



[Minnesota.](#)
[District Court \(Carver County\).](#)
[Civil and Criminal Case Files and Index.](#)

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No. 737

DISTRICT COURT,
CARVER COUNTY, MINN.

Selden Johnson
Plaintiff.

vs.

Hugh McQuinn
Defendant.

James C. Eason
Plaintiff's Attorney.

Joe Weinmann
Defendant's Attorney.

Date of Entry *May 12th*, 18*73*
Register of Actions *"A"* Page *166*
Term Tried *October General* 18*73*
Judgment for.....
Amount of Judgment \$.....
Date of Judgment.....19.....
Judgment Book.....Page.....
Default Judgment Book.....Page.....
Date of Docketing.....19.....

I desire to be understood as agreeing
to the plan of the
of the same and find the
acts of the same as the same

to be to one half of the
of the same and to find
Hugh and give his half of
and acts at the same
the same as the same
the same as the same

Paterson Johnson

Article of agreement

between Hugh Macquire and
James Macquire August the 5th 1872

James Macquire agrees to rent

to the said Hugh Macquire
for the expense of threshing
and he rents Selders Johnson
about 18 acres of ground and
to give him the use of the house
and the land and the Selders
Johnson and the meadow
there is on the place to make
a good house Hugh Macquire

x That thereby the said Plaintiff
lost the use of said house for
the space of two months before
the Commencement of this action.
That the use and rent of
said house was reasonably
worth of the value of five dollars
per month.

Direkt Court
8^{te} Direkt

Selden Johnson

vs

Hugh McQuinn
" "

Amended Answer
" "

Filed, Petition of 18th 1893,
Guthrie & Co
Clerk

166

Weinman & Warr
attys for Def
Curran

above entitled action that
the facts set forth in
the foregoing answer are
true of his own knowledge
except as to those matters
therein stated upon
information and belief
and as to those matters
he believes it to be true

Sworn to and
subscribed before }
me this 8th day }
of October 1873 }

Hugh McGuire

Frank Warner
Justice of the Peace

Selden Johnson } civil action for
agst } money demand,
Hwythrup & Lewis } Before Thomas Ellsworth
Last of 6 Jan

Costs taped
as follows

[illegible]

Burrows sailed the 25th May 1873 and returned Pensacola sailed. Suit called at our place.

The Plaintiff appeared by his attorney
James C. Edson and filed his Complaint
and the Defendant appeared by his atty. Washn.
Winnon. The P made his Complaint in
writing claiming one hundred dollars
damages and judgment for the same.

Defendant ^{to} ~~there~~ made a motion to
dismiss said action on the ground
that the complaint and contract
does not state facts constituting a cause
of action, after hearing both attorneys
I came to the conclusion that
that the complaint does not state a
cause of action and the contract is not
legal

Thacnor & Thomas Ellsworth
justin of the River

Constable for
survey and

copy " 23-03
134

mileage 14 miles 1.90
\$ 2.91

Quetta's Lark,	
4 Young Hummers	15
adg. 16 oaths	60
adg. 16 oaths	25
Young Sparrows	30
Spotted	25
Redg.	25

Total \$ 1.90-

State of Minnesota
 County of Carver } I hereby certify that the
 foregoing is a true copy of my docket
 and all the Proceedings therein, ^{in said action} that the
 Papers hereto attached are all the Papers in
 the case, and are numbered respectively "A"
 "B" "C" "D" "E" and "F"

Dated 9th May 1873 Thomas Ellsworth
 Justice of the Peace

State of Minnesota
 Justice Court
 County of Carver,

 Selden Johnston

 Hugh McQuire,

 Draught of Docket.

Filed May 19th 1873
 J. H. Gray Clerk
 (Seal)

111

affidavit an official file 2nd day of May 1873
 about an official file 2nd day of May 1873
 Plaintiff paid \$2 for making return

STATE OF MINNESOTA,

County of *Bower*

Selden Johnson and *Amos N. Halecomb*
came before me personally, and being by me first duly sworn doth say, each for him-
self, that he is the surety above named; that he is a resident and freeholder of and
in this State of Minnesota, and worth the amount of *fifty*

DOLLARS,

specified in the foregoing Bond, above his debts and liabilities, and exclusive of his
property which is exempt from execution.

Subscribed and sworn to before me, on this

3rd day of May A. D., 187*3*,

Thomas Ellsworth
Justice of the Peace

Selden Johnson
Amos N. Halecomb

IN JUSTICE COURT.

Bower County.

Before *Thomas Ellsworth* Justice.

Selden Johnson
AGAINST

Amos N. Halecomb

BOND ON APPEAL.

I hereby approve the within Bond and the sure-
ties thereon.

Dated and filed *3rd day of May*

A. D. 187*3*.

Thomas Ellsworth
Justice of the Peace.

Joseph Edison

Attorney for Plaintiff

Printed and for sale by the Tribune Printing Co., Minneapolis.

Filed May 4th 1873
Edwards & Hall

State of Minnesota,

IN JUSTICE'S COURT,

County of Cover

ss.

Before Thomas Ellsworth
Justice of the Peace.

BOND ON APPEAL.

~~Hugh~~ Selden Johnson Plff
agst
Hugh Mc Guin Deft

Know all Men by These Presents, That we Selden Johnson

as principal, and Amos N Halecomb

as suret. are held and firmly bound unto

Hugh Mc Guin Defendant above named
in the sum of Fifty **DOLLARS.**

to be paid to the said Hugh Mc Guin
for the payment whereof, well and truly to be made, we jointly and severally bind
ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals, and dated this 2nd day of May
A. D. 1873

The condition of this obligation is such that, whereas, the said Selden Johnson
appeals to the District Court for said County, from
that certain judgment rendered by said Justice of the Peace, in the above entitled
action, in favor of Hugh Mc Guin Defendant
and against said Selden Johnson
on the 2nd day of May A. D. 1873

NOW THEREFORE, if the said Appellant Selden Johnson
shall prosecute his appeal with effect and abide the order of the Court therein, then
this obligation shall be null and void, otherwise of force and effect.

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

Signed, Sealed and Delivered in Presence of

Selden Johnson [SEAL.]
Amos N Halecomb [SEAL.]
[SEAL.]

State of Minnesota,

County of Cover

ss.

BE IT KNOWN, That on this 2nd

day of May A. D. 1873, came before

me personally Selden Johnson and Amos N Halecomb

to me well known to be the same
persons who executed the foregoing Bond, and they severally acknowledged the
same to be their own free act and deed.

Thomas Ellsworth

Justice of the Peace

State of Minnesota,

County of

~~St. Louis~~
Cowan

IN JUSTICE COURT,

Before

Shaw Ellsworth

Justice of the Peace.

Selden Johnson Plaintiff
against
Hugh Mc Guire Defendant

Sir: Please to take Notice, That the above named Plaintiff appeals to the District Court of St. Louis in and for said County, from the judgment rendered by said Justice of the Peace, in the above entitled action, on the 2nd day of May A.D. 1873, against said ~~Hugh Mc Guire~~ Selden Johnson therein; and that the said appeal is taken upon questions of law and fact

Dated May 2nd 1873

Yours Respectfully,

Samuel E. Dean

Att'y for Plaintiff

To the above named Hugh Mc Guire
and Joseph W. Munroe
Att'y for said Defendant

Glenn
Munroe

70

In Justice Court,

Cover County.

Selden Johnson

against

Hugh M. Linn

Notice of Grounds of Appeal

Filed in my Office this
3rd day of May 1893.

Thomas Ellsworth, Clerk of the Peace

Due service of the within notice is hereby

admitted at Young America
Minnesota, on this 25th day of

May A. D. 1893.

Wm. Linn
H. Linn

DISPATCH COURT.

Filed May 10th 1893
J. W. Linn

STATE OF MINNESOTA,

County of

Corn

IN JUSTICE COURT,

Before

Thomas Ellsworth

Justice of the Peace.

Selden Johnson Plff
against
Hugh Mc Guin Def

STATE OF MINNESOTA,

County of

Corn

ss.

Selden Johnson came personally before me, and being duly sworn, he doth depose and say, that he is ~~the Plaintiff in the above entitled action~~ said Plaintiff in the above entitled cause; that said Plaintiff appeals to the District Court 8th Dist in and for said county, from the judgment rendered by said Justice of the Peace, in this cause, on the 2nd day of May A. D. 1873 in favor of said Defendants therein; and that the said appeal is made in good faith, and not for the purpose of delay, and further saith not.

Subscribed and Sworn to before me,

On this

2nd

day of

May

A. D. 1873

Selden Johnson

Thomas Ellsworth

Justice of the Peace

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In Justice Court,

Cover County.

