



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

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Land title

No. 872

DISTRICT COURT,
CARVER COUNTY, MINN.

Phillip Henkel

Plaintiff.

v's.

Jerome S. Case & Co.

Defendant.

Baxter & Peck

Plaintiff's Attorney.

MacDonald & Southworth

Defendant's Attorney.

Date of Entry September 15th, 1874

Register of Actions "A" Page 200

Term Tried 1

Judgment for Defendant

Amount of Judgment \$ 11.20

Date of Judgment July 12th, 1875

Judgment Book "A" Page 437

Default Judgment Book Page

Date of Docketing July 12th, 1875

Judgment Book "A" Page 220 -

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

Phillip Hunt

vs

from J. Case, Stephen Bull
Massena B. Erskine & Robert H.
Baker, copartners doing business
under the name and style of
J. J. Case & Company

Take notice that upon the petition
and appearance of the defendants of which a copy
is hereto annexed and together served upon you
and which were on the 21st day of November A.D. 1874
filed in said court and upon the bond of the petition-
ers and their sureties a copy of which is also
herewith served upon you, this court will be
moved at a ~~special term~~ ^{Chambers} thereof to be held at
^{Judge of said Court in Belle Plaine}
the office of Hon. A. J. Chatfield in the County of Scott in said
State on the 1st day of December A.D. 1874 at one o'clock
in the afternoon, that the said petition be granted
and the said cause be removed to the Circuit
Court mentioned in said petition, and that
this court accept the surety offered and proceed
no further herein, and for such other or further
order or relief as may be just and proper

Macdonald & Southworth

To Baxter & Peck
Attys for Plff in said action

Attys for Petitioners
Defendants

State of Minnesota
Dist. Court 8th Dist.

County of Carver

Phillip Hunt

vs

Jerome J. Case, Stephen Bull
Massena B. Erskine & Robert H.
Baker, copartners doing bus-
iness under the name and style
of J. J. Case & Company

Petition for Removal
of Cause.

To the said District Court:

The petition of J. J. Case & Company, the
above named defendants herein, states and shows
to the court; that an action has been brought in
this court against the petitioners by Phillip Hunt,
the plaintiff above named:

I That this action is brought upon the following
cause viz: That said plaintiff claims and alleges
that at the time of the commencement of
this action he was the owner in fee simple
and in the actual possession of the following
described pieces and parcels of land, situated,
lying and being in the County of Carver and
State of Minnesota, to-wit: The South half of the
South-west quarter and the South-west quarter of
the South-east quarter of section number fourteen
and the North-west quarter of the North-east quarter
of section number twenty-three (23); also a piece
and tract of land described as follows, to-wit:

Commencing at the North east corner of the North-west quarter of section twenty three running West on section line twenty six chains and sixty-five links; thence South four chains and twenty links; thence East twenty six chains and sixty five links; thence North four chains and twenty links to the place of beginning. Also all that portion of sections fifteen and twenty-two which is included in the following boundaries, to-wit: Commencing at the North East corner of section twenty two and running South on East line of said section five hundred and seventy three feet; thence West at right angle with said line, five hundred and seventy three feet; thence North Easterly at an interior angle of seventy nine degrees and six minutes, eight hundred and eleven and five-sevenths feet; thence North-easterly at an interior angle of one hundred and sixty-six degrees and eleven minutes, nine-hundred and eighty six and five tenths feet to intersect the East line of section fifteen. thence South upon said line eleven hundred and seventy five feet to the place of beginning, and containing thirteen and three-tenths acres, the whole of said land above described being in Township number one hundred and sixteen North, of Range twenty-three West, and the whole containing one hundred and eighty-five acres more or less, and that these defendants and petitioners claim an estate and interest in said above described premises

adverse to said plaintiff and to his title and estate therein; Wherefor in said action said plaintiff demand judgment against these defendants and petitioners as follows: that said plaintiff is the owner and entitled to said above described premises in fee simple absolute; and that these defendants and petitioners have no interest or estate in or to said premises or any part thereof; and for plaintiffs costs and disbursements in this action.

II

That these defendants and petitioners do claim and have an estate and interest in said premises above described adverse and superior to the interest of said plaintiff herein, and that the matter in dispute exceeds the sum of five hundred dollars exclusive of costs, the said above described premises being of the value of more than fifteen hundred dollars, and these petitioners being the owners thereof by purchase and for a good and valuable consideration and conveyed to them at a sale duly made thereof by the sheriff of said County on the 31st day of August A.D. 1874 and by virtue of an execution duly issued in due form of law, upon a judgment which was in said court duly given rendered and made and which said judgment was on the said day of sale in full force and effect and that the amount for which said premises were sold and conveyed to these petitioners, is the sum of nine hundred and fifty four dollars and seventy eight cents

that bring the amount due upon said judgment and execution, the said premises being at the time of the recovery and docketing of said judgment in said county, the property of one John A. Drunklee, the judgment debtor in said judgment and sole defendant in the action in which the same was recovered, and said judgment was a lien on said premises long prior to the time when said plaintiff claims to have acquired or did acquire any interest or estate in or to the same or any part thereof; and that these petitioners are the owners of said premises as aforesaid, subject only to the right of said John A. Drunklee, his heirs or assigns, to redeem said premises from said sale within one year from the said 21st day of August A.D. 1874; and that the interest of these petitioners in said premises, is of the value at least of said nine hundred and fifty-four dollars and seventy eight cents, and interest thereon.

III

That the said plaintiff in this action is a citizen of this state and a resident of said County of Carver.

IV

That these defendants and petitioners and each of them, are citizens and residents of another state of the United States, to-wit: of the State of Wisconsin and reside and are doing business therein as such firm and copartnership as aforesaid.

V

That these petitioners now enter their appearance in this action; but have not done so heretofore.

VI

That they hereby offer good and sufficient surety for their entering in the next Circuit Court for the District of the State of Minnesota on the first day of its session, copies of the process and pleadings, depositions, testimony and other proceedings in this action against them, and do such other appropriate acts as are required by the acts of Congress in such case made and provided, and plead to the complaint in this action;

Your petitioners therefore ask that said action may be removed for trial into the next Circuit Court, to be held where the same is pending, to-wit: into the next Circuit Court for the District of the State of Minnesota pursuant to the provisions of the statutes of the United States in such case made and provided, and that this court do accept the surety offered by your petitioners, as aforesaid, and do proceed no further in said cause, and for such other or further order or relief in the premises as may be just.

Macdonald & Scrutworth

Attys for Petitioners
and drafts herein

STATE OF MINNESOTA, }

County of Carver }

District Court,

Eight Judicial District.

Phillip Hunk

AGAINST

J. I. Case Company

Petition for removal
of Cause to U.S. Cir. Court

Affidavit of Verification by Attorney.

And Notice of motion

Rec'd a copy of the within notice and petition
this 21st day of November A.D. 1874
Samuel R. Clark
Attys for Hunk

Macdonald & Southworth

Attys Attorney.

Shakopee Minn

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

Filed Nov. 21st 1874
Gebrayentuhl, Clerk

STATE OF MINNESOTA,

County of Scott

} ss.

