



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

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No. 805

DISTRICT COURT,  
CARVER COUNTY, MINN.

*Mary Tanker*  
Plaintiff.

vs.

*Heinrich Schutte*  
Defendant.

*Frank Warner*  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry *February 27, 1874*

Register of Actions *A* Page *161*

Term Tried *1*

Judgment for *Plaintiff*

Amount of Judgment \$ *788.25*

Date of Judgment *April 10, 1875*

*Minute Book* *A* Page *426*

Default Judgment Book Page

Date of Docketing *April 10, 1875*

*Judgment Record A-212*

COURT.

Judicial District.

Carver

Sancta

As

Heinrich Schulte

SUMMONS.

Filed for record 14th Nov 1894

Carver

Wm. D. Schulte

1st

Frank H. Hatten

Plaintiff Attorney

RAMALTY, CHASEY & CO., Printers, St. Paul.

State of Minnesota ss. J. F. E. Du Toit  
County of Carver Sheriff Carver Co. Minn., do hereby certify  
& return, that after due & dilligent  
search, I do hereby return that  
I cannot find the within named  
defendant Henry Schulte in said  
County of Carver. J. F. E. Du Toit

Fees, Travel &c mms \$4.00  
" Service 1.00  
5.00.

Sheriff Carver Co. Minn.

MINNESOTA,

DISTRICT COURT,

8<sup>th</sup>

Judicial District.

Mary Tanka  
vs  
Jahn

Heinrich Shulte

SUMMONS.

THE STATE OF MINNESOTA to the above-named Defendant:

You *Heinrich Shulte* are hereby summoned and required to answer the complaint in this action which is filed in the office of the Clerk of the District Court at *Chaska in said County* and to serve a copy of your answer to the said complaint on the subscriber, at *his* office in *Carver in said County*

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 *have* the Amount he is entitled to recover ascertained by the Court or under its direction and take judgment against you for the Amount so ascertained, besides the costs of this action.

Dated *Carver Feb 26<sup>th</sup>* 1874.

*Frank Warner*  
Plaintiff Attorney, *Carver Minn*



Fol (1)

XXI

State of Minnesota  
County of Carver  
District Court -  
8th Judicial Dist.

Mary Tanka  
vs  
Friedrich Schultz

The Complaint  
of the Plaintiff respectfully states  
and shows to this Court that  
on the 1st day of June  
A.D. 1873 the defendant at  
County American in said  
County of Carver Province  
and agreed to marry this  
Plaintiff. That in consideration  
thereof the said Plaintiff then  
and there promised and  
agreed to marry said defendant

That the Plaintiff Con-  
fiding in said promise  
so made by said defendant  
has always since remained  
and now is ready and

11 2 willing to marry said def-  
-endant - And the Complaint  
of the Plaintiff further states and  
shows that said defendant

by reason of his promise  
of Marriage aforesaid  
has wrongfully seduced  
and had illicit Co-munion  
with this Plaintiff by  
reason of which this Plaintiff  
has become pregnant and  
is now with Child by  
said defendant.

Since the Complaint  
of the Plaintiff further states  
and shows, that it was  
agreed between said Plaintiff  
and defendant that said  
marriage should take place  
on the 5<sup>th</sup> day of October A.D.  
1873, but that thereafter  
said defendant refused  
to marry said Plaintiff at  
the time so agreed upon  
or at any other time and  
still refuses so to do, though  
at said date and often  
since said date requested so  
to do by the Plaintiff to the charge  
of the Plaintiff in the sum of  
two thousand dollars

Wherefore the

Plaintiff demands judgment  
against said defendant  
in the sum of two thousand  
dollars as her Damages  
besides the costs of this action.

Dated before me  
Feb 26<sup>th</sup> A.D. 1874 }

Frank Warner  
att'y for Plaff  
Carr  
(Min)



State of Minnesota  
County of Carver } S.S.

Mary Tanker

" 4 Being first duly sworn  
deponent and says, that  
she has heard and read the  
foregoing Complaint; that  
she is the Plaintiff in the  
foregoing entitled Action and  
the facts therein stated are  
true of her own knowledge.  
Except as to those matters  
therein stated upon information  
or belief and as to those  
matters she believes it to be  
true

Given Under  
Subscribed before  
me this 26<sup>th</sup> day  
of February A.D. 1894

Mary Tanker

Frank Warner  
Justice of the Peace

Dist Court  
8th District  
Mary Taku  
vs

Heinrich Kulte  
Complaint

Filed February 24<sup>th</sup> 1874.  
G. W. Hayinick  
Clerk

Pl.

Frank Warner  
Atty for Pltffs  
Cross  
Miss



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

Mary Fankler } Plaintiff  
Agnt- } Affidavit  
Frederick Shultz } Defendant

Carver County, Minn.  
Frank Warrin being  
duly sworn deponent  
and says, that he is  
the attorney for the Plaintiff  
in the above entitled  
action, that this deponent  
believes that the above  
named defendant is not  
now a resident of the State of  
Minnesota and cannot  
be found therein, that  
the place of the residence  
of the said defendant  
is unknown to this deponent  
that said defendant  
has departed from this  
State with the intent  
to avoid the service  
of the summons in the

decide action upon him  
being a resident of this  
State, before sending to  
departed.

Given & Decided  
Subscribed before } Frank Warner  
me this 14<sup>th</sup> day of  
March. A.D. 1874

G. Wrayentuhl  
J. W. Wrayentuhl  
Wrayentuhl

State of Minnesota  
County of Brown  
Dist. Court & Dist.

Mary Lister  
vs.

Fred Schulte

aff. for Publication

Filed March 14<sup>th</sup> 1894  
C. H. Gray Clerk  
(Clerk)

Net

Dist. Court  
8th Dist.

Many Lanku  
as

Frank Shultz  
at & Publication

Filed, May 21<sup>st</sup>, 1874  
G. Wraymull  
Clerk

161.



State of Minnesota  
County of Carver } \$8

A. L. DuBois

being first duly sworn  
deponent and says, that  
he is one of the publishers  
and is foreman in the

office of the "Valley  
Herald" a weekly  
newspaper printed  
and published at  
Chaska in the County  
of Carver State of  
Minnesota, that the  
summons of which  
the annexed is a  
true <sup>print</sup> copy was printed  
and published in said  
newspaper for six  
successive weeks the  
first publication being  
on the 19<sup>th</sup> day of  
March A.D. 1874 and  
the last publication  
being on the 30<sup>th</sup> day  
of April A.D. 1874

State of Minnesota,  
County of Carver.

District Court, 8th Judicial Dist.  
Mary Tanka against Heinrich Shulte.

The State of Minnesota to the above  
named Defendant; You Heinrich Shulte  
are hereby summoned and required to  
answer the complaint in this action which  
is filed in the office of the Clerk of the  
District Court at Chaska in said County and  
to serve a copy of your answer to the said  
complaint on the subscriber, at his office  
in Carver in said County within twenty  
days after the service of this summons up-  
on you, exclusive of the day of such ser-  
vice, and if you fail to answer the said  
complaint within the time aforesaid, the  
Plaintiff in this action will have the  
amount she is entitled to recover ascertained  
by the Court or under its direction and  
take judgment against you for the amount  
so ascertained, besides the costs of this  
action.

Dated Carver Feb. 26th 1874.

FRANK WARNER

Plaintiff Attorney Carver Minn.

Subscribed before  
me this 21<sup>st</sup> day  
of May A.D. 1874

Alfred L. DuBois  
Justice of the Peace



State of Minnesota  
District Court  
County of Carver,  

---

Mary Smith  
by  
Nimich Schutte  

---

Affidavit of no  
Answer,  

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Filed, May 21<sup>st</sup> A.D. 1874.  
Eschwaymuhl  
Clerk

Ths.

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

Mary Tanka  
of age -  
Heinrich Skulte

Carver County

Frank Warner being  
first duly sworn deponent  
and says, that he is  
attorney for the Plaintiff  
in the above entitled  
action and has been acting  
as such attorney from  
the commencement thereof  
that no copy of an  
answer to the Complaint  
in said action has been  
served upon him, neither  
has said defendant appeared  
therein in person or by  
any attorney.

Subscribed before  
me this 21<sup>st</sup> day of  
May A.D. 1874

Frank Warner

Wm. H. Gray, Notary Public, Carver Co. Minn.

Know all men by these  
Presents that we Mary  
Janka as Principal and  
Christy Janka as surety  
are held and firmly  
bound unto Heinrich  
Schulte in the sum of  
one thousand dollars,  
lawful money of the  
United States, to the payment  
of which we do and truly  
to be made and done  
we find our selves ours  
and heirs, jointly severally  
and firmly by these  
Presents bound with  
our seals and date  
this 28<sup>th</sup> day of May  
A.D. 1874

The Condition of  
the above obligation is  
such Whereas the  
above bounden Mary Janka  
desires to obtain a judgment  
against one Heinrich  
Schulte in the District  
Court in and for  
Main County to recover



damages by reason of  
an alleged breach  
of a Marriage Contract  
now therefore if  
Judgment shall be  
obtained against the  
said Frederick - Heinrich  
Shultz etc the real  
estate of the said Mary Fanka  
and the the property  
or money of the said  
defendant, Heinrich  
Shultz, shall be taken  
or collected to satisfy  
said Judgment, the said  
said above founded  
Mary Fanka and Christoph  
Fanka will return said  
property to said defendant  
or the heirs thereof  
provided said defendant  
shall be admitted to  
defend said action and  
shall succeed in the  
defense thereof

Signed Sealed  
in presence of  
D. Hochmann  
Frank Warner

Mary Fanka.

Christoph Fanka

{Seal}  
{Seal}

Dist-Court  
in Dist

Mary Lanku  
as

Heinrich Shultz

Bona

Filed May 18<sup>th</sup> 1874  
J. H. Maymott  
Clerk

Abt.



State of Minnesota.