Selden Johnson

against

Ralph Mc Linn

Affidavit on Appeal.

Filed on the *2nd* day of
May A. D. 18*93*

Thomas Ellsworth

Justice of the Peace.

ST. PAUL DISPATCH PRINT.

Filed May 17th 1893
John W. G. G. G.
Chas. G. G.

Justice Court
Security for costs

Selden Johnson

v. l.

In Justice Court
before Thomas Ellsworth
Justice of the Peace.

I do hereby agree to pay all costs
that shall be adjudged against me in
this suit

May
Dated 2nd day of April A.D. 1873

at the Township of Young America.

Selden Johnson

Amos A. Holcomb

I hereby Certify That I have Served
The within Summons and left off a Copy of
The Same this 25 day of April 1875

Summers 25

Copy 15

Milage 14 miles hauled \$1.40
1.40

"A"

H Reese Constable

1873

County of Santa Fe, I hereby certify that I received of the
 Treasurer on the 1st instant, a sum of \$100.00, for the
 sum of \$100.00, at the rate of \$100.00, at the rate of \$100.00,
 of Santa Fe, and then delivering to said County
 with the said sum, thereon a true copy of the
 Sheriff, Santa Fe, N.M., 1873

State of Minnesota }
County of Carver }

The State of Minnesota
To the sheriff or any Constable of said County
You are hereby commanded to summon Hugh Mcquire
if he shall be found in your County to be and appear
before the undersigned one of the Justices of the peace in
and for said County on the 2^d second day of May, 1873
at one o'clock in the afternoon at my office in
said County to answer to a Complaint made
by Selden Johnson for Damages \$100, one hun-
dred dollars in a civil action and have you then
and there this writ

Given under my hand
this 24 day of April
A. J. 1873

Thomas Ellsworth
Justice of the Peace

State of Minnesota } In justice Court, Before
County of Carver } Thomas Edgeworth Justice.

Seldon Johnson

vs

Hugh Mc Luise

The Plaintiff for complaint
States that on the 5th day of August 1872, Defendant
by a contract in writing, (a copy of which is hereto
attached and is made a part of this complaint)
leased to Plaintiff to work on shares for one year,
his farm situated in the County of Carver and
State of Minnesota, and described as follows to wit:
~~South~~ West quarter of the North West quarter of Sec. 14
Township 116, R. 26, That by the terms of said lease
said Plaintiff was to have the use and occupation
of the dwelling house thereon for and during
the term of said lease.

That on or about the first of October
1872, Plaintiff entered upon said land under
said lease and fall plowed about 13 acres, &c.

That on or about the 15th day of March 1873
Plaintiff demanded of said Defendant the
possession of said house in accordance with
said agreement, But Defendant refused
and still does refuse to deliver the possession
of said house to this Plaintiff. &

That Plaintiff is unable to rent a
dwelling house in the neighborhood of

of said farm, and is obliged to travel several miles in order to farm said land,

That said farm is situated near a school house, and the main object Plaintiff had in renting said farm was to reside near a school house to enable him to send his children to school,

That Plaintiff is damaged in the premises in the sum of one hundred dollars,

Wherefore Plaintiff demands judgment in the premises against said Defendant in the sum of one hundred dollars,

Harvey C. Edson
Plaintiff's atty.
Glencoe Minn.

State of Minnesota }
County of Carver } ss

Selden Johnson
being by me first duly sworn, says that
he is the Plaintiff described in the foregoing
complaint, and that he verily believes
the said complaint to be true.

Sworn to before me this

2^d day of May 1873,

} Selden Johnson

Thomas Ellsworth

Justice of the Peace

Selden Johnson

¹²³
Hugh McGeorge

List of Furors.

October 9th 1875

October 9th 1843.

Selden Johnson ^{Appellant}

vs Hugh Mc Gurri ^{Respondent}

~~William Blackletter~~ 2. D

G. Theubert

Nils Thompson

James Sexton

Kahn Pick

Christian Sutherland Jr

Frank Mepler

Martin Reichen

~~Thomas W. Garra~~ 1. D

Harold Dickmuth

~~James Bratten~~ P. 1

Michael Engler.

John Ahlin

~~Shelton Betting~~ 3 D

James P. Alders

Andrew Hyslop

We the Jury find for
the Plaintiff and his
damages at the sum of
Five Dollars.

G. Tenbert
Foreman

Selden Johnston
Hugh McGuire

State of Minnesota
District Court
Carroll County,

Selden Johnston
by
Hugh McGuire,

Verdict
for Plaintiff

Filed Oct 25 ad 1893
Guthrie & Co
Clerk

State of Minnesota District Court
8th Judicial District County of Cass

Selden Johnson
against
Hugh Mc Guire

Answered Answer

The above named defendant for answered answer to the Plaintiff Complaint denies each and every allegation in the Complaint except as hereinafter stated admitted or qualified. And the said defendant further answering the said Complaint admits that on the 5th day of August 1872, he entered into the Contract set forth in the Complaint. Defendant further admits that the Plaintiff entered on said land pursuant of said lease and plowed about 13 acres thereof.

And the defendant further answering the Complaint of the Plaintiff states and shows to the Court that on the 24th day of October 1872. This defendant conveyed by warranty deed the land leased as aforesaid to one Henry Ethel of said County for a valuable consideration and then and there notified the said Henry Ethel of the said lease and the contents thereof, and then and there in consideration of the premises, the said Henry Ethel agreed to and with this defendant to perform all and sing on the conditions

of said lease; That soon thereafter this defendant informed the said plaintiff of the transfer of said land to said Henry Egel, as aforesaid, and also of the agreement in regard to the performance of the conditions of said lease, &c. between this defendant and said Henry Egel, and that then and there the said plaintiff accepted the said agreement so made between this defendant and said Henry Egel, and then and there ~~the said plaintiff accepted~~ and thenceforth the said plaintiff accepted and acknowledged the said Henry Egel as his landlord and lessor ^{and thereafter} and that then and there the said Henry Egel fully performed all and singular the conditions and requirements of said lease.

Wherefore this defendant demands judgement that this action may be dismissed at the plaintiff's costs.

Reinhardt Horner
vs. J. H. Egel

State of Minnesota
County of Carver } ss

Joseph H. Egel
being first duly sworn
deposes and says that
he is the defendant in the

SUBPENA.

State of Minnesota, the District Court, } ss.
FOR THE EIGHTH DISTRICT, CARVER COUNTY. }

To

Francis McGuire

Greeting:

In the Name of the State of Minnesota: You are hereby commanded, that laying aside all and singular your business and excuses, you be and appear before the Judge of the District Court, for the Eighth Judicial District, and County of Carver, at the Court House in said County, on the Twelfth day of October, A.D. 1893 at Nine o'clock in the forenoon, then and there to give evidence in a cause to be tried between

Golden Johnson

Plaintiff,

and

Hugh McGuire

Defendant on the part of the

Defendant

Hereof fail not, on pain of the penalty that will fall thereon.

Witness, The Honorable A. G. Chatfield, Judge of the District Court
aforesaid, at Osaka, in said County, this Twelfth
day of October in the year 1893,

Geoffrey Embury

Clerk.

corrected by P. H. V.
Francis W. Guire

SUBPENA.

DISTRICT COURT,
CARVER COUNTY.

IN THE MATTER OF

Selden Johnson
vs.
Hugh M. Guire

Subpena on the part of

Defendant

State of Minnesota, }
Carver County. }

October 2^d 1873

I have duly served the within by reading
the same to the within named

H. M. Guire

as I am therein commanded.

J. H. H. Sheriff.

FEES--Service, <i>paid</i>	\$
Mileage,	\$
Return,	\$

Filed in said Court this *2nd*
day of *October* A. D. 1873

J. H. H. Clerk.
Attorney.

SUBPENA.

State of Minnesota, the District Court, } ss.
FOR THE EIGHTH DISTRICT, CARVER COUNTY.

To

Charles M. Guire

Greeting:

In the Name of the State of Minnesota: You are hereby commanded, that laying aside all and singular your business and excuses, you be and appear before the Judge of the District Court, for the Eighth Judicial District, and County of Carver, at the Court House in said County, on the Eleventh day of October A.D. 1893 at Nine o'clock in the Fore noon, then and there to give evidence in a cause to be tried between

Selden Johnson

Plaintiff,

and

Hugh M. Guire

Defendant on the part of the

Respondent

Hereof fail not, on pain of the penalty that will fall thereon.

Witness, The Honorable A. G. Chatfield, Judge of the District Court
aforesaid, at *Shaska*, in said County, this first
day of October in the year 1893.

E. H. Hagenbuhl

Clerk.

Carver Dist. Ct.
Chas. McGuire

SUBPENA.

