and the balance of said yearly allowance to be paid on the first day of February, during each and every year for and during the time aforesaid; that the first payment for the support of said infant children as above provided shall be the sum of Sixty Dollars and shall be paid to said plaintiff by said defendant on the first day of August A.D. Nineteen Hundred Nine, and all other payments as above provided for the support of said infant children shall follow and be paid as aforesaid.

And, On like motion, It is further Ordered Adjudged and Decreed, That said ~~defend-~~ w is, and for many years last past has been, the owner in fee of the South-east Quarter of Section Twenty Six Township One hundred Sixteen North of Range Twenty Six West, - excepting therefrom the east one half of the north-east quarter of the south-east quarter and the south one half of the south-east quarter of the south - east quarter of said section aforesaid, -

and, on like motion, It is further Ordered, Adjudged and Decreed that ~~this~~ this entire judgment, to the amount hereby awarded to said plaintiff as permanent alimony, attorney fees, costs and for support of said infant children, be and the same is hereby made a specific lien on all the said lands

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aforesaid, to-wit, The southeast quarter of section 26, township 118 North of Range twenty six west, -excepting therefrom the E.1/2 of N.E.1/4 of S. E.1/4 and the S.1/2 of S.E.1/4 of S.E.1/4 of said section, -and the said judgment upon its entry to operate against, and to be satisfied out of any other property real or personal owned by said defendant at the election of said plaintiff, and that said lands hereinbefore described ^{and any other property of defendant} be sold by the sheriff of said county under ordinary execution issued hereon to satisfy said lien.

Dated at Chaska, Minn. this 25th day of March A.D. 1909.

BY THE COURT,

H.O. Muehlberg
Clerk of said Court.

State of Minnesota
County of Carver.

Johanna Baylor.

- vs -

George W. Baylor.

Judgment Roll

CARVER COUNTY,
FILED

MAR 25 1909

H.O. Muehlberg... Clerk

(557)