John L. MacDonald

being duly sworn, doth depose and say, that the foregoing petition
 is true ~~to the best of his knowledge, information and belief~~; and deponent further
 says that he is the agent, and one of the defendants
 Attorney in the action in said petition entitled, and that the
 reason why the said petition is verified by this deponent and not by
 one of defendants is that they said defendants are
 absent from the County of Scott and from said ^{State} wherein this deponent
 and their attorneys reside.

Subscribed and Sworn to before me,

On this 20th day of November

A. D. 1874

John L. MacDonald

Eli Southworth

Notary Public
 Scott Co
 Minn.



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

Phillip Henk

vs.

Jerome J. Case, Stephen Bull, Massena B. Erickson
Robert H. Baker, copartners doing business under
the firm name & style of J. J. Case & Company

Know all men by these presents, that we J. J. Case
& Company of Racine, Wisconsin, as principals and
David L. How of Shakopee in the State of Min-
nesota, as surety, are held and firmly bound
unto Phillip Henk, plaintiff above named, in
the sum of five hundred dollars, to be paid
to the said Phillip Henk, his executors, admin-
istrators or assigns, for which payment well
and truly to be made. We bind ourselves, our
heirs, executors and administrators, jointly and
severally, firmly by these presents.

Sealed with our seals and dated this 27th day of
March A.D. 1875

The condition of the above obligation is such
that if defendants, J. J. Case & Co in the above en-
titled action, shall and do well and truly
enter in the Circuit Court of the United States
for the District of Minnesota, on the first
day of its next session, copies of the process
against them, pleadings, depositions, testimony and

other proceedings in said suit, and also shall and do there appear therein, and do such other appropriate acts as are required by the acts of Congress in such case made and provided, then this obligation shall be void, otherwise it shall be and remain in full force and effect.

Signed and sealed in presence of
E. Southworth

J. G. Case & Co. by
J. L. Macdonald
their Agent & Attorney
David L. How



State of Minnesota
County of Scott

On this 27th day of March A.D. 1875
before me personally came J. L. Case & Co. by J. L.
Macdonald their Atty and Agent, and David L.
How, to me known to be the same persons des-
cribed in and who executed the foregoing in-
strument, and acknowledged that they executed
the same for the uses and purposes therein
expressed

Eli Southworth
Notary Public
Scott Co. Minn.



State of Minnesota
County of Scott

David L. How being duly sworn
says that he is a resident and freeholder of said State
and is worth the sum of one thousand dollars

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

Phillip Hunt
vs.
J. I. Lease & Company

Bond on removal of cause
to U. S. Circuit Court

Due service of within bond
by copy admitted this 3rd day
of March A.D. 1872

Baugh & P. C. M.
Atty for Plff.

Filed March 15th A.D. 1872.
Gibson & Co., Clerk
—W—

W. McDonald Smithworth
Atty for Defs

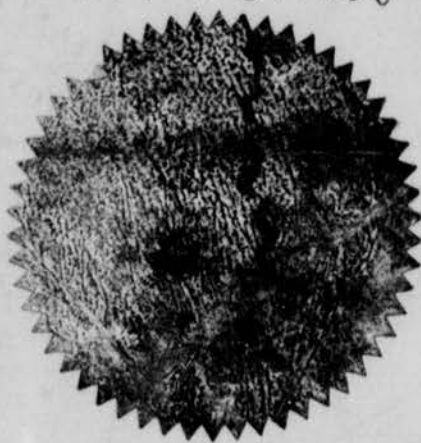
above his debts and liabilities and exclusive
of his property exempt from execution

Subscribed and sworn to before me Duvall & Hew
this 27th day of March, A.D. 1873

Eli Southworth

Notary Public

Scott Co. Minn.



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

Phillip Hunt

vs.

J. I. Carr & Company

Order Staying Proceedings

Filed March 24 1895
Gethroy & Co.
Clerk

WV

MacDonald & Southworth
Attys for Defr.

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

vs.
J. S. Case & Company

It appearing that said
defendants desire and propose
to apply to this court for an
order transferring said action
for trial to the Circuit of the
United States for the District
of Minnesota, it is hereby
Ordered that all proceedings in
said action on the part of said
plaintiff be stayed for the period
of twenty days to enable said
defendants to make said
motion herein.

Dated Nov. 24. 1874.

A. G. Chatfield
Judge 8th Jud. Dist.

State of Minnesota
County of Cass
List. Carri & Lease

Philp. Hurd

- vs -

J. I. Carr & Co.

County of Cass, Minn.

H. J. Packer being
dearly sworn says that he is
one of the attorneys for Plaintiff
in above entitled action
that the Copy of Bond in said
action hereto attached marked
as "Exhibit A" is all the Copy
of Bond
of ever received in this case
and that said "Exhibit A"
is the Copy to which the admission
of service upon the original
affidavit and upon and not
otherwise.

Subscribed & sworn to
this 12 day of December
1874

H. J. Packer

James H. Hays
Clerk of Dist Court

State of Minnesota
Dist Court 8th Dist
County of Scott

David Brown

agt
Edward Delaney

Plffs Statement of Costs. —

On Justice Court

Costs taxed by Justice in Justice Court. \$5.05

District Court

Statute Costs

10.00

~~Attorney~~

John W. Brown
C. H. Brown
C. H. Brown

~~Law~~

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

Phillip Hunt

vs

Jerome I. Case, Stephen Bull, Massena B. Erickson
and Robert H. Baker, copartners under the name and
style of J. I. Case & Company

Take notice that upon the petition
and affidavit of the defendants, copies of which
are hereto annexed and together and herewith
served upon you, and which were on the 27th day
of March A.D. 1875 filed in said Court,
and upon the bond of the petitioners and their
sureties a copy of which is also herewith served
upon you, this Court will be moved at the
~~General~~^{the Court House in} term thereof to be held at Chaska
in the ^{said} County of Carver in said State
on the 5th day of April A.D. 1875 at 11 o'clock
in the fore ^{or at noon thereafter an adjournment can be found} noon that the said petition be gran-
ted and the said cause be removed to the
Circuit Court mentioned in said petition
and that this Court accept the surety offered
and proceed no further herein, and for such
other or further order or relief as may be just
and proper.

To Baxter & Peck
Attys for Plffs
in this action

MacDonald & Southworth
Attys for Petitioners
Defendants

State of Wisconsin, } ss.
COUNTY OF RACINE.

I, CHARLES S. CHIPMAN, Clerk of the Circuit Court for the County of

Racine, in the State aforesaid, do hereby certify that

A. Raymond

whose name is subscribed to the jurat of the annexed affidavit was,

at the time of subscribing the same, an acting Justice of the Peace in and for said County, duly elected and sworn, and authorized to take the same; that his signature thereto is genuine, and that full faith and credit are due and of right should be given to all his official acts as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office, this

14th

day of

January

A. D. 1875

Charles S. Chipman

Clerk.

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

vs.

Jerome I. Case, Stephen Bull
Massena B. Erskine & Robert H. Baker
copartners, doing business under the
name and style of J. I. Case & Company
State of Wisconsin
County of Racine - ss.