DISTRICT COURT,
CARVER COUNTY.

IN THE MATTER OF

Selden Johnston
Hugh McGuire.

Subpena on the part of

Defendant.

State of Minnesota, }
Carver County. }

Colb. J.

1873

I have duly served the within by reading
the same to the within named

Chas. L. Fair

as I am therein commanded.

J. H. Harkin

Sheriff.

FEES--Service, *paid* \$

Mileage, \$

Return, \$

Filed in said Court this *20th*
day of *October* A. D. 1873

C. W. Harkin Clerk.
Attorney.

SUBPENA.

State of Minnesota, the District Court, } ss.
FOR THE EIGHTH DISTRICT, CARVER COUNTY. }

To

Henry Ethell

Greeting:

In the Name of the State of Minnesota: You are hereby commanded, that laying aside all and singular your business and excuses, you be and appear before the Judge of the District Court, for the Eighth Judicial District, and County of Carver, at the Court House in said County, on the fourth day of October, A.D. 1873 at nine o'clock in the fore noon, then and there to give evidence in a cause to be tried between

Elden Johnston

Plaintiff,

and Hugh McQuire

Defendant on the part of the Defendant

Hereof fail not, on pain of the penalty that will fall thereon.

Witness, The Honorable A. G. Chatfield Judge of the District Court
aforesaid, at Waska, in said County, this first
day of October in the year 1873.

Thrayenbuhl

Clerk.

Henry Whitt

SUBPENA.

**DISTRICT COURT,
CARVER COUNTY.**

IN THE MATTER OF

Selden Johnston
vs.
Hugh M. Guire

Subpoena on the part of

Defendant.

State of Minnesota, }
Carver County. }

Oct 7

1873

I have duly served the within by reading
the same to the within named

Henry Thre

as I am therein commanded.

J. H. H. Sheriff.

FEES--Service, paid \$

Mileage, \$

Return, \$

Filed in said Court this 7th
day of October A. D. 1873

Wm. H. Clerk.
Attorney.

Served Oct 7, 1873

from J. Byg
4 miles

In Justice Court
County of Carver
Selden Johnson
vs

Hugh Mc Guire

"B"

Filed in Court
this 2nd day of May 1875.
Thomas Ellsworth
Justice of the Peace

John, May 10th 1875
J. H. Weyenbuhl
Clerk

No.

737

DISTRICT COURT,
CARVER COUNTY, MINN.

Selden Johnson
Plaintiff.

vs.

Hugh McQuinn
Defendant.

James C. Edson
Plaintiff's Attorney.

Joe Weinmann
Defendant's Attorney.

Date of Entry *May 12th*, 18*73*

Register of Actions *"A"* Page *166*

Term Tried *October General* 18*73*

Judgment for _____

Amount of Judgment \$ _____

Date of Judgment _____ 19 _____

Judgment Book _____ Page _____

Default Judgment Book _____ Page _____

Date of Docketing _____ 19 _____

No. 738

DISTRICT COURT,
CARVER COUNTY, MINN.

Emilie Waldvogel
Plaintiff.

vs.

Carl Waldvogel
Defendant.

Baxter & Beck
Plaintiff's Attorney,

Joe Weinmann
Defendant's Attorney.

Date of Entry May 13, 1873

Register of Actions A Page 168

Term Tried..... 1

Judgment for.....

Amount of Judgment \$.....

Date of Judgment..... 1

Judgment Book..... Page.....

Default Judgment Book..... Page.....

Date of Docketing..... 1

DISTRICT COURT.

Judicial District.

County of _____

SUMMONS.

Plaintiff Attorney

Ramsley & Cunningham, Printers and Stationers.

State of Minnesota
County of Cass I hereby Certify and Return
that at the Village of Chaska in said Cass County
on the 6th day of October A.D. 1874, I served
the within Summons & Complaint upon
the within named defendant by handing
to and leaving with him in person
a true & correct copy of the said within
Summons & Complaint.

Fees. Service Summons	1.00
" " Complaint	1.00
Travel 2 miles	20
	<u>\$2.20</u>

J. E. Lee Tail
Shirley Cass Co
Minn.

(44.)

STATE OF MINNESOTA,

County of

Carm

DISTRICT COURT,

Egbert

Judicial District.

Emile A. Muelldayel
Agent
Carl Muelldayel

SUMMONS.

THE STATE OF MINNESOTA to the above named Defendant:

You are hereby summoned and required to answer the complaint in this action

A copy of which is herewith served
upon you

and to serve a copy of your answer to the said complaint on the subscribers, at *the* office in

Willeys & Shucka Carm 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 Plaintiff in this action will

apply to
the court for the relief demanded in the
said complaint

Dated

Aug 7th

1874.

Bayton Pick
Plaintiff's Attorney, *Chaska Minn.*

DISTRICT COURT.

Eg. 10th Judicial District.

County of *Cum*

Emm. Mullbryd
by

Carl Mullbryd

SUMMONS.

Duplex & Pick

Plaintiff, Attorney

(44.)

STATE OF MINNESOTA,

County of

Carson

DISTRICT COURT,

Eighth

Judicial District.

Emile A. Mulderoy

against

Carl Mulderoy

SUMMONS.

THE STATE OF MINNESOTA to the above named Defendant:

You are hereby summoned and required to answer the complaint in this action

a copy of which is herewith served upon you

and to serve a copy of your answer to the said complaint on the subscribers, at their office in

the Village of Chaska Carson 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 Plaintiff in this action will apply to

the Court for the relief demanded in the said complaint

Dated

Jan 3^d

1874.

Burt A. Rich

Plaintiff, Attorney, Chaska Minn.

Filed 1

State of Minnesota
Dist Court 8th Dist
County of Carver
Emilia O Mallvay }
vs
Carl Mallvay }

The plaintiff for com-
plaint in the above entitled action
states and shows to the Court, that here-
tofore to wit, about the middle of November
1871 in Chaska in said Carver County, the
said plaintiff and defendant were duly
married to each other and ever since have been
and still are husband and wife. That said
plaintiff is twenty six years of age
that the age of said defendant is forty
one years, that all the time since said
marriage said plaintiff has been and
still is a resident of ^{Chaska} ~~Lebanon~~ in said
Carver County Minnesota

Plaintiff further ~~says~~ that all of the time
since said marriage except as herein after
stated she has lived ^{respectfully and} ~~cohabited~~ with said
defendant as husband and wife, ^{all the time} that, during
~~all~~ their residence together she treated her
said husband with kindness and attention
and managed her household affairs with
prudence and economy, and in all respects
conformed to her marriage vow, that notwithstanding the said defendant has been
guilty of cruel and inhuman treatment

and without any cause strike this plaintiff
on the shoulder and arm with his fist
greatly injuring this plaintiff and then
and then used abusive language
30 towards her, and then came there
told her that he hoped she would
die in childbirth. That during her said
confinement at the time of the birth
of said child, said defendant neg-
lected and refused to take proper
care of said plaintiff as he admits
that about the 1st of Oct 1842 said
child died. That on the 28th day of
April 1843 the said defendant ~~did~~
strike this plaintiff in her face with
his fist, and did then and then throw
her down, and take her by the hair
of the head and raised her face upon
the floor, greatly injuring her and
bruising and disfiguring her face

That thereupon this plaintiff abandoned
said defendant and remained
sorely from him for the space of six
months - That at the end of said time
the said defendant called and entreated
this plaintiff to return to him, and
to induce her so to return promised
and agreed to forego abandon and
abstain from all abuse and cruel
treatment of this plaintiff, that relying

upon said woman so made by said
defendant and not otherwise she
did or on about the first day of
7 June 1843 so return to the home of the said
defendant and continue to live with him
until the time herein of the state

That during the month of October
1843 and while the said plaintiff
was pregnant with child and sick
and unable to work and labor out
of doors upon the farm at men labor
the said defendant did by abuse and
threats of violence compel this plaintiff
to perform hard labor, labor injurious
to the health of said plaintiff to wit
sprawling manure with a fork in the
field, by reason of which the plaintiff
became sick and miscarried said child
at the end of four months of said
8 pregnancy, that from that time forward
up to and until the first of April
1844 the said defendant continued his
abuse, and abuse and ill treated this plaintiff
That all the time since October 1843, the
plaintiff has been and still is sick
and emaciated, and unable on
account of said sickness to work
and support herself, that owing to
and on account of said treatment
by said defendant of this plaintiff she died
on the 1st of April last in the house of said

defendant and go to her friends
since which time she has not dared
to return to his house or to live with him

