



[Minnesota.](#)  
[District Court \(Carver County\).](#)  
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No. 795

DISTRICT COURT,  
CARVER COUNTY, MINN.

*C. M. Taylor*  
Plaintiff.

vs.

*W. H. Mills*  
Defendant.

*Baxter & Beck*  
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry *Dec 30, 1873*

Register of Actions *A* Page *176*

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  
District Court 8th Dist  
Carver County

C. M. Taylor }  
J. M. }  
W. H. Mills } 3

Sir - you will please  
be taken notice that the above entitled  
action has been this day dismissed  
and discontinued by the plaintiff, and  
an entry of which the following is a copy  
has been made  
has in the Clerk's register in said Court  
in said action to wit -

"On motion of Baxter & Peck plaintiffs  
attorneys ordered that the above entitled  
action be and the same is hereby  
dismissed and discontinued."

Dated Chaska Dec 30<sup>th</sup> 1848

Baxter & Peck

To S. F. Coulter  
Defendant's Attorney

Plaintiffs Attorney

District Court  
Carver County

C. W. Taylor  
vs

W. H. Mills

Notice of Dismissal

Due service of the  
within notice of dis-  
missal of action is hereby  
acknowledged this  
30<sup>th</sup> day of Decem<sup>r</sup> 1873

Howar

Defts Atty

Filed, December 30<sup>th</sup> 1873

John Maymbeck  
Clerk

T. B. =

Raymond P. C. K.  
Plffs Atty

No. 795

DISTRICT COURT,  
CARVER COUNTY, MINN.

C. M. Taylor  
Plaintiff.

vs.

W. H. Mills  
Defendant.

Baxter & Beck  
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry Dec. 30, 1873

Register of Actions A Page 136

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

No. 796

DISTRICT COURT,  
CARVER COUNTY, MINN.

Henry J. Chew  
Plaintiff.

vs.

John C. Brunius  
Defendant.

John L. McDonald  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry December 31, 1873  
Court Reporter  
Register of Actions A Page 145

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

DISTRICT COURT,

Eighth Judicial District.

Henry J. Chevre  
— against —  
John O. Brunius

SUMMONS.

The State of Minnesota,

TO THE ABOVE NAMED DEFENDANT:

You John O. Brunius are hereby summoned and required to answer the complaint in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said complaint on the subscriber at his office in the City of Shakopee in the county of Scott and State aforesaid, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the plaintiff will apply to the Court for the relief demanded in said Complaint.

Dated,

A. D. 1886

John L. Macdonald

Plaintiff's Attorney, Shakopee City Minn.

Fol 1

State of Minnesota  
County of Carver }

District Court  
8<sup>th</sup> District

Henry J. Chevre  
- against  
John O. Brunius }

The above named

Plaintiff for complaint against said Defendant respectfully states and shews <sup>to</sup> the Court:

I That he is, and for more than five years last past has been, a citizen of the United States and of said State, and a resident and elector and legal voter of the said County of Carver.

II That at the last general election held in said County, and which was on the 4<sup>th</sup> day of November A.D. 1873 this Plaintiff was a candidate for the office of County Surveyor of said County, and that said Defendant was at said election also a candidate for said office of County Surveyor.

III That a majority in the aggregate of the legal votes cast at said election in said County were cast in favor of and for this Plaintiff for the said office of County Surveyor of said County and that this Plaintiff received the highest number of

Fol 2

votes cast by the electors of said County,  
at said election for any one person for  
said office of County Surveyor as hereinafter  
stated:

Fol 3 And that this Plaintiff was at said election  
legally and fairly elected to said office of  
County Surveyor of said County, and is  
entitled to have and hold said office for  
two years from the first day of January  
A.D. 1874 and to receive the pay and  
emoluments of said office for the said  
two years.

IV That the entire number of votes cast at  
said election for said office of County  
Surveyor, in the several election districts  
in said County were, and are as follows:

Fol 4 In the Township and election  
district of Benton one hundred and  
fifty three (153) votes for this Plaintiff, and  
seventeen (17) votes for said Defendant  
and one (1) vote for O. Bunnies, and  
three (3) votes for Bunnies without any  
Christian name;

In the Township and election  
district of Camden five (5) votes for this  
Plaintiff and two (2) votes for J. Bunnies,  
fifty eight (58) votes for said Defendant,  
and two (2) votes for H. J. Bunnies and

Fol 5

thirty eight (38) votes for Brunius without any Christian name, and one vote for this Plaintiff and Brunius without any Christian name jointly - and which vote was therefore void;

In the Township and election district of Chaska one hundred and seventy three (173) votes for this Plaintiff, fifty seven (57) votes for said Defendant, two (2) votes for O. Brunius, seven (7) votes for Brunius without any Christian name and two (2) votes for Chevre without any Christian name;

(Fol 6)

In the Township and election District of Chamassau for this Plaintiff one hundred and twenty six (126) votes, for said Defendant thirty three (33) votes for H. J. Brunius one (1) vote, for O. Brunius two (2) votes, for Brunius without any Christian name two (2) votes, and one (1) vote for Chevre without any Christian name;

In the Township and election district of Carver seventeen (17) votes for this Plaintiff Ninety six (96) votes for said Defendant five (5) votes for J. Brunius, ten<sup>(10)</sup> votes for Brunius without any Christian name;

Fol 7

In the Township and election district of Dahlgreen for this Plaintiff sixty three (63) votes, for said Defendant eighty four (84) votes, for J. Brunius five (5) votes, for H. J. Brunius four (4) votes, for O. Brunius six (6) votes, for Brunius without any Christian name twenty three (23) votes;

In the Township and election district of Hollywood for this Plaintiff sixty-eight (68) votes, for said Defendant fourteen (14) votes, for H. J. Brunius one (1) vote for Brunius without any Christian name one (1) vote, and for Chevre without any Christian name one (1) vote.

Fol 8

In the Township and election district of Hancock for this Plaintiff thirty-eight (38) votes, for said Defendant twenty-eight (28) votes, for J. Brunius two (2) votes, for H. J. Brunius one (1) vote, for Brunius without any Christian name three (3) votes;

In the Township and election district of Laketown for this Plaintiff ninety (90) votes, for said Defendant thirty-four (34) votes, for H. J. Brunius six (6) votes, for O. Brunius twenty (20) votes, for Brunius without any Christian name five (5) votes;

Fol 9

In the Township and election district of San Francisco for this Plaintiff seven (7) votes for said Defendant eighty-nine (89) votes, for J. Brunius three (3) votes, for H. J. Brunius two (2) votes, for Brunius without any Christian name three (3) votes;

In the Township and election district of Waconia for this Plaintiff seventy-six (76) votes, for said Defendant fifty-six (56) votes, for J. Brunius one (1) vote, for O. Brunius two (2) votes, for Brunius without any Christian name twenty-six (26) votes, for Mesabecker without any Christian name one (1) vote, for Chevre without any Christian name one (1) vote;

Fol 10

Fol 11 In the Township and election district of Watertown for this Plaintiff one hundred and four (104) votes, for said Defendant eighty (80) votes, for J. Brunius five (5) votes, for H. J. Brunius four (4) votes, for O. Brunius two (2) votes, for Brunius without any Christian name eleven (11) votes.

In the Township and election district of Young America for this Plaintiff forty-seven (47) votes, for said Defendant seventy-one (71) votes, for J. Brunius six (6) votes, for H. J. Brunius five (5) votes, for O. Brunius seven (7) votes for Brunius without any Christian name twenty-three (23) votes.

V That said election districts constitute and are all of the election districts of and in said County on said 4<sup>th</sup> day of November A.D. 1873 being the day of said last general election.

VI That the votes cast at said election districts on said election day for the several officers voted for were canvassed by the judges and Clerks of said several election districts, and that each and every one of the votes cast as aforesaid for J. Brunius, H. J. Brunius, O. Brunius, and this Plaintiff and Brunius jointly and Brunius without any Christian name, <sup>were</sup> unlawfully and wrongfully ~~were~~ canvassed and counted as votes cast for said Defendant for said office of ~~County~~

Fol 13

of County Surveyor whereas in truth and fact they were not; and that within the time fixed by law the said judges and clerks of the said several election districts made pretended returns of the votes cast in their respective election districts at said election to the County Auditor of said County, and that by said returns it is wrongfully and unlawfully made to appear that the entire number of votes cast therein for the said office of County Surveyor is as follows:

Fol 14

AI

In said Benton for this Plaintiff one hundred and fifty three (153) votes, for said Defendant twenty one (21) votes;

^

In said Camden for this Plaintiff five (5) votes, for said Plaintiff, <sup>Defendant</sup> one hundred and one (101) votes;

In said Chaska for this Plaintiff one hundred and seventy five (175) votes, for said Defendant sixty six (66) votes;

Fol 15

In said Chamassau for this Plaintiff one hundred and twenty one (121) votes, for said Defendant thirty eight (38) votes;

In said Dahlgreen for this Plaintiff sixty three (63) votes, for said Defendant one hundred and twenty two (122) votes;

In said Hollywood for this Plaintiff sixty eight (68) votes, for said Defendant

In said Barber for this Plaintiff seven (7) votes, for Defendant one hundred and eleven (111) votes.

seventeen (17) votes;

In said Hancock for this Plaintiff thirty eight (38) votes, for said Defendant thirty four (34) votes;

Fol 16

In said Laketown for this Plaintiff ninety (90) votes, for said Defendant sixty five (65) votes;

In said San Francisco for this Plaintiff seven (7) votes, for said Defendant ninety seven (97) votes;

In said Waconia for this Plaintiff seventy six (76) votes, for said Defendant seventy nine (79) votes;

In said Watertown for this Plaintiff one hundred and four (104) votes, for said Defendant one hundred and two (102) votes;

In said Young America for this Plaintiff forty seven (47) votes, for said Defendant one hundred and twelve (112) votes;

Fol 17

VII

That said returns, so made by said judges and clerks of said election districts, were canvassed by the County canvassing board of said County, as provided by law, on or about the 6<sup>th</sup> day of November A.D. 1873, and thereupon said County Canvassing Board pretended to make an abstract of the votes cast at said election in said

7818

111

7819

County for the different State and County officers to be then elected, which abstract was then at the office of said County Auditor, in said County, by said County Canvassing Board, signed and certified in form as required by law, and deposited in the said office of said County Auditor, and immediately thereafter a copy thereof in form duly certified was transmitted to the Secretary of State of said State; and that said County Canvassing Board, then and there wrongfully and <sup>untruly</sup> ~~untruly~~ declared said Defendant to have been at said election duly elected to the said office of County Surveyor of said County and to be entitled to have and hold the same and emoluments thereof for the term of two years from and after the first day of January A.D. 1874 and until his successor is elected and qualified; and that in and by said Abstract made by said County Canvassing Board, and copy thereof transmitted as aforesaid, it was untruly made to appear and stated that said Defendant received nine hundred and sixty five (965) votes at said election for said office of County Surveyor, and that the same was the highest number of votes

Fol 20

Cast at said election for any one person for said office of County Surveyor; whereas in truth and fact this Plaintiff received at said election nine hundred and sixty four (964) votes, that being the highest number of votes cast for any one person for that office, and said Defendant received but seven hundred and seventeen (717) votes as aforesaid.