Jerome I. Case, Stephen
Bull, Massena B. Erskine and Robert H.
Baker, being severally duly sworn, says each
for himself, that they are the defendants in
the above entitled action; that at the time
of the commencement of said action, each
of them were and ever since have been res-
idents of the State of Wisconsin; and that
said plaintiff was at the time of the com-
mencement of this action and ever since
has been a resident of the State of Minnes-
ota and that the matter in dispute in said
action exceeds the sum of five hundred
dollars exclusive of costs as will more
fully appear by reference to the petition of
these defendants in said action, and which
is hereto attached.

That each of these defendants has reason

to believe and does believe that from prejudice
and local influence they or either of them
will not be able to obtain justice in said
State Court in which said action is pending.

Wherefore their deponents ask that by
the proper order of said State Court, the
said action may be transferred to the
next United States Circuit Court for the
District of the State of Minnesota

Subscribed and sworn to before me
the 4th day of January A.D. 1845
W. R. Raymond
Justice of the Peace

J. I. Case
Stephen Bull
Massena B. Esquire
Robt H. Baker

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

Phillip Hank

vs.

Jerome I. Case, Stephen Bull,
Massena B. Erskine^{and} Robert H. Baker } Petition for
copartners, doing business under the name } Removal of Cause
and style of "J. I. Case & Company" }

To the said District Court;

The petition of J. I. Case & Com-
pany, the above named defendants herein,
states and shows to the court; that an action
has been brought in this court against these
petitioners by Phillip Hank, the plaintiff
above named

I. That this action is brought upon the following
cause, viz:

That said plaintiff claims and alleges
that at the time of the commencement
of this action he was the owner in fee simple
and in the actual possession of the fol-
lowing described pieces and parcels of
land, situate lying and being in the
County of Carver and State of Minnesota
to-wit: The South half of the South West quarter
and the South West quarter of the South East
quarter of section number fourteen, and the
North West quarter of the North East quarter of

section number twenty three (23) also a piece
and tract of land described as follows to-wit:
commencing at the North East corner of the
North West quarter of Section number twenty
three, running West on section line twenty
six chains and sixty five links; thence South
four chains and twenty links; thence East
twenty six chains and sixty five links; thence
North four chains and twenty links to the place
of beginning; also all that portion of sections fif
teen and twenty two which is included in
the following boundaries: to-wit, commencing
at the North East corner of section twenty-two
and running South on East line of said section
five hundred and seventy-three feet; thence
West at right angles with said line, five hun
dred and seventy-three feet; thence North ^{section} at
an interior angle of seventy nine degrees and
six minutes, eight hundred and eleven and five
seventh feet; thence North Easterly at an interior
angle of one hundred and sixty six degrees
and eleven minutes, nine hundred and
eighty six and five-tenths feet to intersect the
East line of section fifteen; thence South
upon said line, eleven hundred and seventy
five feet to the place of beginning and contain
ing thirteen and three-tenths acres; the whole
of said land above described being in Town
ship number one hundred and sixteen (116)

North of Range twenty-three (23) West, and the whole containing one hundred and eighty-five acres, more or less; and that these defendants and petitioners claim an estate and interest in said above described premises, adverse to said plaintiff and to his title and estate therein; wherefore in said action said plaintiff demands judgment against these defendants and petitioners as follows: ^{to wit} That said plaintiff is the owner and entitled to said above described premises in fee simple, absolute; and that these defendants and petitioners have no interest or estate in or to said premises or any part thereof; and for plaintiff's costs and disbursements in this action.

II. That these defendants and petitioners do claim and have an estate and interest in said premises above described, adverse and superior to the interest of said plaintiff therein, and that the matter in dispute exceeds the sum of five hundred dollars, exclusive of costs, the said above described premises being of the value of more than fifteen hundred dollars and these petitioners being the owners thereof by purchase and for a good and valuable consideration and conveyance to them at a sale duly made thereof by the Sheriff of said county on the 21st day of August A.D. 1874.

under and by virtue of an execution duly issued in due form of law upon a judgment which was in said court duly given, rendered and made, and which said judgment was on the said day of sale in full force and effect, and that the amount for which said premises were sold and conveyed to these petitioners is the sum of nine hundred and fifty-four dollars and seventy-eight cents, that being the amount due upon said judgment and execution, the said premises being at the time of the recovery and docketing of said judgment in said county, the property of one John A. Drunklee, the judgment debtor in said judgment and sole defendant in the action in which the same was recovered, and said judgment was a lien on said premises long prior to the time when said plaintiff claims to have acquired or did acquire any interest or estate in or to the same or any part thereof; and that these petitioners are owners of said premises as aforesaid, subject only to the right of ^{said} John A. Drunklee, his heirs or assigns, to redeem said premises from said sale, within one year from the said 21st day of August A.D. 1874, and that the interest of these petitioners in said premises is

court do accept the surety offered by your
petitioners as aforesaid and do proceed no
further in said cause

And for such other or further order
or relief in the premises as may be just.

Macdonald & Southworth
Attys for Petitioners and Defts.

State of Wisconsin
County of Racine

Robert H Baker being duly
sworn says that he is one of the members
of said firm of J. H. Case & Company and one
of said petitioners (defendants) and that the
forgoing petition is true of his own know-
edge

Robt H Baker

Subscribed and sworn to before me
this 4th day of January. A.D. 1875

Alvin Rymones Justice of the Peace

of the value at least of said nine hundred and fifty four dollars and seventy-eight cents and interest thereon;

III. That the said plaintiff in this action is a citizen of said state of Minnesota and a resident of said county of Carver, ^{and was such citizen and resident at the commencement of this action.}

IV. That these defendants and petitioners and each of them were at the time of the commencement of this action and are now citizens and residents of another State of the United States, to-wit of the State of Wisconsin and reside and are doing business therein as such firm and copartnership as aforesaid.

V. That they hereby offer good and sufficient surety for their entering in the next Circuit Court for the District of the State of Minnesota on the first day of its session, copies of the process and pleadings, depositions, testimony and other proceedings in this action against them and do such other appropriate acts as are required by the acts of Congress in such case made and provided, and plead to the complaint in this action.

Your petitioners therefore ask that said action may be removed for trial into the next Circuit Court, for the District of the State of Minnesota pursuant to the provisions of the statutes of the United States in such case made and provided and that this

to be held where the same is pending, to-wit into the next Circuit Court

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

Phillip Hunt

vs.

J. I. Case & Co

Petition, Affidavit &
Notice of Motion to Remove
Cause to U.S. Circuit Court

Due service of written Notice, Peti-
tion & Affidavits, by copy admitted
this 27th day of March A.D. 1875

By my tr & P. C. H.
Attys for Plff.

Filed, March 27th 1875.
J. H. Grayson
Clerk
Two

Macdonald & Southerworth
Attys for Defs
Petitioners

State of Minnesota
County of Carver

District Court
Eighth Judicial District

Phillip Hunk

vs.