And the plaintiff further ~~says~~ that
since she left the house of the said
defendant he has refused to provide
9 for her support and maintenance
And that she is now and has been
entirely dependent upon her own
labor and the charity of her friends
for her support. That she is now
very destitute and in great want
and that she is indebted to a con-
siderable amount for board and
necessary clothing

And the said plaintiff further says
that the said defendant, as she is in-
formed and believes is respectively pos-
sessed of real and personal property
and estate to the amount of two
thousand dollars, and that his annual
income is about eight hundred dollars

Wherefore the plaintiff demands judgment
that a divorce be granted to said plaintiff
and the marriage contract now existing be-
tween the said plaintiff and defendant be
annulled - that the said defendant have
allowance as attorney, out of the property
10 of said defendant a proper amount
for her support and for such other

State of Minnesota
District Court Eighth Judicial District
County of Carn

Smiley & Waldrup

vs
August

Carl Waldrup

The plaintiff in the above
entitled action for complaint therein
respectfully states and shows to the Court
that the said plaintiff and the said
defendant in the above entitled
action are seized in fee as tenants
in common in equal proportions
of the following piece or parcels of land
with the appurtenances, situated, lying
and being in the County of Carn and
State of Minnesota bounded describe as
follows to wit The North East (1/4) Quarter of
the North West (1/4) Quarter and the West
(1/2) half of the North West (1/4) Quarter of
Section (7) Seven in Township (116) One
hundred and fifteen Range (23) twenty three
And the said plaintiff further says that
she obtained her title to the equal in-
divided share and half thereof which is claimed
by her by purchase from August Wal-
ger of said county to whom the same
was ^{conveyed} ~~deeded~~ by the above named de-
fendant. That the said defendant is

the owner seized in fee of the other square
undivided half and share of said above
described premises. And that the several
pieces and parcels of land above described
comprise the only real estate owned in
common by the said plaintiff and
defendant.

And the said plaintiff further says that
the said plaintiff as well as the said
defendant is of full and lawful age,
and that there are no specific liens
or incumbrances upon the several pieces
or parcels of land above described or any
or either of them, against either of the
owners thereof to the knowledge or belief
of said plaintiff.

And plaintiff further says that the
cash value of said real estate and
property above described is two thousand
dollars, and that the said plaintiff
is desirous of having a partition or sale
of the above described premises made under
the direction and with the sanction
of said court.

The plaintiff therefore demands
judgment against the said de-
fendant

I that a partition and division of the
several pieces or parcels of land above

described ~~may~~ be made by and under
the direction of said court between ~~the~~
plaintiff and the said defendant
according to their respective rights
and interests therein. And —

II That a commission may issue out
of and under the seal of said court
to make partition thereof to be di-
rected to their referees to be by said court
appointed as provided by law, for that
purpose, or

III If a partition thereof, or of any part
thereof, by meter and hammer, cannot be made
without great prejudice to the owners,
then that the said premises or such part
thereof as cannot be divided by
meter and hammer, ~~may~~ be sold by
and under the direction of said
court, and that the proceeds of
the sale, after paying the costs and
expenses of this action be divided
among the owners thereof according
to their respective rights and
interest therein, and that the said
plaintiff have such other and further relief
as the said court shall seem just and
proper.

August 24th

Plaintiffs Attorneys

State of Minnesota
District Court Eighth District
County of Carver
Emilia A Mullenbargel }
~~Allyne~~ }
Carl Mullenbargel }

I the undersigned
was appointed by said court to take
certain proofs in said action & hereby
order that such proofs be taken before
me at my office in the Village of
Auster Carver County Minnesota
on the 22nd day of June A.D. 1894 at ten
o'clock in the forenoon of said day
Dated June 11th 1894

J. A. Sargent
Refere

Subd State of Minnesota
District Court Eighth Judicial District
County of Carver

Emilia A Mullenbargel }
against }
Carl Mullenbargel }

In the District
Court in and for Carver County in
the State of Minnesota.

The petition of the above
named plaintiff respectfully states and
shows to said court, that she has

State of Minnesota
District Court Eighth Judicial District
County of Carver

Emilia A. Muller }
 vs }
Carl Muller }

Sir - You will please take notice
that the proofs of the allegations of fact con-
tained in the petition of the Plaintiff in the
above entitled action, a copy of which petition
is hereto annexed and herewith served upon
you, will pursuant to the order of the Court
and upon (two copies of which said order
are hereto annexed) - be taken by and before
J. A. Sargent, the referee named in the afore-
said order at his office in the village of
Chaska in the County of Carver in the State of
Minnesota on the 22nd day of June A.D. 1894 at
ten o'clock in the forenoon of said day, You
are also notified that the Complaint re-
ferred to in the petition of the Plaintiff
aforesaid in the original Complaint in
this action a copy of which said Com-
plaint is this day served upon you
Dated June 12th 1894

Augustus P. C. M.
Plffs Atty

commenced an action in said court to obtain a divorce from the above named defendant upon the grounds and for the cause and reasons stated of her said plaintiff by said defendant which action is now pending in said court.

And your petition further shews to said court that she is wholly destitute of the means of supporting herself during the pendency of said action and defraying the costs and expenses attending the same. That the said defendant as your petition is informed and verily believes, has real and personal property to a large amount, and amply sufficient to enable him to advance thereon to your petition such sum as may be necessary for the above stated purposes. That your petition is informed and verily believes that the said defendant is the owner of property to the amount of more than two thousand dollars and that his annual income is about eight hundred dollars. Your petition therefore asks that the said defendant may by an order of this court be required to pay to your petition a reasonable sum for her support and maintenance during

the pendency of said action, And such
sum or sums of money as may be
necessary to enable your petitioner to
carry on her said action and to defray
the necessary costs and expenses thereof
Dated June 3^d 1874 Baxter & Clark
Plaintiffs Attorneys

State of Minnesota
County of Carver ss

Emeline A Wallenray
Came before me personally and being duly
sworn doth say that she is plaintiff and
petitioner in the above entitled action, that
the foregoing petition is true of her own
knowledge except as to the matters which are
therein stated on her information and belief
and as to those matters that she believes
to be true. Emeline Wallenray

Subscribed and sworn to before me
On this 3^d day of June 1874

Notarial
Seal

L. A. Baxter Notary Public Carver Co Minn

State of Minnesota
County of Carver ss

Emeline A Wallenray
Agent
Carol Madsenayse, I Or Wallenray and filing
the petition of the plaintiff in the above
entitled action duly verified from which
it appears that said action has been
commenced and is now pending
in said Court. Ordered on Motion of
Baxter & Clark Attorneys for said plaintiff
that said petition be annexed to the same together
is referred to J. A. Sargent of Christ Church
County as referee and said referee is hereby
ordered and directed to take in writing the
proofs approved by notice of the parties to said action
touching the allegations of fact contained
in said petition, and report all such proofs
to this Court together with his opinion on the
falsity or verity of said petition

District Court
Carson County

Emilia A. Muelldorff

ⁱⁿ
Carl Muelldorff

Petition

Post office, Gladys
6 1/2 miles from Gladys

Cash

Sent by W. A. Muelldorff

Deputy Sheriff

under a 1/2 of real estate
about a year ago in settlement
of a contribution to the
war relief fund

Personal property of \$300.00
at 1/2 cash
1/2 of land under 1000 ft.
widower 3 children

Baptist & Pick
Reps. Ctys

1st The value of real and personal property owned by the defendant, and also above liens and encumbrances, the value of the real and personal property to be separately stated

2nd The amount per month necessary to be paid for the proper and comfortable support of the Plaintiff pendente lite

3rd The amount necessary to enable said Plaintiff to prosecute her said action

The testimony before said referee to be given under oath and signed by the party giving the same - The referee must be duly sworn as such a referee to and, and at least two days notice of the time and place of hearing before him must be given to said defendant, or to his attorney if any he has in this action. Attest
Dated June 9th 1844 Judge of said Court

District Court
Carmen County

Emilio A. Maldonado

²⁰⁰⁵
Carl Wailnough

~~Thief~~

Waldvogel

or

Waldvogel Summons

Sec 10 Chap 62. Page 410 Gen Stats Min
provides for commencement of action by Sum=
mons and complaint

Sec 13 same chapt. - Time left 30 days to
Answer

Sec 44 Gen Stats as amended by act
of 1867 - Page 105 Sess Laws 1867. Prescribes
form of Summons

Amendments 105. Page 463 - Gen Stats

Sec 11 Chapt 53 Laws 1858 - Stats of Minn
Page 464. - Requires notice to the judge
etc

Temporary Alimony.