VIII

Fol 21

That by reason of the result so appearing on said abstract, and the decision of said County Canvassing Board, declining said Defendant elected County Surveyor as aforesaid, the County Auditor of said County has issued and delivered to said Defendant his official certificate of the election of said Defendant to said office of County Surveyor, and refuses and withholds such certificate from this Plaintiff; and that said Defendant intends to, and states that he will qualify and enter upon the duties of said office of County Surveyor on the first day of January A.D. 1874.

IX

Fol 22

That this Plaintiff is now and for more than one year last past has been the County Surveyor of said County, and duly elected and qualified as such County Surveyor, he having been duly elected to such office at the general election held in said County

in the Month of November A.D. 1871, and  
that this Plaintiff is entitled and has a  
legal right to hold said Office of County  
Surveyor until his successor is duly  
elected and qualified; and that this  
Plaintiff is a Surveyor by profession  
and is wholly dependent upon his said  
profession for a livelihood, and for the  
support of himself and family, and that  
during the time he has held said office of  
County Surveyor he has been enabled to  
secure the support of himself and family  
from the proceeds of his labors as such  
Surveyor; but that in case he is wrongfully  
and unlawfully deprived of said office  
by said Defendant as aforesaid he will  
be deprived of his business and occupation  
as such Surveyor and the same will  
be injured and destroyed and taken away  
from him, to such an extent as to render  
the same valueless to him, and he will  
be compelled to abandon such occupation  
in said County, and thereby be greatly and  
seriously wronged and irreparably injured  
and damaged, and be unjustly and  
wrongfully deprived of his rights as a  
Citizen and Elector of said County.

Wherefore this Plaintiff asks the

18  
Fol 23

Fol 24

Expende

John L. MacDonald  
Attorney for Plaintiff  
Shakopee Minn

State of Minnesota,  
County of Scott

Henry J. Chevre being duly  
sworn, doth depose and say,

that he is the Plaintiff in the action in the foregoing  
Complaint entitled, and that the said Complaint is true  
of his own knowledge, except as to the matters which are therein  
stated on his information and belief, and as to those  
matters, that he believes it to be true

Subscribed and sworn to before me  
this 27<sup>th</sup> day of December A.D. 1873 } (sd) H. J. Chevre  
15<sup>th</sup> Frank McGrade  
Justice of the Peace

State of Minnesota  
County of Carver  
District Court  
1<sup>st</sup> Judicial District

H. J. Chevre

against

J. O. Simmons

Respondent

Complaint

Affidavit of Verification by party

(Copy)

J. L. MacDonald  
Plaintiff's Attorney

Simmons  
Complaint  
No. 12345

judgment and decree of said Court

1 That this Plaintiff be adjudged and determined to have been duly elected County Surveyor of said County at said last general election held therein on the 4<sup>th</sup> day of November A. D. 1843, and to be entitled to the possession of the same, and the emoluments and profits thereof;

Fol 25

2 That the said certificate of election issued to said Defendant, by said County Auditor as aforesaid, be declared and determined to be fraudulent and void and of no effect and that said Defendant take nothing thereby;

3 That said Defendant be restrained and enjoined from taking, or attempting to take possession of said office, or from attempting to perform the duties of said County Surveyor under said pretended election or certificate thereof; or from in any manner interfering with this Plaintiff in the free exercise of his functions and duties as such County Surveyor;

Fol 26

4 That this Plaintiff have such other or further relief as may be just and proper in the premises and have judgment against said Defendant for his costs and charges in this action by him in his behalf paid laid out and

Dist. Court  
Cam County

H. J. Chever  
- 25 -

J. C. Bruner

Order

Given, April 11<sup>th</sup> 1874.  
& Ernst August  
Schick,

State of Minnesota  
District Court of said  
Cann County.

H. J. Chever }  
- vs - } Order -

J. O. Munier }

This case came on to be heard  
before the Court upon demurrer  
to the Complaint and motion to  
dissolve the temporary injunction  
in said action and after hearing  
Mrs Baxter & Pelt in support of  
the demurrer and in favor of  
dissolving the injunction and  
J. L. MacDonall Counsel for the  
Plaintiff in opposition thereto  
it is hereby ordered that  
the demurrer be <sup>and the same is allowed and</sup> ~~dismissed~~ sus-  
tained the injunction dissolved and  
that said action be and the same  
is hereby dismissed ~~with~~ <sup>with</sup> ~~the~~  
~~costs~~ ~~to be paid by the~~  
~~Plaintiff in each case.~~

Apr. 11<sup>th</sup> 1874.

By the Court

A. G. Chatfield  
Judge oc.

State of Minnesota  
Sist. Court 3<sup>d</sup> Dist  
Lenox County.

Henry J. Leherer }

vs.

John O. Brunin }

vs. John L. MacDonald }

} Notice of Motion.

Atty For Plaintiff - You will take notice  
that upon the papers on file in the above  
and official matters  
in this action and upon the certificates, <sup>of</sup> copies  
of which are herewith served a motion will  
be made before the Hon. J. G. Chatfield  
Judge of said Court at the Court  
House in Hotspur Sect. Co. Minn. at or about  
A.M. January 19<sup>th</sup> (1877) or as soon thereafter as  
Court can be held for an order setting  
aside and vacating the injunction granted in said  
cause and for such other and further relief  
as to the Court shall appear just in the  
premises, for the following reasons to wit:

- 1<sup>st</sup> That an injunction in an action of this  
kind is unauthorized by law.
- 2<sup>nd</sup> That if an injunction can issue in  
an action of this kind the facts shown  
here are not sufficient to warrant  
it.
- 3<sup>rd</sup> That the proceedings prior to the issue of  
the writ are not sufficient to give  
jurisdiction

Boyer & Peto

Attys for Deft

Abstract of the Votes Cast for County Surveyors  
at the last General Election, on the fourth day of November  
A.D. 1873 in the County of Carver, State of Minnesota.

Wards.	H. J. Scheerer.	J. W. Brunius.
Benton	153.	21.
Camden	05.	101.
Charla	145.	66.
Chanhastan	121.	38.
Carver	14.	111.
Dahlgren	63.	122.
Holywood	68.	14.
Hancock	38.	34.
Washburn	41.	65.
San Francisco	4.	94.
Wacoma	46.	49.
Watertown	104.	102.
Young America	44.	112.
	<u>964.</u>	<u>965.</u>

State of Minnesota  
County of Carver

J. W. Brunius and Streubens, Auditors of the  
County of Carver and State of Minnesota,  
do hereby certify, that the foregoing is a true  
and correct copy of the Abstract of Votes Cast at the last Election, in  
Nov. 4th 1873 for County Surveyors: that I have carefully compared  
the same with the original abstract on file in my office, and  
that the same is a true transcript thereof.

In Testimony Whereof, I have hereunto set my name and office  
at my official desk at Charla, in said County, this 2nd day of Jan'y A.D. 1874.

J. Streubens  
Co Auditor

Auditors Office  
Carroll Co. Minn. 4 Chaska Nov. 28<sup>th</sup> 1873

23<sup>rd</sup> To J. O. Brunius Esq.

This is to certify that at  
the last General Election held on the fourth  
day of November W. T. 1873. in and for said  
County, of Carroll and State of Minnesota,  
you have received a majority of One vote  
over any other Candidate for the Office of  
County Surveyor and was consequently duly  
declared elected to said Office by the  
Canvassing Board of said County

L. Strenk  
Co. Auditor.

Certificate of  
Ejection.

John C. Arvinius.

State of Minnesota  
List, Court & Vice  
Cannon County,

Henry J. Oliver

- vs -

John C. Brunus

} Affirmative of merits

Court of Cannon Co. John C. Brunus being  
duly sworn says that he is the defendant in  
the above entitled action that he has <sup>read</sup> ~~heard~~  
the Complaint therein and knows the contents  
thereof that he has fully and fairly  
stated to H. J. Pickett of Chaska his atty in  
said cause the grounds of his defence to  
said action and is advised by his said  
attly that after such statement that he has  
a good and complete defence thereto  
upon the merits of said action which  
this affiant verily believes

Subscribed and sworn to by John C. Brunus

this 6<sup>th</sup> day of January

1874. J. H. Sargent

Judge of the Peace

Leist. Court  
Leicester County

Cherow

- 77 -

Prunier

Affidavits & T

Return Papers.

Baxter & Peltz  
Attys for defl

"6"

State of Minnesota }  
 County of Carver } ss. James Slocum  
 Jr and Ernst Hainlein each being duly  
 sworn doth each for himself say that  
 they are each the Town clerks of the  
 Townships of Young America <sup>in said County</sup> and Watertown  
 and have been before and since the  
 last election Nov. 4<sup>th</sup> 1873, that immediately  
 after the canvass of said votes the said  
 votes were duly replaced in the ballot boxes  
 and the same locked and that the same  
 nor either of them have not been opened  
 or the votes examined by Mr. Slocum or  
 any other person, that both of said  
 ballot boxes have not been <sup>respective</sup> out of  
 the possession of said clerks since  
 said election or opened by any person  
 to our knowledge.

Subscribed & sworn to  
 this 8<sup>th</sup> day of June  
 1874.