District Court, Eighth Judicial District,

Carver County—

Mary Tanka  
agent

Heinrich Schulte }

On the summons & Complaint  
in the above entitled action, with due proof of the  
service of said summons by publication, and of  
the failure of the Defendant to answer or demur  
to the said Complaint within the time prescribed  
by law, or otherwise to appear in said action, on  
motion of Frank Warner Attorney for the said  
Plaintiff, no one appearing to oppose, it is ordered  
that the said action be decided the same hereby is  
referred to J. A. Sargent, as sole referee to hear  
the proof therein on the part of the said Plaintiff  
and to determine and assess the amount of dama-  
ges which the Plaintiff is entitled to recover against  
the Defendant therein for the cause, by her in and by  
her said Complaint alleged, and that he report the  
same to this Court with all convenient speed.

Dated May 22<sup>d</sup> 1874 -

By the Court

A. G. Chatfield  
Judge &c.

Tho' I have signed the above order of reference  
the case seems to me to be one in which the  
damages ought to be assessed by a jury, and that  
the proper or better order would be for the issue and

State of Minnesota  
District Court  
County of Leavenworth,

---

Mary Pankla  
vs  
Heinrich Shulte.

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Under a writ of Habeas Corpus

---

Filed May 22. 2018 44.  
G. W. Rayenbuhl  
Clerk.

-1611-

Execution of a writ of Habeas Corpus to apprehend the defendant.  
That if the Sheriff, or any other person in contact with a Defendant  
causes or permits to it or declines to make the order  
therefor

State of Minnesota  
County of Carver } SS

I J. A. Sargent  
Refer in the action  
wherein Mary Fanka  
is Plaintiff and Heinrich  
Schulte is defendant do  
solemnly swear that I  
will faithfully and  
fairly hear and examine  
this action wherein the  
Mary Fanka is Plaintiff  
and Heinrich Schulte is  
defendant and make  
a just and true report  
thereon, according to the  
best of my understanding  
and ability so help me  
God

Sworn to and  
subscribed before  
me this 28<sup>th</sup> day  
of May A.D. 1874

J. A. Sargent

Frank Warner  
Justice of the Peace



State of Minnesota } In Dist Court  
County of Leavenworth } 8<sup>th</sup> Judicial Dist

Mary Tanka } Refuses Report  
against }  
Henrich Schulte }

Pursuant to an order of this Court dated May 22<sup>d</sup> 1874 appointing the undersigned Sole Referee to hear the testimony and make therein on the part of the Plaintiff and to determine and apportion the amount of damages which the Plaintiff is entitled to recover against the Defendant therein, for the alleged causes by her in, and by her said Complaint set forth, came on this 28<sup>th</sup> day of May 1874 to be heard - Frank Warner Esq appearing as the Attorney for the said Plaintiff no one appearing for said Defendant - The Plaintiff produced as witnesses before me who were duly sworn and whose testimony was reduced to writing by me and subscribed by them to wit: Mary Tanka the Plaintiff -

Lehestof Franka - Mary Franka (Said)  
and Frederick Stockman - which  
testimony is herewith submitted and  
made a part of this report -

I find  
as a matter of fact that the wrongful  
acts of the defendant, as alleged in  
the Complaint have been fully proven.

And as a conclusion of law I find  
that the said Plaintiff is entitled  
to damages against said Defendant  
for the wrongful acts commit-  
ted by said defendant upon said  
Plaintiff as in said Complaint  
set forth - And I hereby determine

and assess the amount of damages  
which the Plaintiff is entitled to  
recover against the said Defendant  
herein, for the causes by her in, and  
by her said Complaint alleged, and  
set forth, at the sum of Seven hundred  
+ fifty dollars - and order Judgment  
accordingly. together with costs -

Dated at Lehestof this 26<sup>th</sup> day of  
May A D 1874 -

J A Sargent  
Sole Referee



Levies before Referee -

N H Sargent Referee	\$10.00
Christof Tanku witness	1.50
Mary Tanku (Senior) "	1.50
Fredrick Stockman "	1.50
Mary Stockman Interpreter	\$14.50
(#5 of Referees per bid by Pelt)	<u>1.50</u> \$16.00

Testimony of Mary Fanka agt- Hermann Schulte  
in a case of argument & de Refere

Mary Fanka being duly sworn on  
oath says- I live in Young America  
learn to swim- lived there 1<sup>st</sup> day  
of April 1873- I know Hermann Schulte  
the defendant in this action- He  
promised to marry me on the 1<sup>st</sup>  
of April 1873- and in consideration  
of said promise I then & there agreed  
to marry him said defendant- I  
actually believed that he would marry  
me as he promised- It was agreed  
between us that we should be married  
on the 5<sup>th</sup> of October 1873- on the  
5<sup>th</sup> of October he said he was not  
ready but would marry me in two  
weeks from that day- I saw him  
a number of times after the expiration  
of the two weeks extension of time, and  
desired him to marry me as he  
promised, but he absolutely refused-  
He did not come on the days  
he promised to marry me- I  
have always been ready & willing  
to marry him said defendant-  
but the said defendant has  
refused to marry me as agreed  
upon- & still refuses to marry me-  
In consequence of his promise

many times " AS.

to marry me he desired to have  
illicit connection with me - and  
by virtue of said promise of mar-  
riage I consented that he should  
have such illicit intercourse - and  
he did so have illicit intercourse  
with me on or about the first  
of ~~September~~<sup>July</sup> 1873 - two or three  
times he had such intercourse with  
me ~~at~~ that time - He at the  
same time told me that as we  
were about to get married there  
would be no wrong in doing so  
He had intercourse with me a num-  
ber of times afterwards - I after-  
wards told him I thought I was  
with child by him - he said all  
right - he hoped it would be a  
boy - He never had sexual inter-  
course with any other person other  
than defendant - I am twenty  
two years of age - I have often  
asked defendant to marry me  
as he promised, prior to the con-  
summation of this action - I  
have a child by said defendant  
it was born April 6<sup>th</sup> 1874 - &  
said defendant is the father

of it - I know that defendant  
has run away - he left just before  
the commencement of this suit  
where he is now I don't know

The wife is 37 or 38 years old -  
I have endured a great deal of  
trouble & pain in body & mind in  
consequence of said seduction by  
said defendant - ruined my  
health and reputation & character  
I have no friends - I rely upon  
my Father <sup>but</sup> - my support - my child  
The defendant is able to support  
me & my child if he was willing  
so to do

Suam + subscribed  
to before me this 28  
May 1874  
Jpt Sargent -  
Referee.

Mervi Laake.

Christof Pankka duly sworn -  
Mervy Stockman sworn as Interpreter  
- I am the Father of Mary



That the P<sup>th</sup> I know Menck shall  
the debt - I know that there was  
a marriage contract between my  
daughter the P<sup>th</sup> and Menck  
shall the debt. It was made on  
or about April 1<sup>st</sup> 1873. The debt  
asked the consent of myself & wife  
that he might marry our daughter  
the said debt in your own consent  
to such marriage. The defendant  
continued after such consent, to con-  
vict the said P<sup>th</sup>. It was agreed  
& promised by said P<sup>th</sup> & said debt  
in my presence, that they should  
be married at my house on the 5<sup>th</sup>  
October 1873. They were not mar-  
ried at that time. The debt did  
not come there on that day. He  
never has been to my house since  
my daughter said P<sup>th</sup> was deliv-  
ered of a child April 6<sup>th</sup> 1874.

P<sup>th</sup> has no property. I am com-  
pelled to maintain my daughter, the  
P<sup>th</sup> & her child.

Given & subscribed

to before me this 26<sup>th</sup> 1874

W A Sargent  
Notary

Christopher Tangle

Mary

Panka being duly -

I am

the mother of Mary Panka the Pelt -  
I know the debt - Heinrich Shulte - The  
debtors did not agree to marry my  
daughter the debt. such agreement  
was made in my presence on April  
1<sup>st</sup> 1873 - He was mutually agree  
between them that they should  
be married Oct-5 1873 - at our  
house - They were not married -  
Pelt had made arrangements &  
expected to be married on that day  
They are not now married - have  
never been married - The Pelt  
was delivered of a child April 6 1874  
at our house - I was there at its  
birth - The debt was frequently  
at our house to see Pelt after said  
promise of marriage, up to about  
July 1873 - The debt came to see  
Pelt a few times after he was told  
Pelt was with child - I told him  
Mary was with child by him - he did  
not deny that he was the father of  
the child - I told him he must -

marry him as he had promised -  
he said nothing. My daughter  
has always been ready & willing to  
marry said deft. - This is the  
child (presenting in court - in court)  
born to my daughter <sup>Alb</sup> Albion 16 1874 -  
Stewart & my daughter  
subscribed to before me <sup>in</sup> ~~the~~ -

Wm 28 May 1874

Wm Simpson - Nelson

Frederick Stockton sworn  
I know Pelt & defendant. I  
have seen deft at the house of  
the father of Pelt frequently during the  
months of April May June July August  
& Sept 1873. I surprised by defts  
action & general conduct he went  
to see Pelt. I have seen them  
together in the house. I am  
a neighbor of Pelt & deft. & it was  
generally believed by the neighbors  
that they were to be married -  
deflt has left the county. & it  
is not known generally where he is  
Pelt is the mother of a child born about  
April 16 1874. I don't know that  
Pelt has any property - So far



as I know Pfb has always had the  
 reputation of being a person of good  
 character prior to the birth of this  
 child - never heard anything against  
 her character - have known Pfb five  
 years last past -

Seen & subscribed  
 to before me this 25

May 1874

JAS. S. Sargent  
 Notary

L. Stockmann

State of Minnesota  
 County of Carver  
 District Court.

Among Parties

as  
 Heinrich Schutte,

Respondent of Reference  
 and Petitioner

Filed May 25th 1874  
 J. H. Brayenbach  
 Clerk



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

Mary Sanka  
against  
Heinrich Shulte.

This case came on to be heard on  
the 18<sup>th</sup> day of May, AD 1894. before J. A. Sargent  
Sole Referee duly appointed by said Court to hear  
the testimony & proof therein and determine and assess  
the amount of damages which the plaintiff is entitled  
to recover against said defendant - and the said Referee  
having duly filed his report and ordered judgment  
for damages in favor of said plaintiff for the  
sum of Seven hundred and fifty dollars.