Sec 15. Chapt 62 - page 410. Gen
Stats of Min - (1866) - Provides
for support during pendency of action
etc

State of Minnesota
District Court
County of Cass

Wm. C. A. Waldvogel
vs
Wm. Waldvogel

Subpoena,
by Reference

Filed, May 24th 1873
G. W. May, clerk
D. W. May, clerk

768

State of Minnesota, I hereby certify and return, that
County of Cass, I have served the within summons
upon the within named Thomas Shultz, by reading the
same to him in Cass County on the 16th day of May
A.D. 1873

for \$ 120

Subpoena 70

Attending Court 340

for Interpreter 100

\$ 590

T. H. Hutton

Sheriff of Cass Co

State of Minnesota
District Court Eighth Dist
County of Cass

The State of Minnesota vs
Thos Schitz

You are hereby commanded
to be and appear before Sam
L M Brown Sale Referee appointed
by said court in case of Emil C
A Malafayel against Carl Muldfaydel
to examine and report upon certain
matters - ^{that other} to give evidence touching
such certain matters - Know full
that under the penalty of the
law.

Given under my hand this
16th day of May A.D. 1893

L. M. Brown
Referee

State of Minnesota
District Court
County of Carver.

Michi Waldvogel
by
Carl Waldvogel,

Stipulation

Filed June 13th 1893,
Guthrie, Minn.
J. L. L.

State of Minnesota
Dist. Court 8th Dist.
County of Carter.
Emilia C. A. Waldfoyle

-vs-
Carl Waldfoyle, }

Upon reading and filing the report
of the Referee in the above entitled action
it is hereby ordered that the report of
said referee be and the same is hereby
confirmed and that the several sums
found by said referee necessary to be
paid said ~~defendant~~ ^{plaintiff} be paid at
two times and in the manner following
Fifty dollars to be paid the attys for
said plaintiff as follows \$30.00 upon
demand - the balance at the opening
of Court at the next General Term in
said County. Ten dollars per month
to be paid said plaintiff on the first
day of each month commencing and the first
payment being due the first day of June
1843. and continue until the trial of
said action unless otherwise ordered
The costs and disbursements shall be taxed
and paid as per report of referee.
The sum of fifty dollars shall be
paid the clerk of the Dist Court of
said County on or before the first

State of Minnesota
County of Carver
District Court 8th District

Emilie Waldvogel

vs
Carl Waldvogel

Answer

original

Filed, May 13th 1873
168-
G. W. Gray, Clerk

Service of a true copy of
within answer is hereby ad-
mitted this 13th day of May 1873

D. A. R. R. R.
Atty

Joel W. Wainman
Deft. Atty

State of Minnesota
Dist Court 8th Dist
County of Carver.

Emily A. L. Walfoegel
Ag't
Karl Walfoegel

To the Honorable District Court above named -

The undersigned to whom is directed the foregoing Order of Reference for the purposes therein stated & set forth, hereby submits to the said Court, his report as follows, to wit:

Upon the 16th day of May A.D. 1873 the parties to the said action, together with their respective Attorneys & Counsel attended before me at the Office of Messrs Baxter, ^{and} Peck in the village of Chaska in said County & then & there submitted their proofs & allegations in the behalf, & touching the matters & things in said Order of Reference referred to, & upon such proofs & allegations matters & things, I the said Referee do find & Report as follows, to wit:

II. The said Plaintiff has no means, money or property of any kind with which to support herself, or to defray the necessary expenses

of said litigation. except such as she may be able to realize from her own ~~knowledge~~ manual labor during the time intervening before the next Term of said court —

III. That said Defendant is the owner in fee & incumbered, of a Farm of ninety four acres, situate in the town of Chamhassen in said county, & of a value ranging from eleven to eighteen hundred dollars

III. The said Defendant has personal property not exempt from execution to the amount of one thousand dollars, among which it is undisputed, he has five hundred dollars in money loaned out. Two hundred & fifty dollars worth of cord wood in the Village of Chaska, one hundred bushels of wheat, (except such part of said wheat as may be exempt) besides a considerable number of cattle of various kinds. by reason whereof it appears that said Defendant without any pecuniary embarrassment is able to contribute to the expenses of said litigation, & to the support of said Plaintiff during the time intervening before a trial can be had. —

IV. That the sum of fifty dollars is a reasonable & fair amount to be paid to the said Plaintiff attorneys for all services

Exhibit 1 State of Minnesota
County of Cass
In District Court
8th Judicial District

Emilie C. Waldfoegel
against
Carl Waldfoegel

The above named Defendant
goes answer to the Complaint of the above plain-
tiff in the above entitled action. Severs each
and every allegation matter and thing in the
said Complaint of said plaintiff contained, sup-
posed except as herein specially admitted or mo-
dified.

And the said Defendant further answering ad-
mits that on or about the middle of November
1871, in Chaska in said County of Cass, Minn-
Exhibit 2* 20th The said plaintiff and this defendant
were lawfully married to each other and that ever
since have been and still are husband and wife.
Defendant admits that ^{the age of} plaintiff is twenty five
and this defendant forty years and admits that
since the time of said marriage said
plaintiff has been and still is a resident of
the Town of Chaska in said County of Cass;
that during all of the time since said mar-
riage the said plaintiff and defendant have lived

and resided together as husband and wife.

Page 3

Defendant further admits that on the 11th day of September- 1872, said Plaintiff was delivered of a Child and that about the first day of October- 1872 said Child died. Defendant further admits that said Plaintiff is this defendant's second wife and that he has several Children by his former wife.

And this defendant further avers and swears that he did, at all times during since his said marriage with said Plaintiff, treat said Plaintiff with kindness and forbearance, that during the time said Plaintiff was confined in Childbed this defendant procured a competent nurse of said Plaintiff, to take special care of said Plaintiff.

Page 4

That notwithstanding this the said Plaintiff refused to obey the lawful orders and commands of this defendant; that about three months after the death of the Plaintiff's said Child and while this defendant was in the act of giving bread to his Children by his former wife, the said Plaintiff took the bread out of the said hands of said Children and threw it into the well pail and then and there seized hold of this defendant by the hair of his head and tried to throw this defendant on the floor; that the said Plaintiff would then and there have beaten, bruised and ill-treated this defendant if he had

Page 5

had not immediately defended himself
against said Plaintiff, wherefore he, the said
Defendant, did defend himself against said
Plaintiff as he lawfully might for the cause
aforesaid; and in doing so did necessarily seize
hold of him - but doing no unnecessary hurt
to the said Plaintiff.

And Defendant further averring and
that on the 28th day of April 1848, this Defen-
dant ^{respectfully} requested ~~respectfully~~ ^{the said} Plaintiff to
bring in some wheat with the Defendant's cattle
whereupon the said Plaintiff became very angry
and commenced to greatly abuse this Defendant
and then and there struck, with his fist, this
Defendant on the head and took hold of
his head by the hair and attempted to throw
this Defendant on the floor; that the said Plain-
tiff would then and there beat, bruise and
ill treat this Defendant if he had not imme-
diately defended himself against said
Plaintiff; wherefore he, the said Defendant
did defend himself against said Plaintiff
as he lawfully might for the cause aforesaid;
and in doing so did necessarily seize hold of
said Plaintiff bring on unnecessary hurt
or harm ^{or injury} to said Plaintiff; that if any injury
happened to said Plaintiff, the same was acca-
tioned by the attack or made by said Plaintiff
on this Defendant and the necessary ~~and necessary~~

Folio 6th

Folio 7th

and lawful defense of him, the said defendant against said Plaintiff, which are the same supposed injuries & abuses complained of by said Plaintiff in his said Complaint against this defendant.

Wherefore this defendant demands judgment that this action be dismissed.

Jose Precinman
Deft. & Atty

State of Minnesota }
County of Cass }

5th 8th before me personally and being first duly sworn, both say that he is the defendant named in the foregoing entitled action, that he has read the foregoing answer read and explained and that he knows the contents thereof that the same is true of his own knowledge except as to matters therein stated upon his information & belief and as to those matters he believes it to be true. Subscribed and sworn to before me this 9th day of May 1873.

Jose Precinman
Attorney Public

Carl Waldvogel

by them rendered, or to be rendered in said cause up to & including the final judgment in said cause in the District Court, said sum to be paid at once or in installments as the court may think proper to order.

VI. The costs of the service of the summons & complaint, & the costs of this Reference should be taxed by the Clerk of said court in the usual manner & paid by the Defendant within ten days after such taxation.