James Slocum Jr.  
 Town Clerk  
 Young America Town  
 Ernst Hainlein  
 Town Clerk  
 Watertown Town

W. W. Herring Notary Public  
 LeRoy Co. Minn.

Leist. Count  
Leorverbaule?

H. J. Leherer

- 25 -

John O. Mearns.

Stipulation

---

Butler & Co  
Albany N.Y.

State of Minnesota  
District Court 8<sup>th</sup> District  
Carver County.

H. J. Chover

- vs -

John O. Bruner

Stipulation

It is hereby stipulated and agreed by  
and between the parties and their attorneys  
that the demurrer and the motion to  
dissolve the injunction in the above  
entitled action shall be brought on for  
argument before Judge Chulpmann  
at Shakopee January 17<sup>th</sup> 1894 at the  
opening of said Court or as soon  
thereafter as counsel can be heard.  
Wrote Jan'y 9<sup>th</sup> 1894.

Barton & Pelt

Atty for Deft.

J. L. MacDonnell  
Atty for Plff

Letters  
- vs - } The Temporary Injunction  
Primer } in this case should be  
dissolved -

1<sup>o</sup> The Court has no jurisdiction of  
the subject matter of the action.

Spaul Statute, page 64, and amendments  
of 1872 p. 123. This is not *Deo Warranto*  
or in the nature thereof, Spaul Statute page  
552 Secs 3 & 5.

The Statute points out a special  
proceeding for contesting election of County  
Officers and Members of the Legislature  
and parties must pursue the remedy  
pointed out, *Certiorari Wood vs. Worcester*  
9 Allen R. 150. If this action will lie  
and the injunction stand the same  
course could be taken with members  
of the Legislature for the same remedy is  
given to both. If it applies to Co Officers it  
also does to members of the Legislature.

2<sup>o</sup> It does not appear that the  
injury is irreparable or that the  
rights of the Plaintiff are free from  
doubt, or that the rights are capable  
of being clearly ascertained & measured  
All this should appear to entitle a party  
to the extraordinary remedy of injunction  
~~22 N.Y.~~ *Padgett vs. Boston* 22 N.Y. 309.

The Plaintiff has his remedy over  
the instruments of the Officer, hence there  
is no irreparable injury People vs. Rouse  
27 N.Y. 56.

3 There is no objection, and the Complainant is not vexatious in the manner  
required to warrant the issue of the  
writ. 7 Page Reports, 140.

4 But an injunction in an action of this  
kind is unauthorised by law in any case.  
24 Barb. 265. 265. 9 Page 570.  
7 Ch. 259. 5 Abbot 141.

5 All doubts should be thrown in  
favor of the defendant is the true  
rule relating to injunction.  
Williams, Equity 342.

Cham  
vs  
Annals  
Pring.

Box 126  
Atty for sergt

Dist. Court  
Cass County

H. J. Chever

vs.

John O. Brown.

Deceit

See service of the within  
acknowledges this day  
of January 1874

Atty for Plaintiff

---

B. H. & P. C. Co  
Atty for Deft

State of Minnesota  
Dist. Court 3<sup>rd</sup> Dist

County of Levee.

Henry J. Levee }

- vs -

Dennis

John C. Brinius }

The defendant for demurrer to  
the complaint of the Plaintiff states and  
shows to the Court;

- 1<sup>st</sup> That said complaint does not state  
facts sufficient to constitute a cause  
of action.
- 2<sup>nd</sup> That the Court has no jurisdiction of  
the subject matter of the action.  
And this that it appears from the complaint  
that the twenty days after the canvass of  
the votes had elapsed before the commencement  
of this proceeding.
- 3<sup>rd</sup> That the Plaintiff, has not legal capacity  
to sue.

Wherefore ~~Accordingly~~ defendant asks that said  
action be dismissed with costs.

Baxter and Pick  
Attys for Deft.

State of Minnesota  
Dist. Court 8<sup>th</sup> Dist.

County of Carver

Henry J. Chevre

vs.

John O. Brunius

Writ of Injunction.

The State of Minnesota, to John O. Brunius the defendant herein:

Whereas, it appears by the sworn complaint of the said plaintiff herein, that the said plaintiff is entitled to the relief therein asked for, among which is that said defendant be restrained and enjoined from acting or assuming to act as County Surveyor of said County, and,

Whereas it has been ordered by said Court that upon the filing of the bond required by law in the sum of five hundred dollars a temporary writ of injunction be issued herein against said defendant restraining and enjoining him from acting or assuming to act as County Surveyor of said County, until the further order of said Court, and whereas said bond has been filed in said Court;

Now Therefore, You the said John  
O. Brunius defendant in said action,  
are hereby enjoined and restrained  
from acting, or assuming to act,  
as County Surveyor of said County,  
of Carver, or in any manner  
interfering with said office or  
its functions until the further  
order of said Court relieving you  
from this injunction; and until  
the foregoing order granting this  
injunction, and this writ is modified  
by the order of this Court, the  
same is to be in all respects  
obeyed. And fail not under  
the penalty of the law.

Witness the Honorable A. G. Chatfield  
Judge of the District Court aforesaid  
at Chaska in said County this  
second day of January A.D. 1874.

Wm. Mayenbuhl  
Clerk of said Court

State of Minnesota  
County of Carver

S.S.

J. J. E. DeWitt

Sheriff of Carver Co. Minnesota  
State aforesaid do hereby return  
that I did personally serve  
~~a copy~~ the within writ of in-  
junction, on <sup>Said</sup> John O'Brinn at  
Carver on Saturday the 3<sup>rd</sup> day  
of January A.D. 1874, by reading  
the same to him & by leaving a true copy thereof  
& also order of Court J. J. DeWitt  
Sec. Service \$1.00. Sheriff Carver Co. Minn.

District Court  
County of Carver

Henry J. Chesse  
- vs -

John O. Brinn

Writ of Injunction

Filed January 3<sup>rd</sup> 1874  
J. J. DeWitt  
145

J. L. MacDonald  
Plaintiff's Attorney

Dist. Court  
County of <sup>Garret</sup> ~~Scott~~

Henry J. Chevre  
vs.

John O. Brunius

Order for Writ  
of Exoneration

Filed, December 21<sup>st</sup> 1873.  
Gethroy on behalf  
of Plaintiff  
145

J. L. Macdonald  
Atty for P<sup>ff</sup>

State of Minnesota  
Dist. Court 8<sup>th</sup> Dist.

County of Carver.

Henry J. Chevre

vs.

John O. Brunius

The complaint herein having been exhibited to me, and it having been made to appear that a temporary injunction should be granted herein, on motion of J. L. MacDonald attorney for said plaintiff herein, it is hereby ordered, that upon the filing of the bond required by law, in the ~~same~~ sum of five hundred dollars, that a writ of injunction be issued herein against said defendant <sup>and assisting him</sup> restraining from acting or assuming to act as County Surveyor of said County until the further order of this Court

Dated Dec. 29<sup>th</sup> 1873.

A. S. Chatfield  
Judge Dist Court  
8<sup>th</sup> Dist.

State of Minnesota,  
County of Carver } ss.

BE IT KNOWN, that on this thirtieth day of December A.D. 1873 came before me personally Henry J. Cherre and Andrew Riderly

to me well known to be the same persons who executed the foregoing bond, and each severally acknowledged the same to be his own free act and deed.

State of Minnesota,  
County of Carver } ss.

Peter Michals Justice of the Peace  
Andrew Riderly

upon oath doth say, each for himself, that he is one of the sureties above named; that he is a resident and freeholder of and in the State of Minnesota, and worth the amount of Five hundred 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 30<sup>th</sup> day of December, A.D. 1873 } Kenneth Prindle

Peter Michals Justice of the Peace.

District Court 8<sup>th</sup> Dist.

County of Carver

Henry J. Cherre  
vs.  
John R. Brumby

**BOND FOR INJUNCTION.**

I hereby approve the within bond and the sureties thereon.

Dated Dec - 31<sup>st</sup> A. D. 1873

A. G. Chaffin  
Judge of Dist. Court

145

J. L. Macdonald

Plaintiff's Attorney

Filed, December 31<sup>st</sup> 1873

John R. Brumby  
John R. Brumby

State of Minnesota,  
County of Carver

ss. District Court Eighth District

Henry J. Chevre  
against  
John O. Brunius

Bond for Injunction.

Know all men by these presents, That we Henry J. Chevre  
as principal and Andrew Riderly as surety  
are held and firmly bound unto John O. Brunius the above  
named

defendant

in the above entitled action, in the sum of Five hundred - Dollars,  
lawful money of the United States, to be paid unto the said  
John O. Brunius his

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

Scaled with our seals and dated this 30<sup>th</sup> day of December  
A. D. 1873

The condition of this obligation is such that **WHEREAS**, the above named plaintiff  
has duly applied for a writ of injunction against said defendant in this action, according  
to the statute in such case provided, restraining and enjoining him from acting or assuming  
to act as County Supervisor of said County until the further order of this Court

**NOW THEREFORE**, if the said plaintiff shall pay the said defendant such damages  
as he sustain by reason of the said writ, if the Court finally decide that the said plaintiff  
was not entitled thereto, then this obligation shall be void, otherwise of force.

**IN TESTIMONY WHEREOF**, we have hereunto set our hands and seals, on this  
Thirtieth day of December A. D. 1873

Signed, Scaled and Delivered in presence of

Howler  
J. Gradulka

Henry J. Chevre [SEAL.]  
Andrew Riderly [SEAL.]  
[SEAL.]

State of Minnesota,  
County of Carver

DISTRICT COURT,

Eighth

Judicial District.

Henry J. Chevre

— against —

John O. Brumins

SUMMONS.

The State of Minnesota,

TO THE ABOVE NAMED DEFENDANT:

You John O. Brumins are hereby summoned and required to answer the complaint in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said complaint on the subscriber at his office in the City of Shakopee in the county of Scott and State aforesaid, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the plaintiff will apply to the Court for the relief demanded in said complaint.

Proctor,

~~A. G. 1886~~  
John L. MacDonald

Plaintiff's Attorney, Shakopee City Minn.

STATE OF MINNESOTA, }

County of

*Carver*

DISTRICT COURT,

*Eighth*

Judicial District.