Wherefore, on motion of Frank L.  
Carver, Attorney for said plaintiff, it is hereby  
adjudged and determined that said plaintiff  
do recover of said defendant, the Sum of  
Seven hundred and fifty dollars, damages,  
and the costs and disbursements in said  
action, taxed at the sum of Thirty eight dollars,  
twenty five cents, in all amounting to the sum of  
Seven hundred eighty eight \$88.25 dollars, and that said  
plaintiff have his lawful process therefor.

	Judgment, damages	\$ 750.00
<u>Costs</u>	Statute costs	\$5.00
	Referee's fees	" 10.00
	Witness fees	" 4.50
	Interpreter's fees	" 1.50
	Publication of sum	" 8.25
	Sherriff's fees	" 5.00
	Declarator's fees	" 4.00
		38.25
	Total	<u>\$ 788.25</u>

Dated, May 2<sup>nd</sup> 1874.

Wyzeta Court,

G. Krayentuhl  
clerk.

State of Minnesota  
District Court  
County of Carver,

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Mary Pankla  
vs  
Heinrich Thilte

---

Judgment Roll.

Judgment	\$ 450.00
Costs	" 38.25

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Total \$ 488.25

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Filed, May 29<sup>th</sup> A.D. 1874  
Gefrayentuhl  
clerk

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Frank Warner, atty for,  
Plaintiff, Carver, Minn.

Dist. Court. 8<sup>th</sup> Dist.  
County of Carver

Mary Pauka

vs

Heinrich Shulte

Order for judgment.

Filed, April 10<sup>th</sup> 1895  
W. H. Brown, Clerk  
Clerk



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

Mary Tanker

ag't

Heinrich Shulte

On the report of J. A. Sargent Esq. Sole Referee in the above entitled action, whereby the damages of the Plaintiff in said action are ascertained at the sum of seven hundred and fifty dollars (\$750.00) on motion of Frank Warner Esq. Attorney for the Plff. - no one appearing to oppose, it is ordered, that the said Plaintiff have judgment against the <sup>said</sup> Defendant for the sum so ascertained by the said Referee, to wit: the sum of seven hundred & fifty dollars (\$750.00) and for her lawful costs and disbursements to be taxed. The Clerk will sign and enter judgment in this action accordingly. Dated April 10<sup>th</sup> 1895. -

By the Court,

A. G. Chatfield.  
Judge &c.

State of Minnesota  
District Court  
Judicial District  
County of Carver.

Mary Tanka  
Plaintiff  
Heinrich Schulte.

This case came on to be heard on the 28<sup>th</sup> day of May, A.D. 1874. before J. C. Sargent Sale Referee duly appointed by said Court to hear the testimony & proof therein and determine and assess the amount of damages which the plaintiff is entitled to recover against the defendant - and the said Referee having duly filed his report and the Court ordered judgment for damages in favor of said Plaintiff, as assessed by said Referee, for the sum of Seven hundred and fifty dollars.

Now therefore, on motion of Frank Warner Attorney for said Plaintiff, it is ~~ordered~~ thereby adjudged and determined that said Plaintiff do recover against defendant, the sum of Seven hundred and fifty dollars damages, and the costs and disbursements in said action, taxed at the sum of Thirty eight dollars and twenty six cents, in all amounting to the sum of Seven hundred eighty eight & 26/100 dollars, and that said Plaintiff have this Decree put up therefor

Judgment damages		\$750.00
<u>Costs</u> , Statute costs	\$5.00	
Referees fees	10.00	
Witness fees	4.50	
Interpreter fees	1.50	
Publication of summons	8.25	
Sheriff fees	5.00	
Clerk fees	4.00	38.25
		<hr/>
Total		\$788.25

Dated April 10<sup>th</sup> AD 1875.

By the Court:

Chas. H. Buhl  
Clerk



State of Minnesota  
District Court  
County of Carver.

---

Mary Sanka  
vs  
Heinrich Schulte

---

Judgment Roll,

---

Judgment \$750.00  
Costs " 38.25

---

Total \$788.25

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Filed, April 10<sup>th</sup> A.D. 1895.  
G. H. Brayenbuhl  
Clerk

161

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Frank Warner, Atty for Plaintiff  
Carver, Minn.



State of Minnesota  
District Court Eighth Judicial District  
County of Carver

Mary Fanka 3  
August 2  
Heinrich Schulte 3

Madam You will please to take notice that the above named defendant will move the Court above named, at the Chambers of the Judge thereof in the City of Shanghai in the County of Scott in the State of Wisconsin on the 16<sup>th</sup> day of December A.D. 1874 at 10 o'clock in the forenoon of that day to relieve the above named defendant from the judgment entered against him in the above entitled action in favor of the above named plaintiff on the 10<sup>th</sup> day of April A.D. 1875; and that said judgment and all proceedings had under the same be vacated and set aside as void. That said motion is made upon the following Rule in said action and all papers on file therein as well as all records of said Court in said action which said records and papers will be read in support of said motion. The grounds of such motion are that the said Court never acquired or ~~had~~ <sup>never</sup> jurisdiction of the person of the defendant or any jurisdiction whatever in said action, and that all proceedings had in said action subsequent to the return of the summons by <sup>the</sup> officer serving the same were

I, J. J. Sandquist being duly  
 sworn on oath say that on the 1st day of December 1894  
 in said corner county I personally served the within  
 notice of motion on the within named plaintiff  
 by delivering to her in person a true copy of  
 said within notice of motion. And that I personally  
 know the person to whom said notice of motion  
 was delivered the plaintiff within named.  
 Witness my hand and seal  
 this 1st day of December 1894

J. J. Sandquist  
 Justice of the Peace.

Filed December 1st 1894  
 J. J. Sandquist  
 Clerk

Notice of Motion

141

In testimony whereof  
 I have hereunto set my hand  
 and seal this 2nd day of December 1894  
 J. J. Sandquist  
 Justice of the Peace  
 Charles M. M. M.

District Court  
Carron County

Mary Tanaka }

Henrich Schulte }

At common law, and independent of statutory  
process can only be served upon the defendant per-  
sonally.

Section 55 Chap 41, Page 791, Vol 2 Revis Minn Stats is  
an innovation upon the former practice and is limited to  
cases expressly provided for by that statute. See note to said  
section and cases there cited. Also cases referred to on page  
517 Vol 1 Waite Practice. See 11-Page 530. Waite Practice

The affidavit in this case, filed to ~~obtain~~ <sup>obtain</sup> an  
~~order~~ <sup>order</sup> for publication of summons, and upon which  
~~summons~~ <sup>summons</sup> was ~~made~~ <sup>made</sup> was an attempt to comply with the  
second subdivision of said sec 55; but the attempt  
was not successful.

In order to enable the court to acquire  
jurisdiction of the person of defendant in this action  
the defendant must be a resident of this state at  
the time of the filing of the affidavit, and publication  
of the summons

In this case the affidavit upon which the ~~summons~~ <sup>summons</sup>  
~~was published~~ <sup>was published</sup> ~~was made~~ <sup>was made</sup> states in plain language that  
the defendant was not then a resident of the state

The statement therein that he was before that  
time such resident has no force. In fact the affida-  
vit not only fails to state what the statute requires, but  
plainly alleges that, there is no grounds upon which such  
an affidavit can be based. See section 61, of said Chap 41



It does not appear that said summons was properly published. The affidavit of publication states that it was published for six consecutive weeks, and gives the first and last days of such publication. The statute requires that it should be published "once in each week for six consecutive weeks." - Sec 5-a - Page 292

District Court  
Carmen County

Mary Lamb  
Hannah Schulte  
" "  
Breitz

Filed, December 16th 1896,  
G. W. Wagoner  
Clerk

161

Barter & Child  
By D. C. C. C.



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

---

Mary Tanka  
ag<sup>t</sup>  
Henrich Schult

---

Order denying Motion

Filed, December 16<sup>th</sup> 1886  
G. H. Raynolds  
Clerk

161

Copies Served on Raynolds & Child  
Atty for H. Schult Dec 26, 1886

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

Mary Tanka  
vs  
Heinrich Schult

Order on motion

This cause having been brought on for hearing, before me, at my chambers, in Shakopee, on the 16<sup>th</sup> day of December, A.D. 1876, upon the motion of the Defendant in said action, for an order setting aside, and vacating the judgment in said action.

After hearing Baxter & Child Atty. for said defendant in support of said motion, and Frank Warner Esq Atty. for said plaintiff in opposition thereto;

It is ordered, that said motion be, and the same hereby is denied.

Dec 23<sup>d</sup> 1876

S. M. Brown  
Judge

State of Minnesota  
District Court Eighth Judicial District  
County of Carver

Mary Tanka }  
                  } against  
Henry Schultz }

I the undersigned Attorney  
of record for the plaintiff in the  
above entitled action do hereby  
certify and acknowledge that  
the judgment entered rendered  
and docketed in the above named  
court on the 10<sup>th</sup> day of April A.D. 1877  
in favor of said plaintiff and  
against said defendant for  
the sum of seven hundred and fifty  
dollars and costs of said action  
(Said judgment being recorded on page  
426 in the judgment book in the office  
of the clerk of said court of said  
Carver county) - has this day  
been fully paid and satisfied  
and said clerk of said court is hereby  
authorized and directed to enter  
this satisfaction of record

Witness my hand and seal this  
18<sup>th</sup> day of January A.D. 1877

Signed, sealed and  
delivered in presence of  
L. B. Bunker  
G. H. Bunker

Frank Warner (Seal)  
Attorney for plaintiff



State of Minnesota  
County of Carver. Be it known  
that on this 18<sup>th</sup> day of January  
A.D. 1874 personally appeared  
before me, Frank Mearns, a man  
known to be the person described  
in and who acknowledged the  
 foregoing Satisfaction of judgment  
and he in due form of deed  
acknowledged that he executed  
the same fully for the uses and  
purposes therein expressed.

J. H. Wrayenbuhl  
Notary Public, Carver Co.,  
Minnesota.

District Court  
Carver County

Mary Towner

Mary Schulte

Satisfaction of judgment

Filed and Entered  
January 18<sup>th</sup> 1874  
J. H. Wrayenbuhl  
Notary

Booklet 212.