VII. The sum of ten dollars for each calendar month since May 1st 1873 up to & including the month of October will be a reasonable amount to be paid the Plaintiff for her support & maintenance during the pendency of said action, provided she retains her present health, said sums on & after June 1st 1873 to be paid upon the 1st day of each month -

VIII. The sum of fifty dollars will be a sufficient amount to pay the costs & disbursements of procuring witnesses including ~~subpoenas~~ subpoenas their service mileage, & per diem of witnesses, the jury fee, & clerks fees, & any officers fees that may accrue in the cause before a final judgment. But as this item of expense is in its nature uncertain & contingent

the undersigned respectfully suggests
 that the said sum be deposited with the
 clerk of said court, at least twenty days
 before the 1st day of the next term of said
 court. & that so much thereof only as may
 be necessary for the above mentioned pur-
 poses, be drawn upon the order of the Plffs
 attys. for which they shall render a true
 account in writing to the clerk, & that
 such attys should be the judges of the
 requisite amount, subject to the control
 of the court upon a final accounting.
 All of which is Respectfully submitted
 by — dated Mar 19th 1873 —

J. M. Brown

Dole Referee —

Fees \$ 5.

Wish Court 8th sick
 County of Carver —

C. A. de Walfoegel
 agt

Carl Walfoegel

Petition, Order of
 Reference & Referee
 - Report -

Filed May 11th 1873

W. H. H. H. H.

Cent.

1101

Dist. Court
Comm. Court

Emile C. A. Waldfogel
- 89 -

Carl Waldfogel
Waltham of Reform.

John May 24th 1887
Hoboken N.J.
Delaware

168.

State of Minnesota
Dist. Court 8th Dist
Le Sueur County.

Emile C. G. Waldfoyd

- vs -

Cash.

Carl Waldfoyd
County of Le Sueur 3^d p.

You do solemnly swear that
you will faithfully and fairly
hear and examine this action which
which Emile C. G. Waldfoyd is
accusing and Carl Waldfoyd
defendant and make a just
and true report there according
to the best of your understanding and
ability. So help you Gods.
Subscribed and sworn
to this 16th day of May
1873.

L. M. Brown

H. J. Peto

Jole Referee

Notary Public
for Minn

District Court
Carver County

Emilia C. Waldfogel
agent

Carl Waldfogel
Petitioner preliminary

Orders &c

Given, May 24th 1893

W. H. Hagenbach
Clerk

478-

Revised & Reck.
Atty for Petitioner

State of Minnesota
Carver County

I, H. H. Hagenbach, Sheriff of said Carver County
do hereby certify and return that on the 22nd day of
May, A.D. 1893, I personally served the within petition
and orders on the within named defendant by giving
the same in person to him and caused copy of
the same and such and all of ~~the~~ ^{the} ~~same~~ ^{same}
papers - Dated May 17th 1893

per \$ 350

H. H. Hagenbach

Sheriff Carver Co
Min

State of Minnesota
District Court Eighth Judicial District
County of Carver

Emilie C A Wolfsoyall

August

Carl Macfarlane

To the above named Court
Your Petitioner Emily C. Wald-
ford the plaintiff above named
respectfully represents and shews
to said court that she has com-
menced an action against the
above named defendant ^{in said court} to obtain
a judgment and decree dissolving
the marriage solemnized between
him said defendant and your
petitioner because of the cruel and
inhuman treatment of your petitioner
or by the said defendant

And your petitioners further state,
and shew to said court that she is
wholly destitute of the means of sup-
porting herself during the pendency of
this action or of carrying on her
~~Said action~~ and defraying the costs and
expenses attending the same - That your
petitioners have been informed and
privily believe that the said defendant

about his real and personal property
to a large amount, and ample to sup-
ply him thereant to advance to your
petitioner such sums as may be nec-
essary for the above mentioned purposes
That your petitioner is informed and believes
that the said defendant is the owner of prop-
erty to the amount of more than five
thousand dollars and that his annual
income is about One thousand dollars

Your petitioner therefore prays that
the said defendant may by an order of
this court be required to pay to your
petitioner a reasonable sum for her support
and maintenance during the pendency of
this action, and such sum or sums of
money as may be necessary to enable your
petitioner to carry on her said action
and to defray the necessary costs and expenses
thereof - And for such other and further
relief as the said court shall deem
proper - Dated May 5th 1873.

Bartholomew Dek. Plaintiff, Attorney

Notary Public
County of Larimer ss

Emily C A Waldfayre being duly
sworn on a oath says that she is Plaintiff
in the above entitled action, and petitioner
in the above named matter. That she knows the contents
of the foregoing petition and that the same
is true of her own knowledge except as stated
therein stated on her information and belief
and that as to those matters she believes it
to be true.

Subscribed and sworn to
before me this 5th day of May 1873

H. J. DeLo

Notary Public
for Minn.

Emily C A Waldfayre

District Court
County of Carson

Emilia C. Walden
against
Carl Walden
Order of
Reference

Filed, May 24 5 AM 1893
J. G. Brown, Clerk

168.

State of Minnesota
District Court 8th Dist
County of Carver

Emilia C. A. Waldfryd }
vs }
Carl Waldfryd }

Whereas by an order of said
Court & the undersigned was duly
appointed referee to inquire and report
what would be a reasonable sum to
be allowed to the above named plaintiff
for her support during the pendency
of said action and also what would
be a reasonable sum to be allowed
said plaintiff to enable her to carry
on her said action and defray the
expenses thereof -

Ordered that the proofs and
evidence on said reference be
taken before me at the Office of
Baptist Peck in Chaska in the County
of Carver in the State of Minnesota on
the 16th day of May A.D. 1873 at ten
o'clock in the forenoon of that day.
Dated May 7th - 1873

L. M. Brown
Referee

To Carl Waldfryd defendant in the above entitled action
Sic. You are hereby notified that the hearing was

victim for in this action by the order of said
 Court, a copy of which is herewith served upon
 you, will be had before said Referee at the time
 and place specified in the foregoing order
 Dated Chas. H. ^{May 1848} 1848

Plaintiff's Attorney

District Court
 Cass County

Counter C. A. M. Wadswell
 vs

Carl Wadswell
 " "
 Green & P.

John May 24th 1848
 C. Wadswell
 Clerk

168

State of Minnesota
District Court Eighth Judicial District
County of Carver

Emily A Waldvogel }
Against
Carl Waldvogel }

This cause having
been brought on to be heard upon
the report of Fred Altis, John
Kosloske and Theodore Kemming
Referees appointed therein, and
by virtue of a commission issued
out of, and under the seal of this
court, and on reading and filing
said report, which bears date the
16th day of January AD 1875, by
which it appears that the said ~~Referees~~
have made partition of the premises de-
scribed in the complaint in this cause
between the said Emily A Waldvogel
and Carl Waldvogel according to
their respective rights and interests
therein, as the same have been ascer-
tained, declared, and determined by
this court, and by which said partition
the said commissioners have divided the
whole of said premises into two allotments

of equal value, and have set off in
severalty to the said. Carl Waldvogel
one of the said allotments, described
as follows: The north west quarter
of the north west quarter of section
seven (7) in township one hundred
and sixteen of range twentythree in
Carver County Minnesota, as will more
fully appear by a map of said partition
thereto annexed, And also by which
partition the said referees have set off
in severalty to the said Emily A
Waldvogel the other of said allotments
which is described as follows: The
north east quarter and the south west
quarter of the north west quarter of
section seven (7) in township one
hundred and sixteen (116) of range
twentythree (23) in said Carver
County and state of Minnesota, as will
more fully appear by reference to the said
map of the partition annexed to said report
And on motion of Baxter & Child of
counsel for the complainant Emily A
Waldvogel, it is ordered, adjudged and
decreed, and this court by virtue of the
authority therein vested, doth order
adjudge and decree, that the said report

District Court
Carver County

Emily A Waldwagel
vs
Carl Waldwagel
Final Order and
Partition

Judgment Roll.

Settled by Parties
Jan'y 23^d A.D. 1875.

Filed, Jan'y 23^d A.D. 1875,
G. Straymühl
Clerk

Forster & Child Attorney for Plaintiff

and all things therein contained do stand ratified and confirmed. and that the partition so made. be firm and effectual forever.

And it is further ordered adjudged and decreed That the said Carl Waldvogel and Emily O. Waldvogel. do each execute. under their hands and seals. and acknowledge and deliver to the other. a deed of release and quit claim of the parcels of land set off to each in severalty as aforesaid, and it is further ordered adjudged and decreed that the said Carl Waldvogel pay to the said Emily O. Waldvogel the one half of the costs and charges of the proceedings in this cause, and that the said Emily O. Waldvogel have execution therefor

Dated January 21st 1875

By the Court.

A. G. Chatfield
Judge &c.

Bin of Books
Unaffiliated.