*H. J. Chevre*

*v.*  
*J. L. Brunian*

**Summons for Relief.**

*J. L. Macdonald*  
Plaintiff's Attorney.

PIONEER PRINT, ST. PAUL.

*Filed, Jan'y 5<sup>th</sup> 1887.*  
*Wm. H. Gray*  
*Clk.*



election legally and fairly elected to said office of County Surveyor of said County, and is entitled to have and hold said office for two years from the first day of January A.D. 1874 and to receive the pay and emoluments of said office for the said two years.

IV

That the entire number of votes cast at said election for said office of County Surveyor, in the several election districts in said County were, and are, as follows:

704

In the Township and Election District of Benton one hundred and fifty three <sup>(153)</sup> votes for this Plaintiff, and seventeen (17) votes for said Defendant and one (1) vote for O. Bunnins, and three (3) votes for Bunnins without any Christian name;

705

In the Township and Election District of Camden five (5) votes for this Plaintiff and two (2) votes for J. Bunnins, fifty eight (58) votes for said Defendant, and two (2) votes for H. J. Bunnins, and thirty eight (38) votes for Bunnins without any Christian name, and one vote for this Plaintiff and Bunnins without any Christian name, jointly and which vote was therefore void.

In the Township and Election District of Chaska one hundred and seventy three (173) votes for this Plaintiff, fifty seven (57) votes for said Defendant, two (2) votes for O. Bunnins, seven (7) votes for Bunnins without any Christian name and two (2) votes for

Chevre without any Christian name;

7066

In the Township and Election District of Chautauque  
for this Plaintiff one hundred and twenty six (126) votes  
for said Defendant thirty three (33) votes, for  
H. J. Brunius one (1) vote, for O. Brunius two  
(2) votes, for Brunius without any Christian name  
two (2) votes, and one (1) vote for Chevre without any  
Christian name;

In the Township and Election District of Carver  
seventeen (17) votes for this Plaintiff, ninety  
six (96) for said Defendant, five (5) votes for  
J. Brunius, ten (10) votes for Brunius without any  
Christian name;

7067

In the Township and Election District of Dahlgren  
for this Plaintiff sixty three (63) votes for said  
Defendant eighty four (84) votes, for J. Brunius  
five (5) votes, for H. J. Brunius four (4) votes, for  
O. Brunius six (6) votes, for Brunius without any  
Christian name twenty three (23) votes;

In the Township and Election District of Hollywood  
for this Plaintiff sixty eight (68) votes, for said  
Defendant fourteen (14) votes, for H. J. Brunius  
one (1) vote, for Brunius without any Christian  
name one (1) vote, and for Chevre without any  
Christian name one (1) vote.

7068

In the Township and Election District of  
Hancock for this Plaintiff thirty eight (38) votes,  
for said Defendant twenty eight (28) votes, for  
J. Brunius two (2) votes, for H. J. Brunius one (1)

vote, for Bunnius without any Christian name  
three (3) votes;

Fol 9

In the Township and Election District of  
Lakeston for this Plaintiff Ninety (90) votes, for  
said Defendant thirty four (34) votes, for H. J.  
Bunnius six (6) votes, for O. Bunnius twenty  
(20) votes, for Bunnius without any Christian  
name five (5) votes;

In the Township and Election District of San  
Francisco for this Plaintiff seven (7) votes, for said  
Defendant eighty nine (89) votes, for J. Bunnius  
three (3) votes, for H. J. Bunnius two (2) votes,  
for Bunnius without any Christian name  
three (3) votes;

Fol 10

In the Township and Election District of  
Nacomin for this Plaintiff seventy six (76) votes, for  
said Defendant fifty six (56) votes, for J. Bunnius  
one (1) vote, for O. Bunnius two (2) votes, for Bunnius  
without any Christian name <sup>(26)</sup> twenty six (26) votes,  
for Messbecker without any Christian name  
one (1) vote, for Chevre without any Christian  
name one (1) vote.

Fol 11

In the Township and Election District of  
Waterston for this Plaintiff one hundred and  
four (104) votes, for said Defendant eighty (80)  
votes, for J. Bunnius five (5) votes, for H. J.  
Bunnius four (4) votes, for O. Bunnius two (2)  
votes, for Bunnius without any Christian name  
eleven (11) votes.

In the Township and election district of Young  
America for this Plaintiff forty-seven (47) votes, for  
said Defendant seventy one (71) votes, for J. Brunius  
six (6) votes, for H. J. Brunius five (5) votes, for O  
Brunius seven (7) votes, for Brunius without  
any Christian name twenty three (23) votes.

V

701 12 That said election districts constituted  
and are all of the election districts of and in  
said County on said 4<sup>th</sup> day of November  
A.D. 1873 being the day of said last general  
election.

VI

701 13 That the votes cast at said election districts on  
said election day for the several officers voted for  
were canvassed by the judges and Clerks of said  
several election districts, and that each and  
every one of the votes cast as aforesaid for  
J. Brunius, H. J. Brunius, O. Brunius, and this  
Plaintiff and Brunius jointly and Brunius  
without a Christian name were unlawfully and  
wrongfully canvassed and counted as votes  
cast for said Defendant for said office of  
County Surveyor whereas in truth and in fact  
they were not, and that within the time fixed by  
law the said judges and Clerks of the said  
several election districts made pretended  
returns of the votes cast in their respective  
election districts at said election to the  
County Auditor of said County, and that  
701 14 by said returns it is wrongfully and unlawfully

made to appear that the entire number of votes cast therein for the said Office of County Surveyor is as follows:

In said Benton for this Plaintiff one hundred and fifty three (153) votes, for said Defendant twenty one <sup>(21)</sup> votes:

In said Camden for this Plaintiff five (5) votes, for said Defendant one hundred and one (101) votes:

In said Chaska for this Plaintiff one hundred and seventy five (175) votes, for said Defendant sixty six (66) votes:

708 15

In said Champeau for this Plaintiff one hundred and twenty one (121) votes, for said Defendant thirty eight (38) votes

In said Cross for this Plaintiff seventeen (17) votes for said Defendant one hundred and eleven (111) votes

In said Dahlgren for this Plaintiff sixty three (63) votes, for said Defendant one hundred and twenty two (122) votes;

In said Hollywood for this Plaintiff sixty eight (68) votes, for said Defendant seventeen (17) votes:

In said Hancock for this Plaintiff thirty eight (38) votes, for said Defendant thirty four (34) votes;

708 16

In said Laketown for this Plaintiff ninety (90) votes, for said Defendant sixty five <sup>(65)</sup> votes;

In said San Francisco for this Plaintiff seven (7) votes, for said Defendant ninety seven (97) votes;

In said Racine for this Plaintiff seventy six (76) votes, for said Defendant seventy nine (79) votes;

In said Wadsworth for this Plaintiff one hundred and four (104) votes, for said Defendant one hundred and two (102) votes;

In said Young America for this Plaintiff Forty seven (47) votes, for said Defendant one hundred and twelve (112) votes;

7017

VII

That said returns, so made by said judges and clerks of said election districts, were canvassed by the County Canvassing board of said County, as provided by law, on or about the 6<sup>th</sup> day of November A.D. 1873, and thereupon said County Canvassing Board pretended to make an abstract of the votes cast at said election in said County for the different State and County officers to be then elected, which abstract was then at the office of the said County Auditor, in said County, by said County Canvassing Board signed and certified in form as required by law, and deposited in the said office of said County Auditor, and immediately thereafter a copy thereof in form duly certified was transmitted to the Secretary of State of said State; And that said County Canvassing Board then and there wrongfully and <sup>unlawfully</sup> ~~unlawfully~~ declared said Defendant to have been at said election duly elected to the said office of County Surveyor of said County and to be entitled to have and hold the same and emoluments thereof for the term of two years from and after the first day of January A.D. 1874 and until his successor

1111

7018

7019

701 20

is elected and qualified; And that in and by said Abstract made by said County Canvassing Board, and Copy thereof transmitted as aforesaid, it was untruly made to appear and stated that said Defendant received nine hundred and sixty five (965) votes at said election for said office of County Surveyor, and that the same was the highest number of votes cast at said election for any one person for said office of County Surveyor; Whereas in truth and fact this Plaintiff received at said election nine hundred and sixty four (964) votes, that being the highest number of votes cast for any one person for that office, and said Defendant received but seven hundred and seventeen (717) votes as aforesaid -

VIII

701 21  
AII

That by reason of the result so appearing on said abstract, and the decision of said County Canvassing Board, declaring said Defendant elected County Surveyor as aforesaid, the County Auditor of said County has issued and delivered to said Defendant his official certificate of the election of said Defendant to said office of County Surveyor, and refuses and withholds such certificate from this Plaintiff; and that said Defendant intends to, and states that he will qualify and enter upon the duties of said office of County Surveyor on the first day

of January A.D. 1874.

IX

Fol 22

That this Plaintiff is now and for more than one year last past has been the County Surveyor of said County, and duly elected and qualified as such County Surveyor, he having been duly elected to such office at the general election held in said County in the Month of November A.D. 1871, and that this Plaintiff is entitled and has a legal right to hold said office of County Surveyor until his successor is duly elected and qualified; and that this Plaintiff is a surveyor by profession and is wholly dependent upon his said profession for a livelihood, and for the support of himself and family, and that during the time he has held said office of County Surveyor he has been enabled to secure the support of himself and family from the proceeds of his labors as such surveyor; but that in case he is wrongfully and unlawfully deprived of said office by said Defendant as aforesaid he will be deprived of his business and occupation as such surveyor and the same will be injured and destroyed and taken away from him, to such an extent as to render the same valueless to him, and he will be compelled to abandon such occupation in said County, and thereby be greatly and seriously wronged and irreparably injured and damaged, and be unjustly and wrongfully deprived

Fol 23

Fol 24

of his rights as a Citizen and elector of said County.

Wherefore this Plaintiff asks the judgment and decree of said Court.