No. 806

DISTRICT COURT,  
CARVER COUNTY, MINN.

John Gregg & Wm. B. Brewster doing business  
as Gregg & Brewster  
Plaintiff.

VS.

Lucius Howe & Son  
Defendant.

Baxter & Peck  
Plaintiff's Attorney.

Wm. F. Thompson  
Defendant's Attorney.

Date of Entry March 3rd 1874

Register of Actions "A" Page 166

Term Tried April General 1874

Judgment for .....

Amount of Judgment \$ .....

Date of Judgment ..... 1 .....

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

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

Date of Docketing ..... 1 .....

Notes State of Minnesota  
Dist. Court 8<sup>th</sup> dist.  
Barn County.

John W. Gregg and William B.  
Greewood partners doing business  
as Gregg and Greewood.

- 1852

Lucius Howe and Simon C Howe  
partners doing business as  
C. Howe and Son.

The plaintiffs in the above entitled action  
for complaint therein states and shows to the  
Court: That for one year last past  
said plaintiffs have been and still are  
copartners doing business under the firm  
name and style of Gregg and Greewood.

Plaintiffs further say that that for more  
than one year last past said defend-  
ants have been and still are co-  
partners doing business under the firm  
name and style of C. Howe and Son.

Plaintiffs further says that for some  
time prior to the 10<sup>th</sup> day of Oct 1873 the  
said plaintiffs and defendants have  
business transaction together, that on  
the 10 day of October 1873, the said  
plaintiffs and defendants have a settle-  
ment and an accounting together  
that upon such settlement and

accounting there was found a  
balance due upon account stated  
from the defendants to these plaintiffs  
of the sum of two hundred and  
fifty dollars, which said these  
defendants promised that they  
would pay, that though after  
repudiation said defendants have  
not paid the same or any part  
thereof, that the same is now due  
and owing these plaintiffs from  
said defendants with interest thereon  
since said 10 day of Oct, 1873

3 For a second cause of action against  
defendants plaintiffs aver that on the  
14 day of November 1873, at the special  
instance and request of said defendant  
the said plaintiffs sold and delivered  
to said defendants, seven thousand  
bricks at the agreed and stipulated  
price of \$8.50 per thousand, less the  
freight which amounted to the sum  
of ten dollars, leaving balance due  
upon said seven thousand bricks from  
said defendants of \$49.50, which  
said defendants promised to pay,  
that though after repudiation said  
defendants have not paid the  
same or any part thereof



that there is now due and  
owing the Plaintiff the sum  
of \$49.50 and interest there since  
the 14<sup>th</sup> day of November 1873.

Whose Plaintiff demands, judg-  
ment against said Defendant  
for the sum of \$299.50 and  
interest on \$250 since Oct 10<sup>th</sup>  
1873. And interest on \$49.50 since  
the 14<sup>th</sup> day of November 1873. with  
costs and disbursements of suit.

Baxter and Peltz

Attys for Plaintiff  
Christie.



STATE OF MINNESOTA, }

County of *Cotton* }

District Court,

*8<sup>th</sup>*

Judicial District.

*Gregg v. Giesse*

AGAINST

- *L. Home & Son*

*Filed, March 2<sup>nd</sup> 1874.*  
*G. H. Gray*  
*Clk*

*Baxter & Peck*

Attorney.

*Plaintiffs*

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

*166*  
*Min.*

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

H. J. Peck

being duly sworn, doth depose and say, that the foregoing Complaint  
is true to the best of his knowledge, information and belief; and deponent further  
says that he is one of the  
Attorney in the action in said Complaint entitled, and that the  
reason why the said Complaint is verified by this deponent and not by  
Huntz is that said Huntz are  
absent from the County of Cannon wherein this  
deponent resides

Subscribed and Sworn to before me,

On this 3<sup>d</sup> day of March

A. D. 1874

J. Graymuhl  
Notary Public

H. J. Peck

Original

Filed on the 3<sup>rd</sup> day.

STATE OF MINNESOTA.

County of Leavenworth

District Court,

4 Judicial District.

James T. Arnold

- vs -

R. Howe & Sons

SUMMONS.

Filed April 1<sup>st</sup> 1874  
By Henry M. Smith

Henry M. Smith

Arthur A. Beck

Attorney.

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

Chas. M. Beck

76-

State of Minnesota } ss  
County of Leavenworth }

I hereby certify and return that at the town of Charles in said county and state on the 3<sup>rd</sup> day of March 1874 I served the within summons upon the within named defendant, by reaching the same to him and deliver a copy thereof to Lewis Chas. service ~~1874~~ Howe, one of the Defendants.

Copy

15

Mileage

20

125

J. E. D. to wit Sheriff of Leavenworth Co  
By W. Schoonborn Deputy Sh.

STATE OF MINNESOTA,

DISTRICT COURT,

County of *Cannon* } ss.

8<sup>o</sup>

Judicial District.

*John W. Guy and William B. Burdick  
Hunting Union, against as Guy and  
Burdick vs  
Lucius Howe and Emory L. Howe  
Hunting Union, against as L. Howe & Co.*

SUMMONS.

THE STATE OF MINNESOTA,

To the above named Defendant.

You *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 *their* office in *Chaska*

in the County of *Cannon* 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 \$299.50 and interest on \$250. from the 10<sup>th</sup> day of Oct., 1873. and interest on \$49.50 from the 14<sup>th</sup> day of November 1873. with costs*

Dated \_\_\_\_\_ A. D. 187

*Baxter & Beck*

Plaintiff's Attorney.

*Chaska*

Minn.



Folio 1 State of Minnesota District Court  
County of Carver 8<sup>th</sup> Dist.

John W. Gregg & William B. Griswold  
partners doing business as  
Gregg & Griswold - R'ts }  
as } Answer  
Lucius Home and Emma L  
Home, doing business as L  
Home & Son - depts }

defendants, for answer to plaintiffs  
Complaint herein allege:

I Defendants admit that the parties  
hereto are copartners as in that behalf  
alleged in plaintiffs complaint.

II That between the 1<sup>st</sup> day of August  
and the 1<sup>st</sup> day of November A.D. 1873, defendants  
were employed as agent for plaintiffs  
to effect sales of bricks, for said plaintiffs  
at the city of Saint Paul, Minn., and  
during said time sold for plaintiffs  
about 20000 of bricks.

III That on the 25<sup>th</sup> day of October  
A.D. 1873, plaintiffs and defendants  
had a partial accounting together,  
and of the matters therein considered,  
it was found that about 30000  
of bricks sold by defendants

as aforesaid to one J. P. Shaw, who had not paid for the same, had not previously been accounted for by defendants, and were then and there of the agreed value of Two Hundred and Fifty dollars.

IV That defendants then & there gave to plaintiffs a written order on said Shaw for the payment of said \$250. - the same being due from said Shaw for said bricks, and plaintiffs received and accepted the said order in full satisfaction thereof, and for said account, and for the balance agreed upon of and concerning the matters in said accounting considered.

V That afterwards, said plaintiffs presented said order to said Shaw, and said Shaw duly accepted the same and said plaintiffs made use of the same.

VI Defendants admit that on the 14<sup>th</sup> day of November A.D. 1873, they purchased of plaintiffs 5000 of bricks, and no more, at the price of \$8<sup>20</sup> per thousand, less ten dollars for freight amounting in all to \$32<sup>30</sup> and no more.



III Defendants deny that they are indebted to plaintiffs in any sum, and care as aforesaid deny each and every allegation matter or thing in said complaint contained, and each and every portion thereof, whether as therein stated or otherwise.

II

Defendants further Answering, and as a counter claim herein allege;

I That between the 1<sup>st</sup> day of August and the 1<sup>st</sup> day of November A.D. 1873 defendants, at the special instance and request of plaintiffs did and performed services and labor for plaintiffs in effecting and making sales of bricks for said plaintiffs, in the city of St. Paul Minn, and acted as plaintiffs agent with respect thereto, and sold for plaintiffs as aforesaid about 20000 of bricks.

II That said services and labor were reasonably worth and of the value of One Hundred dollars, and plaintiffs are justly indebted to defendants therefor in said sum, and no part of of the same have plaintiffs paid.

III

dependents for a further counter  
claim herein allege;

II That between Feby 1<sup>st</sup> and  
September 1<sup>st</sup> 1874, defendants, at  
the special instance and request  
of plaintiffs, and to and for plaintiffs  
as follows: Kept, cared for and  
fed three Horses from Feb 7<sup>th</sup> to April  
5<sup>th</sup> 1873 - furnished a Sled and  
Harness - sold and delivered  
one Neck Yoke, two Whiffle trees,  
two Clevis, one double tree -  
and 2 5 $\frac{1}{2}$  Gallons of Oil, Shipped  
upon boat 15-600 of bricks - and  
did and performed work, labor,  
and services by men and teams -  
And sold and delivered to plaintiffs  
one large hammer Wrench - all  
of the aforesaid were of the reasonable  
worth and value of Two Hundred  
and twenty five dollars, and plaintiffs  
are indebted to defendants on  
account therefor in said sum of \$225<sup>00</sup>  
and a Bill of Particulars of the same is  
hereto annexed and marked Exhibit  
"A" and made a part of this answer  
and counter claim, and the items  
therein are correctly stated therein



State of Minnesota, E. L. Horne being first duly sworn  
 County of Ramsey, deposes and says that he is one of  
 the defendants in the above entitled action, and  
 that the foregoing answer is true to his own  
 knowledge except as to those matters therein  
 stated as his information and belief and as to  
 those matters he believes it to be true -  
 Subscribed and sworn to before me this  
 19th day of March A.D. 1894  
 W. H. Mead Notary Public Ramsey Co Minn. E. L. Horne

## Exhibit "A"

Gregg & Griswold in acc  
 with L. Horne & son

1873	Feb 7	In keeping 3 Head Horses from	
		Feb 7 <sup>th</sup> to April 25 <sup>th</sup> 1873	\$138.60
	March 10	In use of sled 13 days —	6.30
		In use of Harnes from	
		March 10 <sup>th</sup> to June 1873 —	5.00
		To 1 Neck Yoke, two Whiffletrees	
		and two Clevis + one double tree -	6.25
May		To 15 Gallons Lard Oil	21.00
		To 10 1/2 Gallons Lubricating oil	8.40
		To Boating 600 Bricks	1.00
	July 14 & 15	To Man & Team 1 1/2 days —	6.00
	" " "	To one Man 1 1/2 days —	3.00
	" 30	To Boating 15000 Bricks -	27.75
		To 1 large Hammer wrench	1.00
			\$225.05
	May	By Cash	\$10.00
			\$215.05

State of Minnesota  
 County of Ramsey  
 District Court  
 in and to wit.