Jerome J. Leach, Stephen Bull,
Marion B. Erskine^{2d} & Robert H.
Baker, Copartners doing business
under the name and style of
J. J. Leach and Company

Know all men by these presents, that we
J. J. Leach and Company, of Racine Wisconsin and
David L. Howe ~~of~~
of Shakopee in the State of Minnesota are held
and firmly bound unto Phillip Hunk, plaintiff
above named in the sum of five hundred
dollars to be paid to the said Phillip Hunk above
named, his executors, administrators or assigns;
for which payment well and truly to be made
we bind ourselves, our heirs, executors and admin-
istrators, jointly and severally, firmly by these
presents.

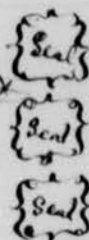
Sealed with our seals and dated this 14th day of
November A.D. 1874

The condition of the above obligation is
such that if the defendants J. J. Leach & Company
in the above entitled action shall and do
well and truly enter in the Circuit Court
of the United States for the District of Minnesota

on the first day of its next session, copies of the
process against it, pleadings, depositions, testimony
and other proceedings in said suit and also shall
and do there appear therein and do such other
appropriate acts as are required by the acts of
Congress in such case made and provided
then this obligation shall be void otherwise it
shall be and remain in full force and effect.

Signed and sealed
in the presence of
E. Southworth

} J. I. Case & Company by
J. E. McDonald Atty & Agent
David L. How



State of Minnesota

County of Scott & on this 14th day of November A.D. 1874

before me personally came J. I. Case & Co. by J. E.
McDonald their Atty and agent & David L. How—
to me known to be the same persons described in
and who executed the foregoing instrument, and
acknowledged that they executed the same for the
uses and purposes therein expressed

Eli Southworth

Notary Public
Scott Co., Minn.

State of Minnesota

County of Scott

David L. How

being duly sworn, doth, ~~each~~ for himself say that

he is a resident and freeholder of said state, and
is worth the sum of One thousand dollars above
his debts and liabilities and exclusive of his prop-
erty exempt from execution

Sworn to and subscribed before me
this 14th day of November A.D. 1874

Eli Southworth

Notary Public

Scottsbluff, Wm.

David L. New



State of Minnesota
Dist. Court. 8th Dis.
County of Carver
Phillip Stark

vs.
J. L. Case & Co

Order
drying application for removal
of cause, with leave to renew
the same

Due service of within order by copy
admitted this 27 day of March 1875

Barton Pick
Atty for Plff.

Filed March 27th 1875.
C. Graymuhl, Clerk
- Two -

MacDonald & Southworth
Atty for Defts

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

vs.
J. L. Case & Co.

This cause having come before me upon the application of said defendants to have the same transferred to the Circuit Court of the United States in and for the District of Minnesota, on the grounds and for the reason that the defendants are non residents of the said State and are residents of the State of Wisconsin, and said plaintiffs having ^{objected} to the petition and papers upon which said application was made and said defendants having asked that in case said objection should be held valid that they have leave to amend the petition so as to avoid the objection, whereupon the application was taken under advisement, and whereas said defendants attorneys have since the ~~the~~ making of said application asked leave to withdraw the said application and have ^{or make another application for such removal of said action} ~~privilege~~ to renew the same, it is hereby ordered that said application ^{for such removal} be ~~annul~~ ^{dismissed} without prejudice to said defendants to renew said application or make another application therefor.

Dated March 22^d 1895.

By the Court, A. G. Chatfield,
Judge 8th Dist.

State of Minnesota
District Court Eighth Judicial District
County of Carver

Philip Henck
Against
Jerome I Case Stephen Bull
Merrisa B Erskine and Robert
H Baker copartners doing bus-
iness under the firm name and
style of J I Case & company

The plaintiff in the
above entitled action for Complaint
therein respectfully states and shows
to the court that he said plaintiff
is now the owner in fee simple and in
the actual possession of the following described pieces
and parcels of land situated lying
and being in the county of Carver
and state of Minnesota to wit, The
South half of the South West Quarter and
the South West Quarter of the South East
Quarter of Section Number fourteen
and the North West Quarter of the North
East Quarter of Section Number twenty
three, Also of a piece and tract of land
described as follows to wit, Commencing
at the North East corner of ~~Section~~ the North
West Quarter of Section Number twenty three
running west on section line twenty five

chains and sixty five links; thence south four
chains and twenty links; thence East twenty
six chains and sixty five links; thence North
four chains and twenty links to the place
of beginning. Also all that portion of
Sections fifteen and twenty two which is
included in the following boundary
traverse: Commencing at the North East corner
of section twenty two and running South
on east line of said section five hun-
dred and seventy three feet; thence west
at right angles with said line five
hundred and seventy three feet; thence
North easterly ~~to~~ an interior ~~angle~~
seventy nine degrees and six minutes;
eight hundred and ~~eleven~~ ~~and~~ five
sevenths feet; thence North easterly at
an interior angle of one hundred and
sixty six degrees and eleven minutes
nine hundred and eighty six and five
tenths feet to intersect the east line
of section fifteen, thence south upon
said line eleven hundred and seventy
five feet to the place of beginning, and
containing thirteen and three tenths
acres, the whole of said land above
described being in township num-
ber one hundred and sixteen, north of
range twenty three west and the whole

as to these matters he wishes
it to be true

Subscribed and
sworn to before me
this 18th day of September
A.D. 1874

B. Henk

Ld. Baptis

Walter R. R. R.

Carmen Co. N. M.

District Court
Carmen County

Philip Henk

J. J. Cuse & Co

Complains

Filed Sept 18th 1874

W. H. H. H. H.

Chas. D. D. D.

Nov

Pay to order
Repps Attys

containing one hundred and eighty five
acres, more or less.

And the said plaintiff further says
that the above named defendants
claim an estate and interest in said
above described premises all or none
to said plaintiff, and to his title
and estate therein.

Wherefore the plaintiff demands
judgment against the said de-
fendants as follows.

I That said plaintiff is the owner and
entitled to said above described premises
in fee simple absolute.

II That the said defendants have
no interest or estate in or to said
premises or any part thereof.

III For his costs and disbursements in
this action.

Paul H. Pick
Plaintiff's Attorney

State of Minnesota
County of Curran Philip Hunk being
duly sworn on oath says that he is
plaintiff in the above entitled action
that the foregoing complaint is true
of his own knowledge as far as to
facts that state upon his informa-
tion and belief and that

State of Minnesota
District Court Eighth Judicial District
County of Carver

Philip Henk

against

Jerome J Case, Stephen Paul, Messena
B Erskine, and Robert H Baker co=
partners doing business under the firm
name and style of J J Case and Company
State of Minnesota

County of Carver ss. A J Henk being
duly sworn on oath says that he is
one of the plaintiffs, Attorneys in the
above entitled action, that this Affiant
believes and knows that the said
defendants are ~~not~~ ^{not} any of them
residents of the State of Minnesota
and cannot be found therein, and
this affiant further says that he has de=
posited a copy of the summons in the
above entitled action in the Post
Office in Chester Carver County Minn
nesota directed to the said defendants
at the place of residence to wit Buena
in the State of Wisconsin.