1 That this Plaintiff be adjudged and determined to have been duly elected County Surveyor of said County at said last general election held therein on the 4<sup>th</sup> day of November A.D. 1873 and to be entitled to the possession of the same, and the emoluments and profits thereof:

Fol 26

2 That the said Certificate of election issued to said Defendant, by said County Auditor as aforesaid, be declared and determined to be fraudulent and void and of no effect and that said Defendant take nothing thereby:

3 That said Defendant be restrained and enjoined from taking, or attempting to take possession of said office, or from attempting to perform the duties of said County Surveyor under said pretended election or certificate thereof; or from in any manner interfering <sup>with</sup> this Plaintiff in the free exercise of his functions and duties as such County Surveyor;

Fol 26

4 That this Plaintiff have such other or further relief as may be just and proper in the premises and have judgment against said Defendant for his costs and charges in this action by him in his behalf paid laid out and expended

John L. Macdonald  
Attorney for Plaintiff  
Shakopee Minn

State of Minnesota  
County of Carver S.S.

I F. E. Du Toit  
Sheriff of Carver Co. State aforesaid,  
do hereby return that I did per-  
sonally serve a true copy of the  
Within Summons & Complaint <sup>on</sup>  
the said John O. Brunnes, <sup>by leaving a true copy thereof</sup> in  
Carver on Saturday January 3<sup>d</sup> 1874

F. E. Du Toit, Sheriff  
Carver Co. Minnesota

Fees Service Summons \$1.00  
" Complaint \$1.00  
Travel 40  
\$2.40.

STATE OF MINNESOTA, }

County of *Carver* }

DISTRICT COURT.

*Eighth* Judicial District.

*Suma personally*  
*Jan 3<sup>rd</sup> 1877*  
*A. J. Chevre*

AGAINST

*J. O. Brunier*

*145.*

*Complaint*

**Affidavit of Verification by Party.**

*James J. Macdonald*  
*James J. Macdonald*

*Filed, James J. Macdonald*  
*Notary Agent, Clerk*

*J. L. Macdonald*

Attorney.

State of Minnesota, }  
County of Scott } ss.

Henry J. Chevre

being duly sworn, doth depose and say, that he is the plaintiff  
in the action in the foregoing complaint entitled, and  
that the said complaint is true of his own knowledge, except  
as to the matters which are therein stated on his information and belief,  
and as to those matters, that he believes it to be true.

Subscribed and Sworn to before me,  
this 27<sup>th</sup> day of December, A.D. 1878

H. J. Chevre

Franz McLaughlin  
Justice of the Peace

No. 796

DISTRICT COURT,  
CARVER COUNTY, MINN.

Henry J. Chevre  
Plaintiff.

vs.

John C. Brunius  
Defendant.

John L. McDonald  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry December 31, 1873  
Court Register  
Register of Actions A Page 145

Term Tried..... 1

Judgment for.....

Amount of Judgment \$.....

Date of Judgment..... 1

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

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

Date of Docketing..... 1

No. 797

DISTRICT COURT,  
CARVER COUNTY, MINN.

*William Friedrichs*  
Plaintiff.

vs.  
*Henry Sauerbrey & Jacob Tietz*  
Defendant.

*Baxter & Cook*  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry *January 2nd 1874*

Register of Actions *"A"* Page *132*

Term Tried ..... *1* .....

Judgment for *Plaintiff*

Amount of Judgment \$ *118.30*

Date of Judgment *Jan. 29th 1874*

*Minute Record "A"*  
Judgment Book Page *354*

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

Date of Docketing *January 29th 1874*

*Judgment Record "A"*  
Page *182*

Alameda Co.

I hereby certify and return  
that that I did in said Alameda Co. on the 8<sup>th</sup> day of January,  
1874 personally serve the within summons upon the  
within named defendant Joseph Diet by handing to and  
leaving with the wife of said Diet at his residence and  
Keech of age a person of suitable years & discretion  
a true copy thereof J. E. Du Totit Sheriff of Alameda

County By: W. Shornborn, Deputy  
Hours service \$1.00  
Four miles travel 40  
Copy \$1.40  
155

State of Minnesota  
Dist. Court 1<sup>st</sup> Dist. Cass County.

William Fredericks }  
- vs - }  
Henry Saunbry } Complaint  
Joseph Veit }

The plaintiffs for complaint against  
the defendants herein aver, that herebefore  
to wit: on the 6<sup>th</sup> day of March 1873, at  
Lakelorn Cass Co. Minn. for value received  
the said defendant Henry Saunbry made  
executed and delivered to this plaintiffs  
his promissory note in writing which said  
note was in the words and figures  
following to wit: "Lakelorn March 6<sup>th</sup> 1873.  
" Nine months after date I promise to  
" pay to the order of William Fredericks  
" three hundred dollars, at eight percent  
" interest value received. (\$300.00)

Henry Saunbry"

That then and there and before the  
delivery of said note the said Joseph  
Veit did in writing upon the back  
of said note guarantee the payment  
thereof for value received, which said  
guarantee was in the following words: "For  
" value received I hereby guarantee the  
" payment of this note. Joseph Veit"  
Plaintiffs further says that there has

been paid on said note the sum of  
two hundred dollars on the 15<sup>th</sup> day of  
March 1873. and no other or greater sum  
that there is now due and owing, this  
plaintiff thereon the sum of one hundred  
and six dollars and sixty cents.

Wherefore plaintiff demands judgment  
against said defendant for the sum  
of \$106.60 besides costs of suit

Boyd & Beck

Attys for Plffs.

District Court  
Cass County

Wm Frederick  
vs

Henry Seaman et al  
Complainant

Boyd & Beck  
Plffs Attys

ST.  
Box  
No.

Original

STATE OF MINNESOTA,  
County of *Carver*

District Court,  
*English* Judicial District.

*William Fredericks*  
*-vs-*  
*Henry Sawertby and*  
*John Fair.*

SUMMONS.

*Boyer and Beck.*  
*Attorney.*  
*Plaintiff*

Printed and for sale at the St. Paul Pioneer office.

State of Minnesota } ss: J. E. Du Toit Sheriff of  
County of Carver }  
Carver Co. State aforesaid, do hereby return  
or certify that on the 5<sup>th</sup> day of January A.D. 1874  
in said County of Carver, I personally served  
the within summons by leaving a true  
copy thereof with Henry Sawertby & the  
within named defendants.  
Dated Jan. 5<sup>th</sup> 1874 J. E. Du Toit Sheriff  
Carver Co. Minn  
Fees-Service of Summ \$1.00  
Travel 40  
Copy 15  
\$ 1.55

State of MINNESOTA,  
County of Carver

**DISTRICT COURT,**

SS.

8<sup>th</sup>

Judicial District.

William Frederick

Henry Sauboy and  
Joseph Vit

Plaintiff,

**SUMMONS.**

Defendant,

**THE STATE OF MINNESOTA,**

To the above named Defendant.

You and each of you are hereby summoned and required to answer the Complaint in the above entitled action, which has been filed in the office of the Clerk of this Court, at Chaska in said County, and to serve a copy of your answer to the said complaint, on the subscribers at this office in Chaska

in the County of Carver and State aforesaid, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff will take judgment against you for the sum of One hundred and six Dollars and sixty cents with costs and disbursements of suit,

Dated Dec 29 A. D. 1873

Boyer and Peck Plaintiff's Attorney.

Chaska Minn.

STATE OF MINNESOTA,

County of *Lenny*

DISTRICT COURT.

*8<sup>th</sup>*

Judicial District.

*William Frederick*

AGAINST

*Henry Sauntry et al*

**Affidavit of Verification by Party.**

*- Filed January 24 1878  
G. W. Gray, Clerk  
Clerk*

*Boyle & Pugh  
Attorneys* Attorney.

Printed and for sale at the St. Paul Pioneer Office.

*139*

State of Minnesota, }  
County of Carr } ss.

William Frederick

being duly sworn, doth depose and say, that he is Plaintiff  
in the action in the foregoing action entitled, and  
that the said Complaint is true of his own knowledge, except  
as to the matters which are therein stated on his information and belief  
and as to those matters, that he believes it to be true.

Subscribed and Sworn to before me,

this 29 day of June A.D. 1873.

Wm. J. [Signature]

J. W. Hennings Notary Public

State of Minnesota  
Dist. Court 8<sup>d</sup> Dist

Carver County.

Williams Frederick }  
- 46 -

Henry Sawyer <sup>Junr</sup> }

Justs. Vt.

County of Carver 3<sup>d</sup> av. H. J. Peck being  
duly sworn says that he is one of the  
attys for the Plaintiffs, in the above entitled  
action that more than twenty days  
have elapsed since the service of the  
summons <sup>upon said defendants</sup> upon them, that there has been no  
appearance there on the part of said  
defendants or either of them, neither by  
answer return or otherwise

Subscribed & sworn to }  
this 21<sup>st</sup> day of January }  
1874

H. J. Peck.

J. Mayentahl  
Clerk of Court  
Carver County

District Council  
Linn County.

William F. Melcher

- vs -

Sammy Sawyer &

Joseph Pitt

Affidavit of no  
answer.

          
Robert J. Dick  
Atty for Pitt

State of Minnesota  
District Court 8th District  
County of Carver,

William Friedrich  
against  
Henry Bauerbey and  
Joseph Weir.

Copy of Judgment.

This case came on to be heard upon the Complaint & Summons and proof of service, and it appearing that there had been no appearance therein, on the part of said defendants or either of them.

Now therefore upon motion of Baxter Peck attorney for said Plaintiff, it is hereby adjudged and the judgment of this Court is that said Plaintiff recover of said defendants the sum of One hundred and six dollars and sixty cents, and costs and disbursements taxed at the sum of Seven dollars and Seventy cents, amounting in all to the sum of One hundred eighteen dollars and thirty cents, and that said Plaintiff have unlawful process therefor

	Judgment	\$ 106. 60
<u>Costs.</u>	Statute costs	\$ 5. 00
	Sheriff's fee	" 3. 10
	Deputy's fee	" 3. 60
		" 11. 70
	<u>Total</u>	<u>\$ 118. 30</u>

Given January 29th 1874 by the Court: Edm. A. Beck  
Clerk.

State of Minnesota  
District Court  
County of Carver,

---

William Friedrich  
vs  
Henry Sauerbrey and  
Joseph Veit,

---

Judgment Roll.

---

Judgment \$106.60  
Costs " 11.70  

---

Total \$118.30

---

Given in open Court  
Henry Sauerbrey  
Joseph Veit  

---

-132-

---

Walter L. Beckman, Clerk  
Charles M. Smith,

No. 797

DISTRICT COURT,  
CARVER COUNTY, MINN.