Gregg & Griswold  
 vs  
 L. Horne & son

Answer

Filed April 19th A.D. 1894  
 W. H. Mead Notary Public  
 Ramsey Co Minn.

215.05  
 75.50  
 210.55

Mead & Thompson  
 depts atty  
 of Genl Minn

and the keeping, care and feeding  
of said horses, and the use of said  
Hed and Harness, and said Neck  
Yoke and two Whiffletrees and two  
clevis, and one double tree, and said  
25½ Gallons of Oil and the Chipping  
of said 15-600 of bricks and said  
Work and labor and services and  
said Wrench were each and all  
at and of the times therein stated  
item by item, and of the reasonable  
worth and value item by item  
as therein stated, and no part of the  
same has been paid except the sum  
of ten dollars paid as therein stated.

6  
III Wherefore defendants ask  
that the aforesaid sums of \$100  
and \$225<sup>00</sup> less paid \$10<sup>00</sup> be allowed  
as a counter claim herein against  
the aforesaid \$325<sup>00</sup> and that  
defendants have judgment  
for the balance, to wit the sum of  
\$282<sup>50</sup>, and interest thereon  
from and since the 1<sup>st</sup> day of  
November A.D. 1878 besides the costs  
and disbursements herein -

Mead & Thompson  
Defendants attys  
St. Paul - Minn

*Original*

# SUBPENA.

DISTRICT COURT,  
CARVER COUNTY.

IN THE MATTER OF

*Gregg and Griswald*  
vs.  
*Ch. Blaine & Son*

Subpena on the part of

*Plaintiffs.*

State of Minnesota, }  
Carver County. }

*April 7th* 1874

I have duly served the within by reading  
the same to the within named *H. Hump*  
*Adler Melson*

as I am therein commanded.

*F. E. Du Toit* Sheriff.

FEES--Service, .....	\$	<i>50</i>
Mileage, .....	\$	<i>20</i>
Return, .....	\$	<i>70</i>

Filed in said Court this *March*  
day of *April* A. D. 1874

*W. H. Hump* Clerk.  
*Attorney.*



**SUBPENA.**

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

To

Adler Melchow

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~~ at ~~clock~~ in the noon, then and there to give evidence in a cause to be tried between

Gregg and Griswold

Plaintiffs

and L. Howe & Son

Defendant on the part of the

Mainiffs

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 Maple, in said County, this fourth  
day of April in the year 1874.

G. Strayentuhl

Clerk.



State of Minnesota, H. J. Puck being duly sworn says  
 County of Le Sueur.  
 that he is one of the attys for Puff in the within subtitle action, that  
 Alward Thompson of St Paul an atty for Capt. that there is  
 a daily U.S. Mail running between Saint Charles the residence of the  
 applicant and said City of St Paul. that on the 14<sup>th</sup> day of March  
 1874 this applicant caused the within notice of trial to be sent  
 atty for Capt. by mail at Charles a properly enclosed in an  
 envelope a true copy of address to Alward Thompson at St  
 Paul Minn. and depositing the same in the Post office and  
 paying the postage thereon.  
 Subscribed and sworn to  
 day of April 1874

H. J. Puck.

G. H. Maymunt, Clerk of Court  
 Le Sueur County

STATE OF MINNESOTA,

County of Le Sueur

District Court,

8

Judicial District.

Guy & Fowler

AGAINST

L. Howe & Son

## NOTICE OF TRIAL.

Due service of the within notice is hereby ad-  
 mitted this 19<sup>th</sup> March 1874 day of

A. D. 187

Attorney for

Barker & Puck

Attorney for

Plaintiff

Filed this

April 1<sup>st</sup>

day of

A. D. 1874

G. H. Maymunt

Charles

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

The

STATE OF MINNESOTA,

DISTRICT COURT,

County of *Cum*

ss.

8

Judicial District.

*John W. Gugg & William B. Gugg  
parties as Gugg & Gugg*

AGAINST

Notice for Trial.

*Lucius Home & Corrado L. Home  
parties as L. Home & Son.*

Sir: You will Please take Notice, That *the case of fact*  
the above entitled action, will be brought on for *trial*  
at the next *General* Term of this Court, to be held  
at the Court House, in the *Village*  
of *Chaska* — in said County, on the *6<sup>th</sup>* day of  
*April* 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,

*Barton & Peck*

Attorneys for *Plaintiffs*

To *Mead & Thompson*

Attorney for *Def.*

State of Missouri }  
List Compt & Secy }

John W. Gray, Esq. & William B. Griswold  
Parties, doing business as  
Gray & Griswold

- 95 -

Lucius Stone & Corcoran & Stone }  
Parties, doing business as }  
L. Stone & Son. } Reply,

<sup>as the parties referred to in the</sup>  
The Plaintiffs, for reply to the new matter  
Counterclaim set up in said cause  
claim each and every allegation and statement  
therein contained,

Wherefore Plaintiffs demand, judgment  
as in his said Complaint.

March 19<sup>th</sup> 1874,

Baxter & Peck

Attys for Plaintiffs



STATE OF MINNESOTA, }  
County of Cum

DISTRICT COURT.

8

Judicial District.

Griggs & Grinnell

AGAINST

L. Howe & Son

Kelly

**Affidavit of Verification by Party.**

Filed April 14<sup>th</sup> AD 1874.  
Wm. H. H. H. H. H.  
Chase

Baxter & Peck

Plaintiffs

Attorney.

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

166

State of Minnesota, }  
County of Cum } ss.

H. J. Peck

being duly sworn, doth depose and say, that he is Attorney for Plaintiff  
in the action in the foregoing Reply entitled, and  
that the said Reply 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. That the reason this  
verification is made by this officer is not by said  
reply is that said Plaintiff is now absent from said Court  
Subscribed and Sworn to before me, when this affidavit was made  
H. J. Peck.

this 19<sup>th</sup> day of March A.D. 1874

J. H. Weyenbuck, Clerk of said Court  
Barrelebury

Gregg & Griswold  
L. Howe & Son

1874.  
April 9.

Leonard Van Sloan  
Johannes Johnson  
John Ethell  
George Metz  
Christ Grotke  
Richard Schuller  
Valentin Hendgraf  
Henry Broeck  
James J. Dougherty  
Charles Johnson  
Jacob Reitz  
Henry Schwalbe

Settled by the  
parties.



Gregg & Griswold  
per  
L. Howe & Son

1874

April 1st

Leonard Hanblum  
Johannes Johnson  
John Etzell  
George Mith  
Ephraim Gault  
Michael Schuller  
Valentine Heinsdorf  
Henry Ehrack  
~~Henry Gault~~  
James J. Haugherty  
Charles Johnson  
Jacob Reitz  
Henry Schwallen

No. 807

DISTRICT COURT,  
CARVER COUNTY, MINN.

Wilhelmina Legelin  
Plaintiff.

Joseph B. Legelin  
US.  
Defendant.

J. A. Sargent  
Plaintiff's Attorney.

B  
Defendant's Attorney.

Date of Entry March 13th 1874

Count  
Register of Actions "A" Page 159

Term Tried 19

Judgment for Plaintiff

Amount of Judgment \$ 100.00

Date of Judgment Oct. 8th 1874

Minute Record  
Judgment Book "A" Page 116

Default Judgment Book 19

Date of Docketing 19

M 1 State of Minnesota } In District Court  
County of Carver } 8<sup>th</sup> Judicial Dist

Wilhelmina Logelin  
against  
Joseph B. Logelin

The above named  
plaintiff respectfully states and shows  
to the Court. That she has resided  
in said State of Minnesota during  
all the time for the past twenty years.  
That she is of the age of sixty four  
years — that the age of said depend-  
ant is fifty four years —

And Plain-  
tiff further states to the Court. that  
she and said defendant were  
duly married to each other in said  
County of Carver on the 16<sup>th</sup> day of  
May 1868 by the Rev Mr Stern.

And Plaintiff complains and  
avers further — That in ~~or about~~  
July A.D. 1870. the said defendant,  
without just cause, willfully deserted &  
left this plaintiff and has willfully neglected  
and refused <sup>ever</sup> since said July 1870, to



provide for, or in any manner, either  
directly or indirectly maintain this Plaintiff  
thru said willful desertion, by said defend-  
ant, as aforementioned, has continued  
for more than three years next pre-  
ceding the commencement of this  
action

Wherefore this Plaintiff  
prays the Court for a decree  
3 dissolving the marriage contract  
between this Plaintiff and said  
defendant - and for her costs

J A Sargent  
Sgt's Att  
Christchurch

State of Minnesota  
County of Carver

ss

Carver

personally before me Wilhelmina  
Logelin and being first duly sworn  
in oath says that she is the Plaintiff  
in the above entitled action  
that she has heard the said  
complaint read and knows  
the contents thereof - that the  
same is true of her own knowl-  
-edge, except as to those matters  
stated in information and  
belief and as to those matters  
she believes it to be true -

Sworn to before me this  
5th day of July  
A.D. 1874

Notary Public  
Martin of the River

Wilhelmina Logelin

State of Minnesota } ss  
County of Cannon

Came personally  
before me Mathias Loyelin and being first  
duly sworn on oath says that he served  
the within summons and compliance  
upon the within named defendant Joseph  
B. Loyelin by mailing - and delivering  
to him true copies thereof in Chaska  
in said County of Cannon on the 7<sup>th</sup>  
day of February A.D. 1874

Sworn & Subscribed Mathias Loyelin  
to before me this 13<sup>th</sup>  
March A.D. 1874

J A Sergeant Justice Peace



DISTRICT COURT.