And this Affiant further says that
the subject of said action is real
and located in said Carver County

and the said defendant claim ^{actual} ~~an~~
 her and interest in said real property
 and the relief demanded in
 said action by said plaintiff con=
 sists wholly in excluding the said de=
 fendants from any interest or claim
 in said premises and real property
 and that a case of action thus exists

Subscribed and sworn
 to before me this 21st day
 of September A.D. 1874 } H. J. Picko.
 L. D. Burgeon
 Notary Public
 Curran & Wins

Wm. Court-
 low County.

Philip Hambs
 -ors-

J. D. Courtier.

Affidavit for the
Publication of
Summons.

John, Deputy of Wm. Courtier
 J. D. Courtier
 Clerk

How

7-2-1
State of Minnesota
Dist. Court. 8th Dist.
County of Carver.

Phillip Henk

vs.

Jerome I. Case, Stephen Bull,
Massena B. Erskine & Robert H. Baker
partners under the firm name and style of
J. I. Case & Co.

The above named defendants in the
above entitled action, for answer to said plaintiffs
complaint herein, respectfully state and show to the
court:

2 That they deny that said plaintiff is the owner
in fee simple or otherwise, or has any right, title or
estate or interest in or to the pieces or parcels of land
or premises mentioned and described and set forth
in said complaint, or in or to any part of said lands
or premises, or that said plaintiff is in the actual
possession of the same or any part thereof:

That these defendants admit that they claim
an estate and interest in said premises adverse to said
plaintiff and all other persons making any claim thereto,

III.

And for a further and second separate defense
to said action, these defendants allege:

3 That on the 28th day of July A.D. 1870, and for a
long time prior thereto, one John A. Danklee was
the owner in fee simple, absolute, of the lands and
premises described in said complaint and each

and every part thereof.

4
That on the said 28th day of July A.D. 1870. said John A. Dunklee was indebted to these defendants jointly and as partners as aforesaid, upon a cause of action arising upon contract, in the sum of six hundred and twenty-five dollars, with interest thereon at the rate of seven per cent per annum from October the 28th A.D. 1869; and that on the said 28th day of July A.D. 1870. these defendants as partners as aforesaid commenced an action in ^{the} District Court of said State in and for the County of Scott, therein, against the said John A. Dunklee to recover the said sum of six hundred and twenty-five dollars and interest and costs of suit, and issued a summons therein in due form of law for service; and thereafter, on the same day, made application to the then Judge of said Court for a warrant of attachment against the property of the said John A. Dunklee, to secure the satisfaction of such judgment as they might recover in said action, and presented to the said Judge an affidavit, made by their attorney therein, whereby it appeared that a cause of action existed against the said John A. Dunklee and specifying the said amount of the said claim, and grounds thereof, and that the said defendant, therein, John A. Dunklee, contracted the said debt or claim fraudulently, and was then about to assign and dispose of his property with intent to hinder, delay and defraud his creditors; and that they at the same

5-

6
time, presented to the said judge a bond duly
executed and acknowledged as required by law
and with sufficient sureties, conditioned that if
said defendant in said action recover judgment,
then defendants, the plaintiffs therein, would pay
all costs that might be awarded to said defendant
therein, and all damages which he might sustain
by reason of such attachment, not exceeding the
amount specified in said bond; and that the
amount specified in said bond, was at least the
sum of two hundred and fifty dollars;

7
That thereupon the said judge allowed said
writ of attachment by an order duly made and
thereupon a writ of attachment in due form of law was
duly issued out of the said District Court, in and
for the said County of Scott, against the property of
the said John A. Dunklee, directed to the Sheriff of the
said County of Barber, and required and commanded
him to attach and safely keep all the property of
said John A. Dunklee within his county, not exempt
from execution, or so much thereof as might be
sufficient to satisfy the demand of the plaintiffs
in said warrant of attachment of six hundred
and twenty five dollars with interest thereon as
aforesaid; being the amount of indebtedness in
such attachment, together with all costs and
expenses; and that said Sheriff proceed thereon in
the manner required by law,

8
That the said writ of attachment was delivered

to and received by said Sheriff for service on the 29th day of July A.D. 1870, and under and by virtue of said writ of attachment he forthwith duly levied upon the said lands and premises described in said complaint, and every part thereof, to satisfy the said demand of these defendants, by his leaving a duly certified copy of said writ and his return of such attachment thereon, at the office of the Register of Deeds in and for the said County of Barren and by then and there, in said County of Barren duly serving a copy of the same upon the said John A. Drunklee, the defendant therein.

9
That thereafter, and on the 23^d day of August A.D. 1870 judgment was duly given and rendered in said action wherein these defendants as partners as aforesaid were plaintiffs and said John A. Drunklee was defendant, in favor of these defendants jointly and as partners as aforesaid, and against said defendant John A. Drunklee defendant therein for the sum of seven hundred and seven dollars and fifteen cents, the same being the amount then due on said claim of these defendants against said John A. Drunklee, together with the costs of said action in which the said judgment was rendered; and that on the 24th day of August A.D. 1870, a transcript of said judgment was duly filed and the said judgment was duly docketed in the office of the clerk of said District Court, in and for said County of Barren.

10
That at the time of the recovery of said judgment and the filing of the transcript thereof and the dock-

2
11
eting of the same as aforesaid, the said writ of attachment and the term of the same on said lands and premises described in said complaint, was in full force and effect and had not been in any manner vacated, set aside or otherwise impaired.

12
That thereafter and on the 20th day of June A.D. 1874 an execution against the property of said John A. Dunklee, based upon the said judgment, was issued in due form of law and directed to the Sheriff of said County of Lawrence for service; whereby, after containing a statement and recital of the matters by law required to be stated and set forth in such cases, and after setting forth that the sum of seven hundred and seven dollars and fifteen cents and interest thereon since the 23rd day of August A.D. 1870, was then actually due on the said judgment, the said Sheriff was, in substance, commanded to satisfy the said judgment out of the personal property of said judgment debtor within said County of Lawrence, or if sufficient personal property could not be found there, out of the real property in his County, belonging to said John A. Dunklee, judgment debtor, on the day when said judgment was so docketed in said County, or at anytime thereafter in whose soever hands the same might be, and to return the said execution within sixty days after its receipt by him as required by law.

13
That thereafter, and under and by virtue of said execution, the said Sheriff, there being no personal property of said John A. Dunklee in said County subject to levy, did, on the 29th day of June A.D. 1874

14
duly levy upon the said lands and premises described in said complaint, as the property of said John A. Drunkler, the judgment debtor therein, and did advertise the same for sale in manner and form as required and prescribed by law, and on the 21st day of August A.D. 1874 at 10 o'clock in the forenoon, at the front door of the Court House in the village of Chaska in said County of Leaver and pursuant to and at the time fixed by and in the advertisement for the sale of the said land and premises, did duly, and in the manner prescribed by law, and at public auction, sell the same and the whole thereof, to these defendants, jointly and as partners as aforesaid, for the sum of nine hundred and fifty-four dollars and seventy-eight cents that bring the amount then due on said execution, and bid and paid for the whole of said premises by these defendants, they being the highest bidders therefor.