William Fredrick  
Plaintiff.

vs.

Henry Sweeney & Joseph Teit  
Defendant.

Baxter & Peck  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry January 2nd 1874  
Register of Actions "A" Page 132

Term Tried 1

Judgment for Plaintiff

Amount of Judgment \$ 118.30

Date of Judgment Jan. 29th 1874

Minute Record "A" Page 354

Default Judgment Book Page

Date of Docketing January 29th 1874

Judgment Record "A" Page 182

No. 798

DISTRICT COURT,  
CARVER COUNTY, MINN.

*Berona Taylor*  
Plaintiff.

vs.

*W. H. Miller*  
Defendant.

*Baxter & Peck*  
Plaintiff's Attorney.

*Samuel Taylor*  
Defendant's Attorney.

Date of Entry *January 4, 1874*

Register of Actions *A* Page *136*

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  
District Court Eighth Judicial District  
County of Carver

Benona Taylor }  
                  } against  
W H Mills } }

The plaintiff in the above  
entitled action for complaint therein  
respectfully states and shows to the  
court that on the 5<sup>th</sup> day of April  
A D 1871 in the state of Minnesota the  
above named defendant for value  
received made and executed in writing  
and delivered to the said plaintiff his  
certain promissory note in the words  
and figures following to wit

"\$123<sup>3</sup>/<sub>100</sub> - Pleasant Grove Minn April 5<sup>th</sup>  
"1871  
" Seven months after date for value  
" received I promise to pay to Benona Taylor  
" or bearer one hundred and twenty three  
" and <sup>the rate of</sup> <sup>3</sup>/<sub>100</sub> dollars with interest at seven  
" percent per annum till paid"

W H Mills

The plain further says that he is now  
the lawful owner and holder of said  
promissory note and that the said  
defendant has not paid the same  
nor any part thereof

Wherefore the plaintiff demands payment  
against the said defendant for the sum  
of one hundred and twenty three and  $\frac{3}{100}$   
dollars with interest thereon from and  
since the 5<sup>th</sup> day of April A.D. 1891  
besides the costs of this action

Baxter Peck  
Plaintiff's Attorney

State of Minnesota  
Dist Court of Just  
County of Carver

Benona Taylor

AGAINST

W. A. Mills  
Complacant  
ATTORNEY'S VERIFICATION.

Filed January 3<sup>rd</sup> 1897.  
C. H. Brown, Clerk

Duane Peck  
Plaintiff's Attorneys

DISPATCH PRINT.

136.

State of Minnesota,

County of Cass

} ss.

L. L. Bayler came

before me personally, and being duly sworn, doth say that he is one of the attorneys in the above entitled action: that the foregoing pleading is true to the best of his knowledge, information and belief, and that the reason why this affidavit of verification is not made by said Plainiff or one of them, is that he is absent from the County of Cass Minnesota, where resides Bayler & Beck his attorneys, and further saith not.

Sworn and Subscribed to before me, on this third  
day of January A. D. 1874  
Edw. A. Hubbell  
Notary Public, Minn.  
Cass County  
Cass Co.

L. L. Bayler

375-  
750

STATE OF MINNESOTA, )

County of *Cum* )

District Court,

*8*

Judicial District.

*Anna Lyster*

AGAINST

*W. H. Mills*

NOTICE OF TRIAL.

Due service of the within notice is hereby admitted this *21<sup>st</sup>* day of

*March* A. D. 1874

Attorney for *Defendant*

*Robert Rusk*

Attorney for *Plaintiff*

Filed this *April 1<sup>st</sup>* day of

A. D. 1874

*Chas. W. Buhl*  
*Clark*

Printed and for sale at the St. Paul Pioneer office.

*Minneapolis*

*27 1874. 136*

STATE OF MINNESOTA,

DISTRICT COURT,

County of

*Crow*

ss.

*8*

Judicial District.

*Benona Taylor*

AGAINST

*W. H. Mills*

Notice for Trial.

Sir: You will please take Notice, That  
the above entitled action, will be brought on for  
at the next

*the issue of fact  
trial*

Term of this Court, to be held

at the Court House, in the

*Valley*

of *Chaska*  
*Utah*

in said County, on the

*6*

day of

A. D. 187*4* at the opening of said Court on that day, or as soon

thereafter as Counsel can be heard.

Dated,

187

Yours Respectfully,

*Baxter & Peto*

Attorney & for

*Plaintiff*

To *Samuel Fowler*

Attorney for

*Def.*

State of Minnesota }  
 County of Carver } ss. I Frederick E. Dec Toit,  
 Sheriff of the said County of Carver in the State  
 aforesaid do hereby certify and return that  
 on the 3<sup>d</sup> day of January A.D. 1874 in said  
 Carver Co., I personally served the within Sum-  
 mons on the within named defendant  
 by delivering to him in person a true copy of  
 said summons  
 dated Jan 5<sup>th</sup> 1873  
 Fees Service \$ 1.00  
 Travel 40  
 Copy total \$ 1.55

F. E. Dec Toit  
 Sheriff Carver Co. Minn.

STATE OF MINNESOTA,  
 County of Carver }

District Court,  
 5<sup>th</sup> Judicial District.

Benjamin Taylor  
 v  
 W. A. Miles

SUMMONS.

Filed April 14<sup>th</sup> 1874.  
 Highway in front of  
 Blank

Benjamin Taylor  
 says Attorney.

106

STATE OF MINNESOTA,

DISTRICT COURT,

County of Cass } SS.

Eighth Judicial District.

Ernest Taylor  
against  
W. H. Mills

SUMMONS.

THE STATE OF MINNESOTA,

To the above named Defendant.

You \_\_\_\_\_ are hereby summoned and required to answer the Complaint in the above entitled action, which has been filed in the office of the Clerk of this Court, at Chaska in said County, and to serve a copy of your answer to the said complaint, on the subscriber, at their office in \_\_\_\_\_

Chaska in the County of Cass and State aforesaid, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff will take judgment against you

for the sum of One hundred and twenty three and 3/4 Dollars with interest thereon from and since the 5<sup>th</sup> day of April 1871. Besides the costs of this action

Dated January 3<sup>d</sup> A. D. 187 3

August Beck Plaintiff's Attorney.

Chaska Minn.

State of Minnesota  
District Court Eighth Judicial District  
County of Carver

Benona Taylor }  
                  } against  
Wm H Mills } }

Whereas the above named  
plaintiff is a non resident and has  
commenced the above entitled action  
against said defendant in some court  
for the recovery of Money

Now therefore We L L Baxter and  
H J Peck of Chaska in the county of  
Carver in the State aforesaid undertake  
in the sum of Seventy five dollars that  
the Plaintiff in the above entitled action  
shall and does well and truly pay or  
cause to be paid to the Clerk of the District  
Court aforesaid, or his successors all dis-  
bursements and costs that may be adjudged  
against the Plaintiff in this action.

Dated April 2<sup>d</sup> 1874  
in presence of }  
W. Schwanborn. } L L Baxter  
Alroy Dutoit } H. J. Peck

State of Minnesota  
County of Carver. L L Baxter and  
H J Peck being first duly sworn do  
swear each for himself that he is the same

person as the surety above named, and is  
a resident and freeholder of land in  
the State of Minnesota and worth the sum  
of Seventy five dollars above his debts  
and liabilities, and no claims of his property  
except from execution

Subscribed and sworn } L. L. Pastor  
to before me this 2<sup>d</sup> day of } H. J. Beck

April 20 1894  
G. Wraymuhl, Clerk Court  
County Carver  
Minnesota

Walter C. C. C.  
Carver County

Benjamin Taylor

W. H. Mills

Security for costs

County of Carver ss - The  
within named person, security  
Appointed. And the same  
undertaking is taken this  
22 day of April A. D. 1894

G. Wraymuhl

Clerk Court  
Carver Co Minn

Benjamin Beck  
Reps attys



District Court  
9<sup>th</sup> District  
County of Carter

Berona Taylor

v

W. H. Mills

Affid. & Order to Show  
Cause

Due service of a true copy  
of the within order and affidavit  
is hereby admitted this  
31<sup>st</sup> day of March A.D. 1874

Baxter & Peck

Plaintiff's Attorneys  
J. A. April, W. A. D. 1874  
Cathay, in hand, Del. 1874

1874

W. H. Mills  
Defendant

State of Minnesota }  
County of Carver }

District Court  
1<sup>st</sup> Judicial District

Bessie Taylor }  
- against. }  
W. H. Mills }

County of Carver, ss

William H. Mills being duly sworn says  
that he is the Defendant named in the above  
subscribed action, that said action has been commenced  
and the summons therein was served on the  
Deponent on the Third day of January A.D. 1874  
that the Plaintiff herein is not a resident of  
of the State of Minnesota and that said Plaintiff  
resides in the State of New York and did reside  
in the said State of New York at the time of the  
commencement of this action.

That said Plaintiff has failed and  
neglected to file the security for costs as required  
by Statute.

Subscribed and sworn to }  
this 26<sup>th</sup> day of March }

W H Mills

A.D. 1874

Peter Michels }  
Justices of the Peace }

No. 798

DISTRICT COURT,  
CARVER COUNTY, MINN.

Benona Taylor  
Plaintiff.

vs.

W. H. Mills  
Defendant.

Baxter & Beck  
Plaintiff's Attorney.

Samuel Fowler  
Defendant's Attorney.

Date of Entry January 4, 1874

Register of Actions A Page 136

Term Tried..... 1

Judgment for.....

Amount of Judgment \$.....

Date of Judgment..... 1

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

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

Date of Docketing..... 1

No. 799

DISTRICT COURT,  
CARVER COUNTY, MINN.

The State of Minnesota  
Plaintiff.

vs.  
William Walsh Jr.  
Defendant.

Frank Warner  
Plaintiff's Attorney.

E. Hamilton  
Defendant's Attorney.

Date of Entry Jan. 9<sup>th</sup> 1874  
Register of Actions A Page 154  
Term Tried Apr. 1874

Judgment for.....

Amount of Judgment \$.....