*8th*

Judicial District.

County of *Cornwall*

*Wilhelmina Logelin*  
*against*  
*Joseph B. Logelin*

SUMMONS.

*Complaint*  
*originals*

*J A Sargent*

*Plaintiff, Attorney*

No. 26.

State of Minnesota,  
County of Carnes

DISTRICT COURT.

8<sup>th</sup>

Judicial District.

Wilhelmsson, Logelin  
Logelin  
Joseph B. Logelin

SUMMONS.

THE STATE OF MINNESOTA To the above named Defendant:

You Joseph B Logelin 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 subscriber, at his office in

Chaska in said County

within ~~twenty~~ <sup>thirty</sup> days after the service of this summons upon you, exclusive of the day of such service, and if you

fail to answer the said complaint within the time aforesaid, the Plaintiff in this action will apply  
to the Court for the relief demanded  
in said Complaint

Dated

July 5<sup>th</sup>

A. D 1877

W A Senger

Plaintiff Attorney, Chaska Minn.

State of Minnesota  
County of Carver

Wilhelm Soglin  
agm

Joseph B. Soglin

— — —

Filed, March 13<sup>th</sup> 1894.

G. H. Brungenbuhl

Clerk.

— 159 —





State of Minnesota }  
County of Le Sueur } ss In the Le Sueur  
County of Le Sueur } ss 8th Min

I Peter Altis duly appointed Referee in an action wherein Wilhelmina Logelin is Plaintiff & Joseph B Logelin is Defendant, do solemnly swear that I will faithfully & fairly hear & examine this action and make a just & true report thereon according to the best of my understanding and ability so help me God.

Sworn & subscribed to  
before me this 23<sup>d</sup>

May 11<sup>th</sup> 1874

Peter Altis

Jt Sergeant

Justice of the Peace

State of Minnesota  
District Court, Eighth Judicial District,  
County of Carver.

Wilhelmina Logelin

ag't

Joseph B. Logelin

On the summons and  
Complaint in the above entitled action, and  
on due proof of service of the same on the Defen-  
dant personally, and of his failure to answer  
or demur thereto within the time required by law,  
or otherwise to appear in said action, On motion  
of J. A. Sargent, Attorney for the Plaintiff, no one  
appearing to oppose, it is ordered that the said  
action be and the same hereby is referred to  
Peter Altis of said County of Carver as sole  
Referee to take the proofs on the part of the said  
Plaintiff therein, and to report the same together  
with his opinion thereon, to this Court with all  
convenient speed. Dated May 22. 1874.

By the Court.

A. G. Chatfield  
Judge &c.



in said action should be granted.

All of which is respectfully  
submitted —

Peter Lth's reference  
dated this 27 July

1874 —

Wilhelmina Lagelin being duly sworn  
and testified I am plaintiff in the  
above entitled action I was married  
to Joseph B. Lagelin the Defendant 1868  
in Carver County Minnesota and have  
lived in said state ever since that time  
in July 1870 the said Defendant without  
just cause willfully deserted this  
Plaintiff and ever since that time  
willfully neglected and refused to provide  
for & or maintain this plaintiff  
in any manner what ever  
sworn to before me this  
27<sup>th</sup> Day of July A.D. 1874

Peter Lth's

Willhelm Gebhart first being duly  
sworn and testified I know the Parties  
in this action I am son of plaintiff  
& always lived with her I am nineteen  
years of age plaintiff married my  
mother some time in ~~1868~~ 1868 and  
lived with her two years about  
July 1870 Without just cause left



State of Minnesota  
County of Hennepin

In said County  
8<sup>th</sup> April 1874.

Wilhelmina Logelin  
against  
Joseph B. Logelin

To Hon. W. S. Chatfield  
Judge of said County

Pursuant to  
an order of this Court made in  
the above cause on the 22<sup>d</sup> day of  
May A D 1874 by which it was  
referred to me to take the proof of the  
plaintiff in said action, and report  
the same to the Court with my  
opinion thereon. That having  
been attended by J. A. S. Maynard Esq  
the Attorney for the plaintiff in said  
action I proceeded to a hearing of  
the matters alleged in said com-  
plaint. I further report that  
on such hearing I took proof of the  
facts (+ reduced the same to writing  
which is hereto attached) stated in  
said complaint + find that the  
facts therein stated are true, + that  
the relief prayed for by plaintiff

State of Minnesota  
County of Carver  
Wilhemine Logelin  
vs  
Joseph B. Logelin

Return of Referee

John Octob. 8<sup>th</sup> 1894  
Guthrie  
J. Octob. 8<sup>th</sup>

189

My Mother and had never returned  
since and My Mother Never Received  
any support from him Directly or  
indirectly.

John Hinchberger Duly sworn  
I know the Plaintiff of this action  
as a man and resided near here  
four years Defendant have left  
the house of the Plaintiff  
nearly four years and has not  
lived with her during  
all that time

sworn to this 27<sup>th</sup> Day of July A.D. 1874

Peter Lth - Referee

State of Minnesota  
District Court  
County of Carver,

---

Wilhelm. Hoegelin  
vs  
Joseph B. Hoegelin,

---

Order of Court  
Jas. Moore,

---

Filed October 18, 1894.  
Cathryn C. Hull  
Clerk

-159-



State of Minnesota.

District Court, Eighth Judicial District.

County of Carver.

Wilhelmina Logelin

vs

Oct. Term 1874.

Joseph B. Logelin

On reading of filing report of Referee in the above entitled action, whereby it appears that the allegations of fact in the Plff's complaint in said action, are in substance and matter of fact true, on motion of J. A. Sargent, Atty for Plff. No one appearing to oppose. It is ordered that the said Plaintiff have judgment or decree against the defendant for the relief by her in and by her said complaint demanded. The Clerk will sign and enter judgment accordingly.

Oct. 8th 1874

By the Court

A. G. Chatfield

Judge &c

State of Minnesota  
District Court  
8th Judicial District  
County of Carver.

Wilhelmina Logelin

against  
Joseph B. Logelin.

Decree.

This action having been brought on for hearing before said Court at the General Term October 8th AD 1874. and on reading and filing the report of the Referee in the above entitled action whereby it appeared that the allegations of fact in the Plaintiff's Complaint in said action, are in substance and matter of fact true, the Court ordered judgment for the Plaintiff for the relief demanded in the Complaint.

Wherefore upon motion of J. A. Sergeant Attorney for Plaintiff, It is adjudged and decreed, and the decree of this Court is that the marriage contract between said Plaintiff and Defendant is no longer of any force and effect and a Decree of Divorce is hereby granted said Plaintiff against said Defendant.

Dated October 8th AD 1874.

By the Court:

J. H. Hagenbuhl  
Clerk.

State of Minnesota  
District Court  
County of Carver,

---

Wilhelmina Logelin  
vs  
Joseph B. Logelin.

---

Judgment Roll.

---

Divorce.

---

Filed, October 8<sup>th</sup> A.D. 1874.  
Gefhrayembuhl  
clerk.

---

J. A. Sargent, Atty for Plaintiff  
Lehman, Minn.



No. 808

DISTRICT COURT,  
CARVER COUNTY, MINN.

In the Matter of the Application of  
Frederick Flanke + Frederick  
Doehtz for an appeal from the <sup>Plaintiff.</sup>  
Decision of the Board of Supervisors  
of the Town of Young America  
County of Carver, Minnesota  
Defendant.

Rafter + Beck for Plaintiff.  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry March 2<sup>nd</sup> 1874  
Register of Actions "A" Page 192 1/2  
Term Tried 19  
Judgment for \_\_\_\_\_  
Amount of Judgment \$ \_\_\_\_\_  
Date of Judgment 19  
Judgment Book \_\_\_\_\_ Page \_\_\_\_\_  
Default Judgment Book \_\_\_\_\_ Page \_\_\_\_\_  
Date of Docketing 19



State of Minnesota  
County of Carver } ss

In the Matter of the Application  
of Frederick Klunk and  
Frederick Doltz for an  
Appeal from the decision  
of the Board of Supervisors  
of the Town of Young  
American County of Carver

We the undersigned  
Frederick Klunk and  
Frederick Doltz feeling  
aggrieved by reason of  
the laying out of a  
certain Road or Highway  
by the Supervisors of the  
Town of Young American  
in said County as will  
more fully appear  
by the proceedings and  
orders of said Board  
of Supervisors copies  
of which are hereto  
annexed and marked  
"A" and made part of  
this Application, which  
said order laying out

and Establishing said  
Road was made and  
filed in the Office of  
the Town Clerk of the  
Town of Young America  
in said County on the  
14<sup>th</sup> day of February A.D.  
1874. We the undersigned  
therefore desire to appeal  
from said Order laying  
out and Establishing said  
Road for the following  
reasons and Causes  
to wit:

1<sup>st</sup> That said Supervisors  
have not <sup>allowed</sup> any or sufficient  
damages by reason of  
the laying out and  
Establishing said Road.

2<sup>d</sup> That said  
Road or Highway is  
unsafe and unsuited  
to the traveling public  
and therefore that the  
decision of said Supervisors  
should be entirely reversed.