15
That thereafter and on the day of said sale the said Sheriff did make, and on the 16th day of September A.D. 1874, did deliver to these defendants, they being the purchasers of said lands as aforesaid the certificate under his hand and seal required and prescribed by law in such cases, and containing, among other things, a description of the said execution and judgment under which said sale was so made, a description said property, lands and premises so sold to these defendants; the said price

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paid for the same at said sale and the said date of said sale and the name of these defendants as the purchasers of said real property, and stating that the said premises were subject to redemption, within the time and according to the statutes in such case made and provided, said certificate was executed and acknowledged as required by law for the conveyance of real estate, and was on the 18th day of September 1874, duly recorded in the office of the Register of Deeds in and for the said County of Carver in Book "O" of Deeds on pages 562, 563, 564, 565 + 566 thereof. Said certificate and the record thereof are hereby referred to and made a part of this answer, and to which these defendants ask that reference be made.

17
That these defendants are now, and ever since the date thereof have been, the owners and holders of said certificate, and are now, and ever since the date of said sale have been, the owners of said lands and premises described in said complaint and in said certificate, subject only to the right of said John A. Dunkler, his heirs, administrators, executors or assigns, to redeem the same from said sale within one year from the date thereof; and that these defendants have not in any manner parted with, conveyed, assigned or disposed of their right, title or interest in or to the said premises, acquired under and by virtue of said sale thereof to them as aforesaid, and that said sale of said lands and premises to these defendants, as aforesaid, has not been in any

18

manner vacated, set aside, annulled or otherwise impaired; but that on the contrary the same and the said certificate, and all rights, title and interest acquired by them thereunder, remain in full force, virtue and effect.

III.

And for a third and further separate defense to said action, these defendants allege:

19 That at the time of the commencement of said action by these defendants against ~~the~~ said John A. Dunklee and the levy upon said land and premises under and by virtue of said writ of attachment, issued therein, and the recovery of said judgment therein and the filing of the transcript thereof and the docketing of said judgment in the office of the clerk of said Court in and for the said County of Carver, as herein before stated the said John A. Dunklee was the owner in fee simple of said lands and premises described in said complaint, under and by virtue of a sale and conveyance ^{of the same} to him by a warrantee deed, made, executed and acknowledged in due form of law and for a valuable consideration and delivered to him by one John Elwood and wife, prior to the commencement of said last mentioned action in which these defendants were plaintiffs and said John A. Dunklee was defendant; which said warrantee deed of conveyance was held and said lands and premises were owned in fee simple by said John A. Dunklee after, and at and for a long time prior to the levy thereon by virtue of said writ of attachment as aforesaid, and the recovery and dock-

21

3
sting of said judgment as herein before stated; but that as to the precise date of said warrant deed of conveyance, these defendants have no knowledge and cannot state the same for the reasons herein after stated.

22 That after the making, execution and delivery to him of said warrant deed of conveyance by John Eliwood as aforesaid, the said John A. Drunkle for the fraudulent purpose of concealing his ownership of the same, and preventing the same from becoming subject to attachment levy, judgment lien or execution sale for said debt or claim due from him to these defendants, and others, kept and held the said deed concealed and refused to and did not deliver the same to the Register of Deeds for record in the office of said Register of Deeds; but on the contrary and for the fraudulent purpose, view and intention of defrauding these defendants out of the amount of their said claim and for which said judgment was recovered, he has ever since the said delivery to him of the said deed as aforesaid, kept the same concealed and refused to have the same recorded in said office of Register of Deeds; 23 and that said deed has not been, therein or elsewhere in any manner, recorded.

That at the time of the said levy upon the said lands and premises under and by virtue of said writ of attachment as aforesaid, the said John A. Drunkle was and for a long time prior

thereto had been in the actual possession of said lands and premises in person and by tenant and occupied and used and cultivated the same for farm purposes.

23/ That thereafter, and for the purpose of defrauding these defendants, and while said lands and premises were subject to said attachment levy and judgment lien, the said John A. Dunklee and wife secretly made, executed, acknowledged and delivered to said plaintiff Phillip Hunk, a deed of conveyance of said lands and premises, which last mentioned deed of conveyance, said plaintiff has ever since and does now keep concealed and the same has not been in any manner recorded in said office of Register of Deeds.

25/ That thereafter and ~~for~~ the sole purpose and with the view and intention of defrauding these defendants out of the amount of their said claim against said John A. Dunklee and for which judgment was recovered against him as aforesaid and for the fraudulent purpose of avoiding and evading the aforesaid attachment levy and judgment lien, the said plaintiff procured of said John Elwood a deed of quit claim whereby, and for the false and fictitious consideration of one dollar therein stated to have been paid, the said John Elwood claimed and pretended to sell, convey and quit claim, to said plaintiff, the premises described in said complaint; which said last mentioned deed of conveyance and quit claim, bears date the 24th day of November A.D. 1871 and was recorded in said office of

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Register of Deeds in and for said County of Barber on the 18th day of March A.D. 1873 in Book "O" of Deeds, on page 176 thereof.

Wherefore these defendants ask that by the proper judgment and decree of the Court,

1. That these defendants be adjudged to be the owners of said premises described in said complaint and every part thereof, subject only to the right of said John A. Dunklee, his heirs, administrators, executors or assigns to redeem the same from said sale within one year from the date thereof.
2. That all right title and interest or claim of the same on the part of said plaintiff to said premises or any part thereof, adverse to these defendants, be adjudged and decreed to be fraudulent and void and of no effect in law or in equity.
3. That they have such other or further relief as the Court may seem just proper and equitable in the premises; and have judgment against said plaintiff for their costs and disbursements in this action.

Macdonald & Southworth

Attys for Defendants
Shakopee Minn.

STATE OF MINNESOTA, }

County of *Leavenworth* }

District Court,

Eighth Judicial District.

Phillip Hunt

AGAINST

J. I. Case & Co.

Answer

Affidavit of Verification by Attorney.

*Due service of within answer
by look admitted this day of
March 4th 1875*

Baptist & Pelt

Two

Alleged for Pelt

MacDonald & Southworth

Defts Attorneys

Shakopee Minn

March 14th 1875

and for sale by the St. Paul Pioneer Office.

*my initials
Shakopee*

STATE OF MINNESOTA,County of Scott } ss.E. Southworth

being duly sworn, doth depose and say, that the foregoing Answer
 is true to the best of his knowledge, information and belief; and deponent further
 says that he is one of the defendants
Attorneys in the action in said Answer entitled, and that the
 reason why the said Answer is verified by this deponent and not by
 one of said defendants is that said defendants and each of them are
 absent from the ^{State} ~~County~~ of Minnesota wherein reside their
attorneys herein.

Subscribed and Sworn to before me,

On this 1st day of March

A. D. 1875

Henry BondsE. Southworth

Notary Public
 Scott Co. Minn.