Date of Judgment..... 1

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

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

Date of Docketing..... 1

Sutspaena  
Hate Inimica  
to  
Catherine & Family

I hereby certify that I have served  
the within Sutspaena on the within named persons  
by reading the same to them.

Witness at Holly Wood, Carver Co. Nov 26<sup>th</sup> 1873

William B. Moody  
Constable

State of Minnesota }  
County of Tower }

Rejoana & Sara & The State of Minnesota  
& Catherine G. Brady you are hereby  
~~compelled to appear~~  
required to appear before the under-  
signed one of the Justices of the Peace  
in and for the said County, at my  
office in the Town of Hollybrook on the  
26<sup>th</sup> day of Dec<sup>r</sup> at 10 o'clock in the  
forenoon of said day, to give evi-  
dence in a certain cause then and  
there to be tried between the State  
Minnesota Plaintiff William Walsh vs  
Dorinda & son The Part of the  
Plaintiff

Given Under my hand this  
26<sup>th</sup> day of Dec<sup>r</sup> A.D. 1873

Mathew Kelly  
Justice of the Peace

Let this

26<sup>th</sup> day of  
Nov 28 1873

Mathew Kelly  
Justice of the Peace

Due service of the  
certain notice of  
appeal by copy  
is admitted this  
26<sup>th</sup> day of Nov  
1873-

Jos. W. Wainman  
Clerk of the  
Court  
Merrim

B

County of Cass  
the state of Minnesota

511 West Cass Street  
Wadena Valley, Justice Peace

William Walsh Jr } - Sir - Please take notice  
that the defendant William Walsh  
appeals to the district court for the  
County of Cass and state of Minnesota  
from all that certain judgment rendered  
therein on the 26th day of November  
1893 and that said appeal is taken  
on questions of both law and fact  
dated November 26th 1893

J. J. Neuman  
County Attorney  
Cass County  
Minnesota

Ernest Hamlin  
att'y for deft  
Wadena  
Minnesota

2

Subpoena  
for Lawrence Conolly  
+ Lawrence Connolly Jun.  
in behalf of Dept

filed this 26<sup>th</sup>  
May 1873

Matthew Kelly  
Justice of the Peace

Filed  
Jan 8<sup>th</sup> 1874  
G. H. Raymond  
Clerk

State Minnesota

County of Carver

The State Minnesota to the Sheriff  
or any constable of said County

Whereas Thomas O'Gara has complained in writing  
(to me) on oath that William Hatch <sup>sen</sup> did on the 19<sup>th</sup>  
day of November 1873 at Hollywood in said County  
assault Thomas O'Gara; and Saurice Connolly,  
and Saurice Connolly <sup>jun</sup> are deemed material  
Witnesses to be examined concerning the same on  
the part of the defendant. Therefore you are com-  
manded to summon the said Saurice Connolly  
& Saurice Connolly <sup>jun</sup> to be and appear before the  
undersigned, one of the Justices of the Peace in and  
for said County at my office in the Town of Hollywood  
in said County on the 26<sup>th</sup> day of Nov<sup>r</sup> A D 1873 at  
10 o'clock in the forenoon of said day to give evi-  
dence and to testify the truth concerning the party

Given under my hand this 25<sup>th</sup> day of Nov<sup>r</sup> 1873

Nathan Kelly  
Justice of the Peace



State Minnesota

State Minnesota }  
County of Carver } ss

To the Sheriff or any Constable of said

County

You are commanded to summon, Charles Black -  
Judwig Karlo, Joseph Weber, August Finne -  
Great Baker, John Wetter, H. J. Morgan, William W. Collins  
James McCallum, L. H. Dickey, Charles Finne, Wesley Blacketter -  
Edward Burns to be and appear before the undersigned one  
of the Justices of the Peace in and for said County on the  
26<sup>th</sup> day of Nov<sup>r</sup> A.D. 1873 at 10 O'clock in the forenoon of  
said ~~County~~ day, in the town of Hollywood to make  
a jury for the trial of a criminal action between the  
State Minnesota Plaintiff and William Walsh <sup>Plaintiff</sup> de-  
fendant, accused of the offense of assault on Thomas Gara  
And have you there and there this writ -

Given under my hand this 25<sup>th</sup> day of Nov<sup>r</sup> A.D. 1873

Mathew Willy  
Justice of the Peace

Filed for the Court  
at St. Louis, Mo.  
J. P. [Signature]

Filed this 26<sup>th</sup> day  
of November 1873  
Nathan Kelly  
Judge of the Court

Received  
of [Signature]  
[Signature]

St. Louis, Missouri,  
Cass County, Mo.

I hereby certify that I have arrested the  
within named defendant and have him now before  
the court in custody.

Dated this 26<sup>th</sup> day of Nov 1873

Dec 2-5  
page 10

State of Minnesota }  
County of Carver }

To the Sheriff or any Constable of said  
County

Whereas Thomas O Jara has this  
day Complaind to me in writing  
and oath that one William Walsh Jr  
did on the 19<sup>th</sup> day of November A. D. 1872  
in the Town of Hollywood in said County  
& make an unlawfull assault upon  
him. The said Thomas O Jara said  
that and they did unlawfully and  
Violently strike beat, bruise and  
wise ill treat him the said Thomas  
O Jara against the Statute in  
Case made and provided and  
against the Peace and dignity  
of the State of Minnesota and  
Prayed that the said William Walsh  
& might be arrested and dealt with  
according to Law.

Now therefore you are hereby Com-  
manded to go forthwith and apprehend  
the said William Walsh Jr and bring  
him before me to be dealt with according  
to Law

Given under my hand this 22<sup>nd</sup> day of  
November A. D. 1872.

Matthew Kelly  
Justice of the Peace

Band of Depts  
for in a seal

Approved and filed  
November the 26<sup>th</sup>  
AD 1873.

Matthew Kelly  
Justice of the Peace

filed Germany for a copy of  
Gettrayenbill  
Club

filed Germany for a copy of Gettrayenbill Club

State of Minnesota } In District Court - Before  
County of Cass } W. Kelly, Justice Peace  
The State of Minnesota }

-55- }  
William Walsh } Recognizance on Appeal

He W<sup>m</sup> Walsh the  
above named defendant as granted  
and secured on condition for  
as security do acknowledge ourselves  
to be indebted to the  
State of Minnesota for the sum of the  
County of Cass in the sum of  
Twenty five Dollars less for money  
of the United States to be levied upon  
several parcels of land and  
and payments of default to be made  
in the amount of said money  
to say the condition of this  
recognizance is that if the  
above named W<sup>m</sup> Walsh shall  
appear before the District Court in  
held for the County of Cass and  
State of Minnesota on the first  
day of the next general ter-  
m of said court while the <sup>judgment</sup> of the  
Court there held in the meantime  
kept the peace and be of good  
behavior then this recognizance shall  
be void otherwise of force - Dated the  
26th day of Apr. 1873

Subscribed and acknowledged before  
me this 26th day of April 1873

William Walsh, Seal  
Lawrence Conant, Seal

William Kelly  
Justice of the Peace

Complaint  
State of Wisconsin  
vs  
William Wabbe

Filed this 26<sup>th</sup> day  
of November A.D. 1873

Matthew Kelly  
Justice of the Peace

Filed Jan 4<sup>th</sup> A.D. 1874  
Geo Wrayentubell  
Clerk

State of Minnesota  
County of Cass

The Complaint of Thomas

O Jara, of said County, made before  
Matthew Kelly one of the Justices of the  
Peace in and for said County, and after  
being duly sworn & examined on his oath  
says that on the 19<sup>th</sup> day of December A. D. 1872  
at the Town of Hollywood in said County, one  
William Walsh did unlawfully make an  
assault upon him, the said Thomas O Jara  
and did, then & there unlawfully and violently  
strike, beat, bruise and otherwise ill treat him  
the said Thomas O Jara against the form  
of the Statute in such case made and pro-  
vided and against the Peace and dignity  
of the State of Minnesota, and prays  
that the said William Walsh may be  
arrested and dealt with according  
to Law.

Thomas O Jara  
Subscribed and sworn  
to before me this 22<sup>nd</sup> day  
of December A. D. 1872

Matthew Kelly Justice of the Peace  
Sworn to & subscribed before me this 22<sup>nd</sup> day  
of December A. D. 1872

State Minnesota }  
vs }  
William Walsh, Jr. }

In Justice Court before  
Mathew Kelly, Justice  
Carver Co. Minn.

Nov 26<sup>th</sup>  
1873

I solemnly swear being duly  
sworn doth depose and say that in  
the 14<sup>th</sup> day of Nov Ad 1873 about 5  
I clock in the after noon of said day  
I was drawing out corn stalks on  
the Road in the town of Kelly  
town in said county  
about that time the defendant  
with Lawrence Connolly Junr came  
down the road nooping and  
shouting for a distance of a  
least thirty rods before they  
came up where I was,  
when they were within two  
rods of me I was wrapping  
the fence, when defendant  
came up and he said to the  
cattle get out of here for some  
space. I said he have yourself  
going the Road that if you  
kill that cow you would  
not be able to pay for her  
defendant told me go to hell  
me and then said I want  
go there I hope you will  
be there before me I picked  
up an arm of stalks and

and I had to wards him he  
came towards me with a stake  
in his hand saying Gods  
name you and struck me  
with the stake knocking me  
down, and after I came  
to myself I looked around  
and seen my wife and  
little girl there she says  
to defend what you have  
killed him now have you  
not, Respondant says take  
him out of here as I  
will smash his skull she  
went in between us, and  
he showed her across the  
shed. keep your hands off  
her I says and that time  
I was to myself and I went  
for him there was a pile  
of wood the other side of  
the shed and I showed  
him into that and got  
the stake out of his hands  
when he got up he came  
after me then I struck  
him with my fist he got  
up yet, when I caught  
hold of him by the

showing I was going  
to choke him when my  
wife came and said  
to me don't strangle  
him let him go take  
the back of him -  
Lawrence Connally Jr  
was there all that time with  
an axe in his hand  
he held my coat in  
his hand saying do  
not strangle him I let  
him go and he went  
away. Defendant stopped  
his team before he came  
off his sled. I threw the  
stake on the road and  
after I took it up  
Crops examined. I cannot  
tell whether ~~the stake~~ <sup>it was</sup> ~~was~~  
before or after I saw track  
that I tried to take the  
stake out of the sled  
Question Did you ever testify in Relation  
to an affray between yourself and  
the defendant prior to this day  
Answer I did.