John, Henry 13th Dec 1895.
Schreyerbach
Delaware

State of Minnesota
District Court Eighth Judicial District
County of Carver

Emily A. Waldwagel }
Against }
Carl Waldwagel }

Costs & Disbursements

Statute costs	\$6.00
Referee fees & costs per schedule	48.40
2 Affidavits	.50
Shiriffs fees	2.20
Clerks fees	5.65
Total	61.75

1/2 of costs \$30.87

State of Minnesota
County of Carver } McChilc being duly
sworn says that he is one of the attorneys
in the above entitled action that the foregoing
bill of costs and disbursements are just and
correct and have been necessarily paid
and incurred therein.

Subscribed and sworn to before } McChilc
me this 23rd day of Jan. 1875 }

G. W. Weyenbuhl, Clerk Dist Court
Carver Minn.

District Court
Carver County

Emily A. Walden
vs

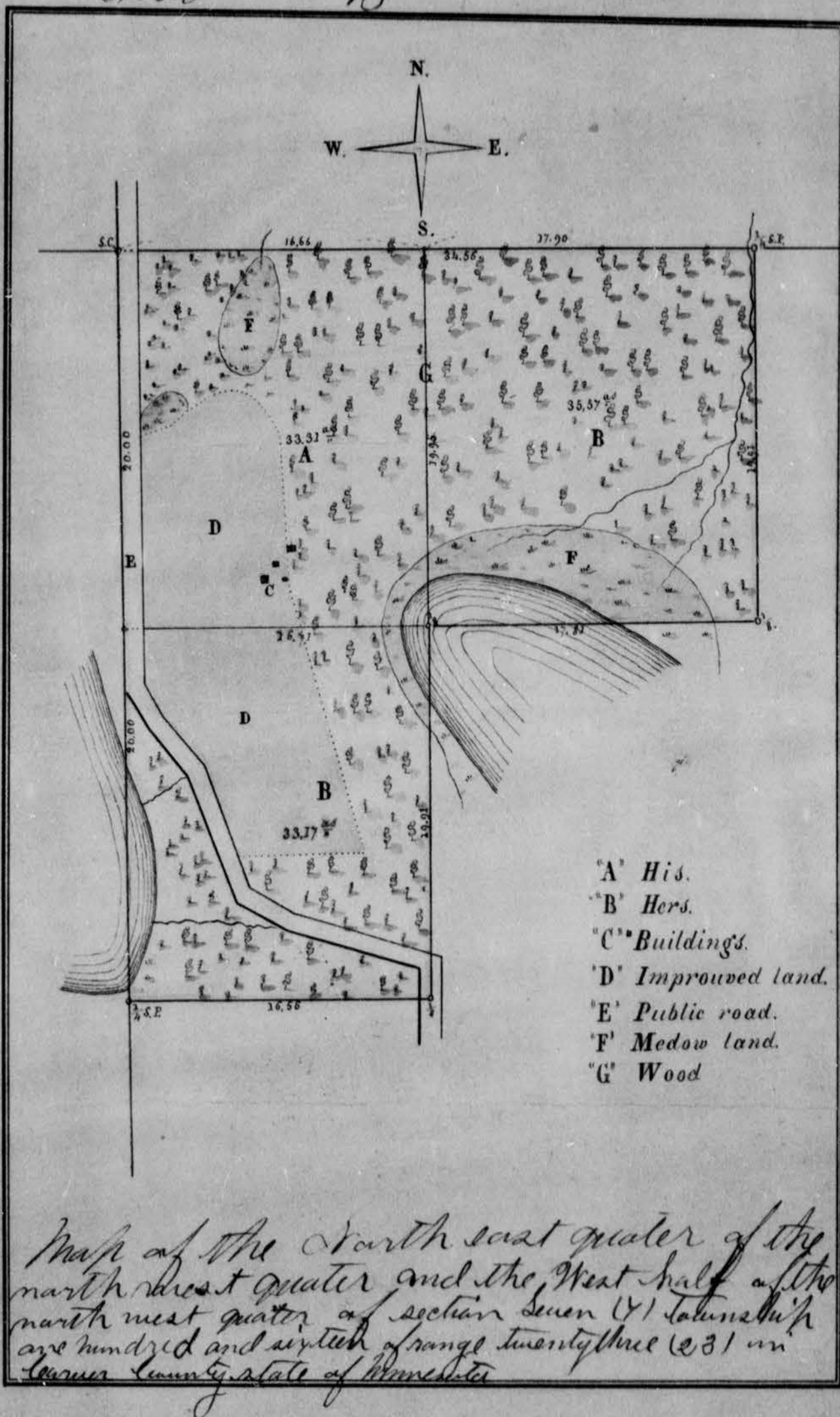
Carl Walden

Refers Report an
Partition.

Filed, Jan 23rd 1895.
Subscribed
C. H. S.

Schedule "A"	
Expenses of Referees	
W. J. Cheure 2 days surveying @ 4.	8 00
" " " Making map	3 00
" James Dilly Team hire 2 days @ 5.	10 00
" Fred Bullmer Chairman 2 days	2 00
" Phillip Miller " " "	2 00
" Cash paid for board of team & men	5 00
" Fred Ellis Referee 4 days	4 00
" John Kaslafke " " "	4 00
" Theodore Kenning " " "	4 00
" Travel 16 miles at 5 cts per mile	
for Fred Ellis	80
" John Kaslafke	80
" Theodore Kenning	80
Total	48 40

Exhibit "B"



Julii. Janz 23^{te} an 1845
Gubrayentuchl
Edulke

Emily A. Waldwagel }
against }
Carl Waldwagel }

The The District
Court of Carver County Minnesota
and Eighth Judicial District.

In pursuance of and
in obedience to a commission in
the above entitled action, issued out
of and under the seal of said court
and directed to and delivered to the
undersigned referees therein named, tested
the 13th day of January A.D. 1875 which
said commission is hereto annexed,
we the said referees do truly respectfully
report and return: That having been
first duly sworn, and having severally
taken the oath hereto annexed, we have
carefully examined the premises described
in said commission, and caused them
to be surveyed in our presence and have
made partition thereof between the parties
according to their respective rights and inter-
ests therein, as the same have been ascer-
tained, declared and determined by said

Court, as we were by the said commission commanded in manner following: We divided the whole of the said premises into two allotments which are designated on the map hereto annexed by the letters "A" and "B" each of which allotments is in our opinion of equal value and that being in our judgment, the most beneficial division, all circumstances considered, that could be made of such premises, and that we have set off in severalty to the said Carl Waldvogel all that certain parcel of said premises designated on said map by the letter "A" and which is described as follows: The north west quarter of the north west quarter of section seven township One hundred and sixteen range twenty three in Carver county State of Minnesota, as will more fully appear by reference to the said map

And we have also set off in severalty to the said Emily A Waldvogel all those certain pieces or parcels of said premises designated on the said map by the letter "B" which are described as follows: The north east quarter ^{of the north west quarter} and the south

most quarter of the north west
quarter of Section Seven (7) in
township One hundred and sixteen
of range twenty three (23) in
Carver County Minnesota as
will more fully appear by reference
to said map

And we further certify and report
that the items of the various expenses
attending the execution of the said com-
mission, including our fees as referees are
contained in the schedule hereto annexed
marked "A" and forming a part of this
our report. And that for a better un-
derstanding, and more clear elucidation
of the shape and situation of the said
premises and of the manner in which
such partition has been made by us
we have caused to be made a map
thereof, showing what parts of the
said premises have been allotted to the
respective parties, which map forms a
part of this our report and is hereto
annexed marked "B"

In witness whereof we the said
referees have set our hands to
this our report this 16th day of
January A.D. 1875

Presence of { *Fredrick Altis* *Referes*
W H Child { *Theodore Kemming*
L L Baxter { *Johan Kasloski*

State of Minnesota }
 County of Carver } *Fred Altis* *Johan*
Kasloski and *Theodore Kemming* came
 personally before me and being by me
 known to be the identical persons
 who signed the foregoing instrument
 acknowledged that they each executed
 the same freely and voluntarily for the
 purposes therein expressed

L L Baxter
Notary Public
Carver Co Minn

John J. D. D. D. D.
W. H. Child
W. H. Child

District Court
Cassier County

Emily A Waldrup
vs
Carl Waldrup
Commissioner for
Partition

Filed Jan 23rd 1895
G. H. H. H. H.
H. H. H.

State of Minnesota
District Court Eighth Judicial District
County of Carver

Emily A. Waldvogel }

against

Carl Waldvogel }

This cause
having been brought on to be heard
before the above named court, at the
October term thereof, for the County
of Carver aforesaid, "to wit" on the ^{5th}
day of October A.D. 1874, upon the
summons ^{and} complaint therein, and
due proof of the service of said sum-
mons and complaint, and that
the defendant in said action had not
answered or appeared in said action,
and the said plaintiff having fur-
nished sufficient proof of the alle-
gations in said complaint contained,
from which proofs it appears that
the allegations in said complaint
contained are true, and that the said
plaintiff is entitled to the relief
demanded in the said complaint.