3<sup>d</sup> That said  
Supervisors have not

Application

Fred Klauke

" Dollz  
Es

Board of Supervisors  
of the Board of  
Young American

Appeal

filed Feb 17  
A.D. 1874

Thomas Ellsworth  
Justice of the Peace

filed March 19th A.D. 1874  
Cathrynville, Cal.



acted within their  
jurisdiction in laying  
out and establishing  
said Road

And that no com-  
pensation has been  
first paid or secured  
to them applicant,  
previous to allowance  
of the order a copy  
of which is hereto  
annexed

Sworn to and  
Subscribed before  
me this 17 day of  
February A.D. 1874  
x Thomas Ellsworth

x Friedrich Klantke  
x Friedrich Dettz

Justice of the Peace



Knows all men by their  
Presents, that the Frederick  
Blank and Frederick  
Doltz as principals and  
John Wolter Julius Schales  
as sureties all of the  
County of County of Carver  
State of Minnesota are  
held and firmly bound  
unto the Supervisors of  
the Town of Young  
America in said County  
in the sum of one  
hundred dollars  
lawful money of the  
United States to be paid  
unto said Board of  
Supervisors for the pay-  
ment of which well  
and truly to be made  
and done we bind  
ourselves our heirs  
and assigns jointly,  
severally and firmly  
by their presents and  
with our seals and  
duties this 17 day of  
February A.D. 1874  
The Condition of the

above obligation is such  
Whereas the said  
Frederick Klauke and  
Frederick Doltz desire  
to appeal from the  
order of the Supervisors  
of the Town of Young  
America in laying  
out and establishing  
a certain road or  
highway, which said  
order was made on  
the 4<sup>th</sup> day of February  
A.D. 1874, Now if the  
said Frederick Klauke  
and Doltz shall pay  
all costs arising from  
such appeal provided  
the determination of the  
Supervisors shall be  
in favor of them this  
Bond to be void other-  
wise to be and remain  
in full force

Signed and sealed	x Friedrich Klauke	<u>Sent</u>
and presence of	x Friedrich Doltz	<u>Sent</u>
	x John Walter	<u>Sent</u>
	x Julius Schaller	<u>Sent</u>

Albert Meyer  
Henry Fickel

Bond

Fred Klauke

" Doltz

To

Bond of Super  
of the Town of  
Young America

Bond Approved  
and filed this 17 day of  
February A.D. 1874

Filed March 19th A.D. 1874  
Guthrie  
Clark



Carroll County

Town of Young America { ss.

21 J 9

Whereas, upon the petition in writing of James Stocum Jr. Dr. Miles J. Sandquist William Murphy Peter Effertz J. Veltmann David Parks Peter Harms M. J. Parks and S. M. Parks law legal voters residing within one mile of the road herein after described the laying out of which is prayed for in said petition, a copy of their petition having been first duly posted as required by law. we the supervisors of said town. did on the Twenty sixth day of January A.D. 1874. personally examine the said road proposed in said petition for a road to wit, commencing at the south end of Hagl Street on the South side of Young America Station thence running south and south easterly to intersect the Young America and Paxson road, at or near Prautz Lake so called the names of the owners of the lands over which ~~said~~<sup>the</sup> road is to pass, which are known to your petitioners are the following. Frederick Klauke and Frederick Doelz. and having before determining to lay out said road fixed upon a time and place when and where we would meet to hear any reasons for or against the laying out of the same and having caused written notices thereof to be posted up in three of the most public places in said Town <sup>for 10</sup> days previous to the time of such meeting, and having met at the time and place appointed for hearing such reasons, and having heard such as were offered and

21 J 9

being of the opinion that such laying out of the said road is necessary and proper, and that the public interests would be promoted thereby, and having granted the prayer of said petitioners, and determined to lay out the said road, we did on the fourteenth day of February A.D. 1874, cause a survey thereof to be made by a competent surveyor who made report to us as follows to-wit: To the supervisors of the Town of Young America in the County of Carver, and State of Minnesota.

The undersigned having been employed by you to make a survey of a road beginning at the south end of Hazel Street, on the Town site of Young America Station and running south and south easterly to intersect the Young America and Faxon road at or near the outlet of Brants Lake "so called", would report that the following is a correct survey thereof as made by me under your direction to-wit: Beginning at a point 22<sup>1</sup>/<sub>2</sub> rods east, and 16<sup>3</sup>/<sub>4</sub> rods south of the quarter post on the west line of section fourteen (14) Township one hundred and fifteen (115) north of range twenty six (26) it being the south end of Hazel Street, on the Town site of Young America Station, and running south 30° east 8 chains and 15 links, thence south 33° 24' 13 chains 68 links to the Young America and Faxon road. Bearing trees at termination of st. Ash 12<sup>1</sup>/<sub>2</sub> south 60° W 141<sup>1</sup>/<sub>2</sub> links. Spruce 10<sup>1</sup>/<sub>2</sub> W


43 links.

It is therefore endorsed and determined ~~that~~  
~~that~~ that a road be, and the same is hereby laid  
out and established according to said survey and the  
plat thereto annexed, and made part of this  
order, which is hereby declared to be a public highway  
four rods wide, the line of said survey being the  
center of said road.

In witness whereof we the said supervisors have  
hereunto set our hands this 14<sup>th</sup> day of February  
A.D. 1874

signed

A. W. Tiffany  
Frederick Hoffman } Supervisors  
Ch. Ditmars }





County of Carver

I hereby certify and return that at Youngman's in said county and state, on the 21<sup>st</sup> day of February 1874 I served the within summons upon the within named defendant, by Delivering a copy with a return

to the person named as defendant herein in the County of Carver And further, that I know

that the person so served as aforesaid, is the identical person named as defendant herein.

My Fees:—Service,

25

Copy Costs,

Mileage,

2 40

John Weinman Constable.

NO. 2.

In Justice Court,

Fred Klauke  
vs.  
Deltz

The Board of the  
Superiority of the  
State of Iowa

SUMMONS.

Returned and filed this 3 day of

March 1874

Thomas Ellsworth  
Justice of the Peace.

RAMALEY, CHANET & Co., Printers. St. Paul

Filed March 10th 1874  
Superior Court  
St. Paul

STATE OF MINNESOTA,  
County of Carver } ss.

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

You are hereby commanded to summon A. W. Liffany, Frederick Hoffman and Charles Ditmars Supervisors of the Town of Young America 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 3<sup>d</sup> day of March 1874 at 1 o'clock, in the after ~~fore~~ noon, at my office in the Town of Young America in said County, to answer to Frederick Klauke and Frederick Doltz in the matter of appeal from said Supervisors in a civil action; and have you then and there this writ.

Given under my hand, this 17<sup>th</sup> day of February 1874

Thomas Ellsworth

Justice of the Peace.

State of Minnesota  
County of Carver § 88

The State of Minnesota  
to James Stocum for  
Him are  
humbly requiring to appear  
before the undersigned  
one of the Justices of the  
Peace in and for Carver  
County on the 3<sup>d</sup> day of  
March A.D. 1874 at 2.30  
Clock P.M. of said day  
to give evidence in a  
certain Cause wherein  
Frederick Klauke and  
Fred Dolly is Plaintiff and  
the Board of Supervisors  
of the Town of Young  
America are defendants  
on the part of the Plaintiff  
and to produce the  
records in your possession  
as Town Clerk of said  
Town in relation to a  
certain Road laid  
out and established  
by order of said Supervisors  
on the 14<sup>th</sup> day of February



State of Minnesota  
County of Carver

And Klunk

" Dole  
C

The Board of  
Superiority of the  
State of Minnesota  
Amicus

Subpoena

Service	25
Willage	10

Filed March 1st 1894  
S. H. H. H. H. H.  
Clerk

1894-  
Given under  
my hand this 3rd  
day of March 1894  
Thomas Ellsworth  
Justice of the Peace

Vinier for Jury  
Treadwell Blank &  
Treadwell Dollz

S.S.  
A. W. Tiffany  
Frederick H. Hoffman  
Christopher Detmor  
Board of Supervisors  
of the Town of Young  
America

Constable fee  
Service in \$100  
Millage 2.00  
Fainting Jury  
Fainting Out

Filed this 4 day of March  
A. D. 1874

Thomas Ellsworth  
Justice of the Peace

Filed, March 19th A. D. 1874  
G. W. Wray  
Clerk

State of Minnesota }

County of Carver }

The State of Minnesota

To the State Sheriff or any Constable of said County

you are hereby commanded to summon

Colman Rees

James Patterson, Henry Hamaman, J. P. Graft, Harry Thomas, Peter Butterfoss,

George H. Shall, Henry Grim, ~~Boylan~~ N. Martin, J. Boylan, H. Deterick,

~~Kullmann~~ Crist Bovey, N. Deidel, Crist Bovey, E. Albright

the undersigned one of the Justices of the peace in and

for said County on the 4<sup>th</sup> day of <sup>March</sup> at 8 o'clock in the fore

noon of said day in the ~~town of~~ <sup>Union</sup> ~~Young America~~ to make

a Jury for the trial of a civil action between Fred Allan

and Fred Galtz Plaintiff and the Town of Young America

Defendant and have you then and there this writ

Given under my hand this

3<sup>rd</sup> day of March A. D. 1874

Thomas Ellsworth

Justice of the Peace



Objections

Filed this 3 day of March  
A.D. 1877

Thomas Ellsworth  
Justice of the Peace

Filed, March 19th A.D. 1877  
J. H. Weyenbuhl  
Clerk

Flanker & Dolly

- 45 -  
The ~~Commons~~ <sup>Admiral</sup> of the <sup>Admiral</sup> <sup>Admiral</sup>

- kept after a specially and  
moved to dismiss and the ground  
that the return of the officer did  
not show where return of summons  
1. Return it did not show personal  
return by reading  
2. That the summons is returnable more  
than 12 days from date of summons  
Notion overruled - Appeal & costs

Thomas Ellsworth  
Justice of the Peace

Filed this 4 day of March  
A.D. 1874

Thomas Ellsworth  
Justice of the Peace

Filed March 19th A.D. 1874  
G. H. Maynard  
Clerk



Klamath County

- 23 -

The Board of Supervisors  
of Klamath

} Under the special  
appearance of the  
Respondent the  
Court for Respondent

Moved to dismiss the appeal and  
assigns the following reasons:

- 1 Because the appeal is not in conformity  
with law, in that, the notice does not state the  
amount of damages claimed in the appeal,  
which is necessary to give the Court jurisdiction.
- 2 Because the parties join in the appeal  
~~the~~ and seek to have their intent which  
are opposite determined by one jury
- 3 Because no notice of appeal was ever  
served on the Chairman of the Board of Supervisors  
as provided by law.

Copied from original kept on file

Thomas Ellsworth

Justice of the Peace

Witness my hand this 1st day of

State of Minnesota  
County of Carver

Fredrich Klunke  
Fredrich Dolt

<sup>appt -</sup>  
The Board of Supervisors  
of the Town of Young America

After the jury in the  
above entitled action hereby  
return the following verdict.