...the said ...  
...to strike out the foregoing evidence  
by counsel for plaintiff. Motion sustained  
and excepted to. Question by defense  
were you ever arrested by a warrant issued  
by R. H. McCallen Justice of the Peace  
County of Carter and tried before said Justice  
and convicted of having and on the 17<sup>th</sup> day  
of November 1873 at the time and place men-  
tioned in your direct examination com-  
mitted an assault & battery on the person  
of the defendant in this action - Objected  
to by Plaintiff, as being improper, irre-  
levant and incompetent on cross exami-  
nation. Objection sustained and  
defendant excepts. Question, were you  
you the man who was charged with  
stealing a horse from the father of  
the defendant. Objected to by plaintiff -  
Objection overruled by court. Answer I  
have and been acquitted

William O'Garra  
July seven last depose  
and say that when  
he heard of the  
murder, and I was  
in court, as I got home  
that defendant had  
the stake in his hand  
and he was going towards  
my husband and defen-  
dant struck him twice  
I said to defendant  
do not strike him you  
have killed him, the  
defendant said I will  
give him God damn him,  
then O'Garra got up  
and struck him a  
blow on the mouth and  
afterwards tipped him  
and threw him on  
the ground when I  
said do not strike  
any more take the law  
of him. Cross Examined  
Question, did you speak  
to deft I am sure I  
did not speak to  
Defendant

3<sup>rd</sup>

Rapawan O. Gava being  
first study season with  
depression since say  
I seen the fight between  
the defendant and  
my father. I was  
following the pigs at the  
corn yard. The yard is  
close to the corn stalks  
The corn stalks is close  
by the road. I was  
after coming from the  
pig pen and the defen-  
dant was coming  
across the road.  
Father was after giv-  
ing corn stalks outside  
of the fence as they were  
coming, a dog was coming  
across across the  
road they break one  
of the cars with the  
tongue of the sled, father  
told him to be have him-  
self going a long the  
river and he said he  
would not do it he  
pulled out the stake  
and went toward him

and struck him twice  
(he had an arm of steel)  
defendant knocked him down  
with that stroke we had  
him to say. I was inside  
of the fence and the  
fence is close to the road  
father after getting up  
tripped the defendant  
down.

4<sup>th</sup> Defendant being duly sworn  
and depose and says I  
was coming from the school  
house down the road with  
my father's team  
(By consent of defendant  
counsel and plaintiff  
counsel the defendant's tes-  
timony was not taken  
down by the court - but  
defendant ~~compiled~~ exhib-  
ited a diagram of the place  
where the occurrence took  
place

John Jany 5<sup>th</sup> Dec 1874  
G. W. Mayentuhl  
Clerk



8<sup>th</sup> Lawrence Casnally Jun<sup>r</sup> being  
first duly sworn both  
deposes and says that  
all the testimony of the  
deponent William  
Malab Jun<sup>r</sup> sworn to is  
true and correct in  
every particular

6<sup>th</sup> Lawrence Casnally <sup>depos</sup> being  
first duly sworn  
both deposes and says  
that I am a Relation  
of Killings

Sworn to before me this  
26<sup>th</sup> day of Dec<sup>r</sup> A.D. 1873

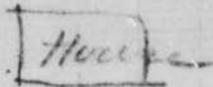
Wm. L. Kelly  
Justice of the Peace

North

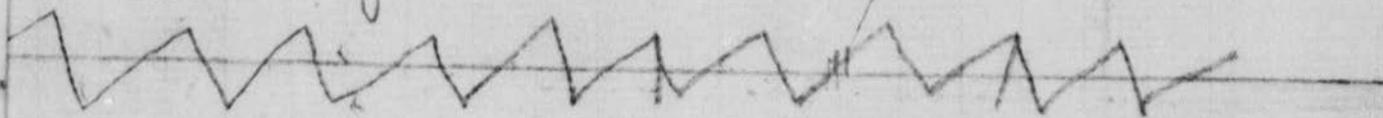
Pack  
corn stalks



oym  
stopped here



9  
corn  
set over fence



13 yds



Tim - stopped here

wood pile

W. J. G. & A. S. J.  
B. H. J. & A. S. J.  
C. H. J. & A. S. J.

South

William Walsh Jun<sup>r</sup>

In Justice Court before  
Matthew Kelly, Justice Carver to Min<sup>r</sup>

1873

Nov<sup>r</sup> 25<sup>th</sup>

Writ and Complaint of Thomas O'Hara  
Assault & battery by, William Walsh Jun<sup>r</sup>  
on file - Warrant issued and given to  
Constable W<sup>m</sup> Moody. " " Warrant  
returned Defendant in Court " "  
Complaint read to defendant where-  
upon Def<sup>t</sup> plead not guilty. And court  
ordered William Moody Constable to make  
out a list of 24 names to serve as jurors  
to try the issue - List made, comprising  
witnesses and defendant struck off each  
six names - By consent of all parties in-  
terested the case was adjourned ~~until~~  
to Nov<sup>r</sup> 26<sup>th</sup> at my office at 10 o'clock  
A.M. - Defendant gave bond for his ap-  
pearance at the time mentioned for his  
his appearance - Writ issued, and  
Constable Moody for jurors selected the  
following named persons - to wit  
Chas. Block - Sudwig, Karlo - August  
Kinneman - Jacob Baker - John Hetter -  
Joseph Heber - M. J. Moran - W<sup>m</sup> " "  
W<sup>m</sup> Mc Phellan - Chas<sup>s</sup> Kinneman  
Wesly Blacketter, and Edw<sup>d</sup> Burns -

Nov 26<sup>th</sup> Defendant appeared in person & by attorney  
E Hanline - State by Co Attorney . . .

Joseph Keenan - Jury sworn as select  
Witness Thos. O Gara, Catherine O Gara,  
and Ross O Gara for State, and  
W<sup>m</sup> Walsh & Laurence Connolly Jun<sup>r</sup>

And Laurence Connolly Jun<sup>r</sup> for Deft -  
Defendant moved to not introduce the stake  
exhibited by plaintiff in testimony -  
Over ruled by court - and excepted to  
Question by Counsel for deft -

Did you ever testify to an affray  
between the defendant and yourself  
prior to this day Answer I did -

Moved to strike out the fore-  
going evidence by plaintiff -  
motion sustained - and excepted to

Question by Defendant were you  
ever arrested by Warrant issued by  
N. H. Mc Clellan Justice of the Peace  
County of Carver, and tried before said  
Justice, and, convicted of having  
on the 19<sup>th</sup> day of Nov<sup>r</sup> AD 1873, at  
the time and place mentioned in  
your direct examination commit-  
ted an assault and battery on the  
person of the Deft. in this  
Action

Objected to as been improper  
Precedent and incompetent on  
cross examination —

Objection Sustained and  
Deft excepts — <sup>question</sup> Were you the  
man who was charged with steal-  
ing a harness from the father of  
the deft. <sup>objected to</sup> Question Sustained  
Answer I was and acquitted.

After hearing evidence for the plain-  
tiff and by consent of both parties  
interested, the testimony for defense  
was not taken down but  
verbally given to the jury —

By consent of both counsels the jury  
took a recess for 5 minutes — and  
after hearing all the evidence apper-  
taining to the case, Constable Woody  
was sworn to take charge of  
jury to render their verdict —

After an absence of about 15  
minutes jury returned into court  
and rendered their verdict, that  
said deft. was guilty of same  
offense as charged in complaint

Whereupon I have rendered  
judgement that said deft. shall  
pay a fine of five (\$5.00) dollars  
and cost — of this suit —

<u>Justices fees</u>		<u>Constables fees</u>	
Complaint	.25	Warrant	.25
Warrant	.25	by Subpoena	.60
1 <sup>st</sup> adjt "	.15	Mileage 20 mile	2.00
2 <sup>d</sup> adjt "	.15	Summoning jury	1.50
Recognizance	.25	List of jurors	.15
4 Subpoena	1.00	Attending on jurors	.50
4 Bath	.60	Attending court	1.00
Deoore for jury	.25		\$5.50
Swearing jury	.25		
20 folios	\$3.00	<u>Witnesses fees</u>	
5 Excerpt	.75	Catherine O'gara 1 day	\$1.00
Transcript	.25	Mileage 6 miles	36
20 papers filed	1.00	Rosy O'gara 1 day	1.00
discharging juror	.25	Mileage 6 miles	36
Making return	2.00		\$2.72
+ certifying to appeal			
	\$10.40		

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And in default of pay-  
ing the same to be com-  
mitted to the County Jail  
for the term of ten days -

Defendant gives notice of  
appeal to district Court <sup>of said County</sup>  
Ordered that Deft<sup>n</sup> should  
enter into Recognizance in  
the sum of Seventy five  
( $75 \frac{0}{100}$ ) dollars for his appearance  
before the next general term  
of the district court, to  
be held in said county to  
answer said charge -

Recognizance given and  
approved - On file -

Judgement	\$3.00
Costs	18.72

State of Minnesota }  
County of Carver } ss

To the dist Court

Whereby certify that  
the above return is a true transcript of my  
Docket in the above entitled action

State of Minnesota  
against

William Walsh, Junr

Transcript of Docket

Filed, Jan'y 8<sup>th</sup> 1874.  
Gibbs & Co. v. Walsh,  
County.

154.

Mathew Kelly  
Justice of the Peace

and that the papers here-  
unto attached were used  
and filed in said action

Matthew Wilby  
Justice of the Peace

No. 799

DISTRICT COURT,  
CARVER COUNTY, MINN.

*The State of Minnesota*  
Plaintiff.

vs.  
*William Walsh Jr.*  
Defendant.

*Frank Warner*  
Plaintiff's Attorney,

*E. Hamilton*  
Defendant's Attorney.

Date of Entry *Jan. 8<sup>th</sup> 1874*  
*Court*  
Register of Actions *A* Page *154*  
Term Tried *Apr.* *1874*

Judgment for.....

Amount of Judgment \$.....

Date of Judgment..... 1

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

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

Date of Docketing..... 1