That is to say, that the premises
described in said complaint

may be partitioned and divided into two equal parts, without material injury to the rights or interests of the several owners thereof, and that a partition of said premises would be more ^{adv}antageous to such owners than a ^{sale} partition thereof. And that the said plaintiff Emilie A. Waldvogel is entitled in fee to one equal, undivided half of said premises. And that the said defendant Carl Waldvogel is entitled ~~to~~ in fee to the ^{equal} one undivided half of said premises.

On motion of Baxter and Peck, plaintiffs Petrys no one appearing to oppose, it is ordered, adjudged, and decreed, and this court by virtue of the power and authority therein vested pursuant to the Statute in such cases made and provided, doth order adjudge and decree that the said premises be partitioned and divided as demanded in said complaint.

And it is further ordered, declared and decreed that the rights

and interests of the several parties
to this action of, in, and to, the several
pieces or parcels of land described
in the complaint in this action, are
as stated and set forth in the said
complaint.

And it is
further ordered, adjudged ^{and} decreed
that partition be made of the lands
and premises mentioned and set
forth in the complaint in this ac-
tion which premises are described
as follows. The north east quarter of
the north west quarter and the west
half of the North West Quarter of
Section Seven, in Township 116 of Range
23 in Carver County Minnesota

among the parties to this
action according to their respective rights
and interests therein, as the same were
ascertained by this court. Established
by this judgment and decree.

And it is further ordered
that Fred Ellis, John Kaslaph
and Theodore Kunning
three reputable freeholders of the County
of Carver be, and they are hereby
appointed commissioners for the
purpose of making such partition.

2
That the said commissioners, before proceeding to the execution of their duties, as such, shall be severally sworn or affirmed before some officer authorized by law to administer oaths honestly and impartially to execute the trust reposed in them and to make partition as directed by this court.

And that such oath or affirmation be filed with the clerk of this court, at or before the coming in of the report of the said commissioners hereinafter directed to be made.

And that the said commissioners shall divide the said lands and premises into two equal parts, quality and quantity relatively considered, and that they allot to the ^{said} plaintiff one of the said equal half parts of said premises; to the said defendant the other of the said equal ^{half} parts, to be held and enjoyed by the said parties in severally, according to their rights and interests therein so ascertained and determined as aforesaid. And that the said commissioners shall designate the parts or portions

so allotted, to each of the said parties, and the boundaries thereof by sufficient descriptions and monuments. And it is further ordered that the said commissioners make a full and ample report to this court of their proceedings in this behalf, under their hands or under the hands of any two of them, specifying therein the manner in which they shall have executed this decree, and describing the lands divided, and the parts or shares allotted to each party, with the quantity, courses and distances of each share, and a description of the posts, stones, or other monuments thereof, and the items of their charges in the premises. That the said commissioning, or such two of them as shall sign the ^{said} report, do acknowledge the same, or cause it to be proven in the same manner that deeds are required to be acknowledged or proven to entitle them to be recorded, before some officer authorized to take the proof.

or act now lodgement of deeds.
and that such report be filed
in the office of the clerk of this
court.

That all the said
commissioners do meet together
in the performance of any of
their duties under this decree.
but that the acts and decisions
of a majority of such commissioners
when so met shall be valid.

And it is further ordered that
the said commissioners be author-
ized to employ a surveyor, and to
cause all necessary maps and
surveys to be made. And all
the parties in this cause shall
produce to, and leave with the said
commissioners, for such time as
the commissioners shall deem
reasonable, all deeds, writings, sur-
veys, or maps, relating to the said
premises or any part thereof.

And it is further ordered
adjudged, and decreed that in
case partition of such premises
cannot be made with perfect
equality between the said parties

District Court
Carver County

Emile A. Waldvogel
vs
Carl Waldvogel

Judgment

Given, Jan 13th 1895
By the Court
Waldvogel

according to their respective rights.
and interests therein. unless some
compensation be made by one or
more of the said parties. to the other
of them. for equality of partition
that then. and in that case the said
commissioners. or such two of them
as may make said partition. as-
certain and report the proper
compensation which ought to
be made for equality of partition.
and by which of the parties
the same should be paid. and
to which the same ought to be al-
lowed.

Dated January 7th 1874

By the Court.

A. G. Chatfield

Judge &c.

State of Minnesota
County of Carver

The State of Minnesota
To Fred Ellis

Jahn Kaslafke and Theodore
Kerning all of the county of
Carver. greeting: Whereas
the District Court of said county
of Carver did on the 7th day
of January A.D. 1875 make a
certain decretal order, in a
certain cause depending in said
court wherein Emily A. Waldvogel
was complainant and Carl Wald-
vogel defendant, by which it was
ordered among other things
that a partition of the premises men-
tioned and described in the compl-
aint in this cause should be made
between the said plaintiff and
defendant in equal portions quality
and quantity relatively considered
And whereas by said decretal order
it was further ordered that in case
the said partition could not be
made equal between the said
parties without prejudice to the
rights interests of one of them, that

then and in that case compensation should be made by one of the said parties to the other for equality of partition, according to the equity of the case. And whereas it was further ordered that a commission issue out of and under the seal of this court to you directed, authorizing and directing you to act in the premises for the purpose of carrying the said decretal order into effect: Now therefore know ye that confiding in your prudence and discretion, the court has assigned and appointed you the said Justices John Kaslake and Madare Kunning referees for the purposes herein mentioned and to give you or any two of you full power and authority to make partition of the premises above mentioned and ^{hereinafter} set forth and described between the said Emily A. Waldvogel and the said Carl Waldvogel according to their respective rights and interests therein, as the same have been ascertained, declared, determined and adjudged in and by the decretal order

aforsaid; and that you the said
referees, or such two of you as may
make the said partition, make report
under your hands to our said court
of your proceedings under and by virtue
hereof, without necessary delay.

And we do by these presents
further authorize direct and require
you, or such two of you as may
make the said partition, that in case
the same cannot be made equal
between the said parties without
prejudice to the rights and interests
of one of them, unless compensation
be made by one of ~~them~~ the said
parties to the other for equality of
partition in the said premises, that
then and in such case you, or such
two of you as may make such partition
ascertain what compensation or
compensations ought to be made
by such one of the said parties res-
pectively, who ought to make the
same to such one of the said parties
respectively, to whom the same ought
to be made for equality of partition
according to the equity of the case
and that you or such two of you

we may make the said partition
allot and award such compensation
or compensations to be made accord-
ingly. And that in your said report
and return you certify and declare
the compensation or compensations
or sum or sums of money you
or such two of you as may make
the partition, may ascertain, allot and
award to be made by ~~you~~ and to
the parties respectively, and by whom
the same shall be made and to
whom the same shall be awarded

And we do hereby further order
and direct that you, or such two
of you as shall act in the premises
by virtue of the said decretal order
and of this commission do for
the better understanding and more
clear elucidation of the shape and
situation of the said premises and
of the manner in which such
partition shall be made, make or
cause to be made and annex to,
and return with this commission
a map of the whole of the said
premises, showing clearly and distinctly
by the division which you shall make

of the premises. And the better to enable you to make the partition and perform the duties above directed of and each of you are and is hereby authorized and empowered to enter upon and into and view the said premises and every part thereof together with such surveys and assistance as you may deem necessary and to survey the same or cause the same to be surveyed, for the purpose as aforesaid, which said premises are described as follows: The North East Quarter of the North West Quarter and the West half of the North West Quarter of Section seven (7) in Township One hundred and sixteen (116) of range Twentythree in Carver County Minnesota

Witness the Hon. A. G. Chaffield
Judge of the District Court of
Carver County Eighth Judicial
District at Chaska Minnesota
This 12th day of January AD
1878

G. Wraymull, Clerk of the
Court

We Fred Alt. John Kosloski
and Theodore Kenning. The
referees within named do
severally swear that we will
honestly and impartially execute
the trust reposed in us by the
within commission, and make
return as therein directed by the
court.

Subscribed and sworn } Theodore Kenning
to before me this 4th } Fred Alt.
day of January A.D. 1875 } John Kosloski
Gyrfayrshuhl
Clk & Dist Court
Garver Co. Minn.

No.

738

DISTRICT COURT,
CARVER COUNTY, MINN.

Emilie Waldvogel
Plaintiff.

vs.

Carl Waldvogel
Defendant.

Baxter & Beck
Plaintiff's Attorney.

Joe Weinmann
Defendant's Attorney.

Date of Entry May 13, 1873

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Judgment for

Amount of Judgment \$

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Date of Docketing 1