State of Massachusetts
District Court Essex County
Philip Hunk

against

James I Case, Stephen Bull
Massena B Irskim and
Robert H Baker Copartners under
the firm name and style of
J I Case & Company

Sirs You will please to take
notice that the ~~forfeiting~~ ~~and~~
above entitled action has been
dismissed and discontinued
and an entry of such dismissal
entered in the Clerk's register
in said Court. Of which said
entry the following is a copy
"On Motion of Baynt & Rich
Plaintiffs Attorneys the above en-
"titled action is hereby dismissed"
This 5th day of April A.D. 1845"

Dated April 5th 1845-

Baynt & Rich
Plffs Atty's

To Macdonald & Southworth
Atty's for Defendants

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

Phillip Hunk
vs.
John Leary & Co.
Aft. of boats & Disbursements

Macdonald & Southworth
Atty for Defts

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

Phillip Hunt

vs.
J. I. Case & Co

Bill of Defendants costs & disbursements

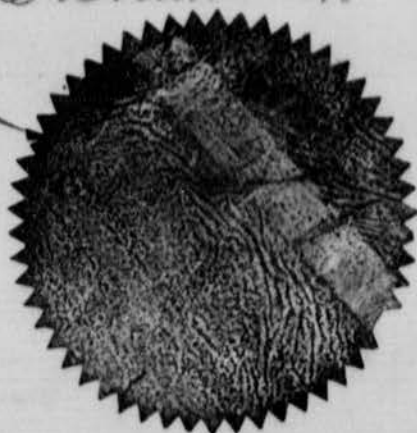
Statute costs	\$ 5.00
Clerks fees. Amount allowed by law	4.40
6. Affidavits	1.50
Total	\$ 11.90

County of Scott ss.

E. Southworth being duly sworn
says that he is one of the attorneys for said
defendants in said cause and that the fore-
going bill of costs and disbursements is just
and true and that the affidavits therein
mentioned were actually and necessarily
procured and used in defending in said action

Subscribed and sworn to before me
the 6th day of July A.D. 1876

E. Southworth
J. L. McDonald
Notary Public
Scott Co. Minn.



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

Phillip Hunt

vs.

J. I. Case & Co

Bill of Defendants Costs

Statute costs	\$ 5.00
clerks fees, amount allowed by law,	" 4.40
to Affidavits	1.50

Total \$ 11.20

Sends

Please to take notice that application
will be made by said defendants, to the clerk of
said court at his office in the Court House
in the village of Chaska in said county
on the 12th day of July A.D. 1875, ^{at 10 o'clock in the forenoon} to have the
foregoing bill of costs and disbursements taxed
and allowed and judgment entered therefor in
said court in said cause

Yours &c

MacDonald & Southworth
Atty for Defts

To Baxter & Beck
Atty for said Plff.

State of Minnesota
County of Scott } ss.

E. Southworth being duly sworn says
that he did on the 8th day of July A.D. 1875, serve the within
notice on Baxter & Peck Attorneys for said plaintiff there-
in, by enclosing ~~the~~ a true and correct copy thereof in
an envelope and seal and plainly direct the same
to "Messrs Baxter & Peck, Chaska, Carver County, Minnesota"
that being the place of business of said Baxter & Peck and
the place of residence of said Baxter, one of said Attorneys,
and fully pay the postage thereon and deposit the
same in the postoffice at Shakopee in said State,
^{on said 8th day of July}
and that there is daily communication by mail
between said Shakopee and said Chaska

Subscribed and sworn to before me this 9th day of July A.D. 1875- E. Southworth

J. L. MacDonald
Notary Public, Scott Co., Minn.

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

Phillip Hink

J. L. Lease & Co

Notice of Taxation of Carver

MacDonald & Southworth
Attys for Defls

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

Phillip Stark

vs.
J. H. Case & Co

Judgment Roll

Judgment for Costs for
Plffs \$11.20

Filed July 12th AD 1845.
G. Graymire
Clerk

200-

Macdonald & Southworth
Atty for Plffs

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

Phillip Henk

vs.

J. I. Leary & Co

Judgment,

"His cause having been duly commenced by publication of the summons therein and said defendants having duly appeared and joined issue by answering to the complaint of said plaintiff herein, and petitioned for the removal of said cause to the Circuit Court of the United States in and for the District of Minnesota, and said plaintiff having thereupon moved and asked that said action against said defendants be dismissed, which said motion was granted and said action thereupon dismissed

Now therefore, on motion of McDonald & Souleworth Attorneys for said defendants it is adjudged and determined that said defendants recover and have judgment against said plaintiff for their costs and disbursements in said action which have been duly taxed and allowed to the amount of Eleven Dollars and Twenty cents, and that they have lawful process therefor.

Dated July 12th 1875

By the Court
J. W. Grayenhull
Clerk

No.

873

Labow

DISTRICT COURT,
CARVER COUNTY, MINN.

Margdalena Joss
Plaintiff.

vs.

Fridolin Joss
Defendant.

Baxter & Beck
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry *September 19th, 1874*

Register of Actions *"A"* Page *134*

Term Tried *19*

Judgment for

Amount of Judgment \$

Date of Judgment *19*

Judgment Book Page

Default Judgment Book Page

Date of Docketing *19*

sursum the coast of their
action

Baytown & Rich
Pepper City

Jessie Court,
Country of *Cass*

Magdalen Yost
against

Freda Yost

VERIFICATION.

Filed, Sept 19th A.D. 1894 at
St. Paul, Minn.

Raymond P. R. R.
Attorney,
Chicago Minn.

RAMALY, CHANEY & Co., Printers, St. Paul.

State of Minnesota,

County of Carm

} ss.

Margdalen Gust came

before me personally, and being duly sworn, doth say that he is plaintiff

in the above entitled action: that the foregoing 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.

Margdalen Gust

Subscribed and Sworn to before me,

On this _____ day of _____ 187 _____

}

Promissory Note

No. 874

DISTRICT COURT,
CARVER COUNTY, MINN.

Susan Ganger
Plaintiff.

vs.
David Wellmerthal
Defendant.

Barter & Peck
Plaintiff's Attorney,

Defendant's Attorney.

Date of Entry *Sept. 18, 1874*

Register of Actions *A* Page *155*

Term Tried *1*

Judgment for *Plaintiff*

Amount of Judgment *493.30*

Date of Judgment *July 10, 1875*

Minute Book A
Judgment Book Page *436*

Default Judgment Book Page

Date of Docketing *July 10, 1875*

Judgment Book Page 220

State of Minnesota
County of Cass

Dec 1874

E. H. Edwards being duly sworn says:
that in the County of Cass and State of Minnesota on the
18th day of September A.D. 1874 he served the within summons
on the within named defendants William Mueller and Hermann
Schumaker by delivering to each of them
a true copy thereof, and further that he knew each of the
persons so served to be the same persons named as defendants
in said summons
I, E. H. Edwards, do hereby certify that
I am a duly qualified Constable for the County of Cass, Minnesota.

E. H. Edwards

Constable fees \$3.00

Original

STATE OF MINNESOTA,

County of Cass

DISTRICT COURT,

Judicial District.