That the Establishment of the  
road in question by the  
Board of Supervisors of the  
Town of Young America  
was unauthorized and their  
decision Establishing said  
road is hereby reversed  
and declared improper

J. H. Thomas  
James P. Croff  
Christian Bory  
James <sup>his</sup> Patterson  
George H. Skell  
Julius Martin  
Colman Reese  
Peter Chatterpass  
C. Kiekles, Dietel  
Ignaz Vogler

Henry Grimm

Grinnex of Olbrecht

Filed this 4 day  
March A.D. 1844

Thomas E. Brewster  
Justice of the Peace

Verdict

Filed March 19th  
A.D. 1844.  
C. H. Wray, Clerk  
Clerk



State of Minnesota  
County of Carver  
Friedrich Klauke and  
Friedrich Doeltz } appeal

<sup>vs</sup>  
The Board of Supervisors  
of the Town of Young America

1874, July 17<sup>th</sup> summons issued and made returnable March  
3<sup>d</sup> 1874 at one o'clock in the afternoon of said  
day. Bond filed and approved, and application filed,  
summons returned duly served. March 3<sup>d</sup> at one  
o'clock the parties appeared and called for jury  
~~list~~ the constable John Weismaun prepared  
list of 24 names. The defendant by Counsel H. J.  
Prack appeared specially, and moved to dismiss  
action. grounds of motion filed and overruled,  
defendant excepted.

Each party then struck out six names on jury  
list prepared by the constable, on motion this  
cause was adjourned until the 4<sup>th</sup> day of March  
1874 at 8 o'clock A.M. to meet at the store room  
at Young America Station.

March 4<sup>th</sup> at 8 o'clock the parties appeared, the  
cause was called, the defendant then moved to  
dismiss under special appearance reserved the  
the day previous. Motion filed and overruled,  
defendant excepted.

The following named jurors were then sworn  
in said action, Coleman Reese, James Patterson  
J. P. Croff, Harvey Thomas, Henry Boon, Julius Martin  
Ignatz Vogler, Ernst Booy, E. Albright, W. Dietel  
Peter Butterfuss and George Schall.



Transcript to the Clerk of the Court  
Chaska

The case was then stated by the counsel for the plaintiff, and the following named persons were sworn and testified on the part of the plaintiff James Shocum A H Tiffany. Frederick Klank. Plaintiffs offered in evidence title deeds to land owned by plaintiffs over which the road runs being land deeded from Henry Fabel & wife to F Klank, and plaintiff testified that he was in the actual possession of the land, whereupon atty for respondent moved that said case be certified to the dist Court under sec 85, page 426 of the General Statutes, overruled, excepted to by respondent.

The records on file on file in the office of the town clerk were then introduced in evidence and received in relation to the road in dispute, when the plaintiff rested his case. James Shocum A H Tiffany and Fred Teubert were examined as witnesses on behalf of the defendants, when the defendant rested his case.

The case was then argued by the counsel for the plaintiff, and defendant, when John Strumman constable was sworn and the jury placed in his ~~charge~~ custody, by request of the jury leave was granted to examine the road in question. The jury after such examination and being absent in the consideration of said case for about 3 hours, returned into court and rendered the following verdict,

We the jury in the above entitled action hereby return the following verdict, that the Establishment of the road in question by the Board of supervisors of the Town of Young America was unauthorized, and their decision establishing said road is hereby revoked and declared improper.

Whereupon the court hereby renders judgement in favor of the plaintiffs and against the defendants for the costs of this action.

### Justices costs

Summons	25
appeal Bond	25
application	25
Ent Judgement	25
Sat "	25
Swearing Jury	25
1 adjournment	15
7 oaths	105
Subpoena	15
Filing 9 Papers	45
taxing Costs	15

transcript  
Approving Bond  
Filing papers

*3.45*  
*3.45*  
*\$1.40*

Certifying Papers to the Clerk of  
District Court S. J. Paid

### Constables fees

Serving Summons	25
Mileage	60
summoning jury	100
attending Court 2 days	200
" jury	50
1 Subpoena	15
1 Mile	10
	<u>460</u>

Witness Teubert	1.00
" Jas Shocum	1.00
Jury fees	<u>6.00</u>

Recapitulation 1260

Justices fees	\$1,410.345
Thomas Ellsworth	\$16.10
Justice of the Peace	



Transcript.

Filed, March 19<sup>th</sup> A.D. 1874  
G. H. Gray, Clerk  
Clerk

*Affidavit on Appeal in the above action*  
*taken filed on the 13<sup>th</sup> day of March A.D. 1877*  
*Bond on appeal approved and filed on the*  
*13<sup>th</sup> day of March A.D. 1877*

*Notice of grounds of Appeal filed on the 13<sup>th</sup> A.D. 1877*

*I hereby certify that I have made a Transcript*  
*of all the papers on myocket in the Above cause*  
*and all the papers filed by me and mailed the same*  
*to the Clerk of the District Court Chaska the 19<sup>th</sup> day*  
*of March A.D. 1877*

*Thomas Ellsworth*  
*Justice of the Peace*

JUSTICE COURT,

*Leavenworth* County.

*Enoch Klutts &  
Enoch Dally*

against

*The Board of Supervisors  
of Leavenworth*

**ffidavit on Appeal.**

led on the *13<sup>th</sup>* day of

*March* A. D. 1874

*Thomas Ellsworth*

Justice of the Peace.

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

*In file with the  
Master.*

*Filed, March 19<sup>th</sup> A.D. 1874  
J. H. Gayenbuhl, Clerk*



County of Carver <sup>th, ss.</sup> Before Thomas Ellsworth  
Justice of the Peace.

Frederick Klanker and  
Frederick Soeltz  
— against —

The Board of Supervisors of  
the Town of Jerny, Minnesota

State of Minnesota, }  
County of Carver } <sup>ss.</sup> H. J. Peck

came personally before me, and being duly sworn, he doth depose and say, that  
he is one of the attys for the defendants in said  
action in the above entitled cause; that said defendant  
appeals to the District Court        in and for said County,  
from the judgment rendered by said Justice of the Peace, in this cause, on the  
5<sup>th</sup> day of March A. D. 1874, in favor of said Klankers  
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 6<sup>th</sup> day of  
March A. D. 1874

I, Thomas Ellsworth, Justice of the Peace,  
do hereby certify that the foregoing is a true and correct  
copy of the original filed in my office.

H. J. Peck

File with Justice.  
Thomas Ellsworth.

In Justice Court,

Leaves County.

Charles Klund  
vs  
Koch,

Against

The Board of Supervisors  
of the Town of Juncos

Notice of Grounds of Appeal

The service of the within notice is hereby

made at Leaves

Minnesota, on this Tuesday of

March A. D. 1874

Frank M. Brown

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

att'y for Koch

Filed in my Office  
March 13<sup>th</sup> 1874

Thomas Ellsworth  
Justice of the Peace

Filed March 19<sup>th</sup> A.D. 1874  
G. W. Maymott  
Clerk

State of Minnesota

IN JUSTICE COURT,

County of Leaver

ss. Before Thomas Ellsworth

Justice of the Peace.

Frederick Klauke and  
Frederick Dorch

- vs -

The Board of Supervisors  
of the Township of Young, Leaver

Sir: Please to take Notice, That the above named Defendants  
appeals to the District Court in and for said County, from  
the judgment rendered by said Justice of the Peace, in the above entitled  
action, on the 5<sup>th</sup> day of March A. D. 1874, against said  
Defendants therein; and that the said appeal is taken  
upon questions of law alone.

Dated March 6<sup>th</sup> 1874

Yours Respectfully,

Rexter's Field

Att'y for Defendants

To the above named Frank Wanner

and

Att'y for said Plaintiffs

State of Minnesota,

County of *Carr* } ss.

*Robert Elliott* came before me personally, and being by me first duly sworn, doth say, each for himself, 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.

*Robert Elliott*

Subscribed and Sworn to before me, on this *12<sup>th</sup>* day of *March* A. D. 187*4*.

*James Bloccum Jr*  
Notary Public

IN JUSTICE COURT.

*Locum* County

BEFORE

*Geo. Callan* Justice.

*Almon W. Smith & Son*

AGAINST

*Am B & J Robinson & Co.*

BOND ON APPEAL.

I hereby approve the within Bond and the sureties thereon.

Dated and filed *March 13<sup>th</sup>*  
A. D. 187*4*.

*Thomas Ellsworth*  
Justice of the Peace.

*Proctor & Puck*

Attorney for *Appellants*

*Filed March 19<sup>th</sup> A.D. 1874*  
*Geo. W. Hubbard, Clerk*  
*1974*



State of Minnesota, } No. 16. IN JUSTICE COURT,  
County of *Cannon* } Before *Thomas Ellsworth* Justice.

*Fredrick Klumke and*  
*Fredrick Dault*

BOND ON APPEAL.

*The Board of Supervisors of*  
*County of Cannon*

Know all Men by these Presents, That we *A. W. Tiffany and*  
*Fredrick Hoffken* Board of Supervisors  
as principal, and *Robt Elliott*

as surety are held and firmly bound unto  
*Fredrick Klumke and Fredrick Dault* above named  
in the sum of *fifty*

Dollars, to be paid to the said *Fredrick Klumke and Fredrick Dault*,  
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 *12<sup>th</sup>* day of *March*  
A. D. 187*4*.

The condition of this obligation is such that, whereas the said *Board of Supervisors*  
*(clerk)* 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 said  
*Klums* and against said  
*Appellants*, on the *5<sup>th</sup>*

day of *March* A. D. 187*4*

NOW THEREFORE, if the said Appellant *The Board of Supervisors*  
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 testimony whereof, we have hereunto set our hands and seals the day and year aforesaid.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

*James Slocum Jr*  
*Oh Emerson*

*A W Tiffany* [SEAL] *Br. Sup*  
*Fredrick Hoffken* [SEAL]  
*Robert Elliott* [SEAL]

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

Be it Known, That on this *12<sup>th</sup>*  
day of *March* A. D. 187*4*, came before me personally *A. W. Tiffany*  
and *Fredrick Hoffken* Board of Supervisors and *Robt Elliott*  
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.

*James Slocum Jr*  
Notary Public