Susand Jager

vs. William Mueller and Hermann Schumaker

Summons for Relief.

Filed, July 1874
H. H. Edwards
Constable

Plaintiff's Attorney

Plaintiff's Attorney

Charles L. Linn

-15-

State of Minnesota,
County of *Leanne*

DISTRICT COURT,

82 Judicial District.

Susana Jansen

- 79 -

Daniel Wellmer and Mary Wellmer SUMMONS.
his wife. William Dresser and
Karman Schumacker.

The State of Minnesota,

TO THE ABOVE NAMED DEFENDANT:

You & each of you are hereby summoned and required to
which has been filed with the Clerk of the District Court of said County
answer the complaint in the above entitled action, a copy of which is here=
~~with served upon you~~, and to serve a copy of your answer to the said com=
plaint on the subscriber & at *their* office in *Village* in the
county of *Leanne* 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 complaint within the time aforesaid, the plain=
tiff will apply to the Court for an
order of summary in the Complaint

Dated, *Sept 14*

A. D. 1874

Baxter & Pick

Plaintiff's Attorney, *Chaska*

Minn.

State of Minnesota, William May being duly sworn, says that
County of M'Leod. } ss. he did on the 21st day of September 1894, ^{Ally William his wife} ^{by} ^{said William} ^{as} ^{dependent}

serve the within summons on the within named defendants, by
handing to and leaving with each of them a true copy hereof
in the Town of Winstead in said County, and that I know the
persons named to be the persons named as defendants.

Subscribed & sworn to
this 1st day of September
1894. ^{John Tolman}
Justice of the Peace

John May

State of Minnesota,

County of Cann

Sisana Fanger

- 25 -

David Villum
his wife William Or
Herman Schmuck

The State of Minnesota,

TO THE ABOVE

~~which has been~~ You ^{are} each of you
answer the complaint in the above ~~with~~
~~served upon you~~ and to serve a
plaint on the subscribers at ~~this~~
county of Cann and
after the service of this summons on you
and if you fail to answer the complaint
tiff will apply to the
Court in the

Dated, Sept 14

Bx

Plaintiff's

John 1

State of Minnesota,
Linn County } Justices
Eighth judicial district
Susan Ganger

- vs -

David Vellum } Mary Vellum } wife
William Drescher }
Herman Schumacher }

The Plaintiff for Complaint in the above entitled action states and shows to this Court; that on the 11th day of May 1870, for value received the said Defendant David Vellum made executed and delivered to Henry Ganger his certain promissory note in writing whereby and by the terms whereof the said David Vellum promised and agreed to pay to the said Henry Ganger or order on or before one year from date the sum of four hundred dollars with interest at twelve per cent per annum. that said promissory note was dated on the 11th day of May 1870.

Plaintiff further says that to secure the principal and interest of said note due and to become due by the terms thereof the said David Vellum and Mary Vellum his wife duly made executed and delivered

to said Henry Jager a certain mortgage
bearing even date with said promissory
note aforesaid Conditional for the
payment of said sum of four hundred
dollars with the interest to become due
thereon together with the additional sum
of twenty five dollars at any time in case
" 3 of the foreclosure of said mortgage to
be paid. The said David Bullman and Mary
Bullman his wife duly executed said mortgage
upon the following described land and
real estate situate in the County of
Cass Minnesota to wit: Lot number
three and the South half of lot number
two (2) in Block forty nine (49) the whole
fronting ninety nine (99) feet on Lewis Street
in the Village of Watertown as surveyed by
R. H. Blanning Esq. as appears by that
their old file in the Office of the Register of
deeds of said Cass County, also the
west half of the North west quarter of
Section No. one (1) in Township one hundred
and sixteen (16) of Range twenty six (26)
Containing seventy five and one half
" 4 acres of land more or less. which said
mortgage was duly acknowledged and was
on the 30th day of July 1873. recorded in
the office of the Register of deeds of said

of said County in Book "16" of Mortgages
page 83. Plaintiff further says that one of
the conditions of said mortgage was that
on or before one year from the date
thereof said mortgagor should pay to
said mortgage his executor, administrator
or assigns the said sum of four hundred
dollars with interest as stated in said
note.

" 5 Plaintiff further says that before the
commencement of this action she became the
owner and holder of said note and mortgage
and is now the owner and holder thereof.
that no part thereof has been paid except
the interest upon said sum of \$400. from
the date of said note to and until the 11th
day of May 1872. that there is now due
on said promissory note the said
sum of four hundred dollars and
interest thereon since the 11th day of May
that no proceedings at law or otherwise have been commenced to
enforce the same or to collect the same of \$465.33.

" 6 Plaintiff further says that she believes
and states that the said William Oriskany
and said Hermann Schumacher have or
claim some estate or interest in the
said mortgage premises or some part
thereof as purchasers or otherwise which
interest if any have accrued subsequent

Whispering hints, answers justly meet
against all darkness for the saintly reign
and one saint note
and no more, and the better part of 29. September is a night
that the eternal better world is made for

Baxter and Rich
Atty's for Plaintiffs

Griff. Court
Barren country.

Ismael Janga

75 -
Devill Millen
et al. -

confluent.

Doct^r & Clerk
Att^y for Plaintiffs

District Court,

County of Canon

Susana Ganger
against

David Wellman et al

VERIFICATION.

Given & signed 18th Nov 1894
Edw. Wraymehl, Clerk

Baxter & Peck

Attorneys,

for Puff Chance Minn.

RAMLEY, CHANEY & Co., Printers, St. Paul.

1895

State of Minnesota, }
County of Leavenworth } ss.

Susana Zanger came

before me personally, and being duly sworn, doth say that she is Plaintiff

in the above entitled action: that the foregoing 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,
On this 14 day of Sept 1871

L. L. Boyter

Notary Public, Minn.

Susana Zanger.

Dist. Court
Same Court
Suzana Gayer

- 75 -

David Muller
et al.

Affidavit of no
answer.

John, John, George, &
G. W. W. W. W. W.
Adm. C.

155

Baxter & Co
Atty for Plaintiff

State of Minnesota
Dist. Court & Vice
Canon County.

Susana Janyer

- vs -

Oscar Muller and Mary Muller
his wife, William Orsler
and Henry Schumacher

} Affidavit of no answer

County of Scott & ss.

H. J. Pick being duly sworn
says that he is one of the attorneys
for the Plaintiffs in the above
entitled action, that more than
twenty days have elapsed since
the service of the summons in
said action, that there has been
no appearance therein on the
part of said defendants or either
of them by answer demurrer or
otherwise.

Subscribed and sworn
to this 24th day of
December 1894.

L. M. Brown
Notary Public
Scott Co.
Minn.

H. J. Pick.



Dist Court
Carm County

Susana Jenger

- 93 -

David Bullmer
et al.

Order
for judgment

Filed July 15th A.D. 1895
G. W. H. H. H. H. H.
Clerk

1895

Baxter & Peto
Attys for Peto

State of Minnesota
District Court 8th Dist
Carver County.
Susana Genger
- 45 -

David Pullmer and
Mary Pullmer his wife
William Bressler and
Henry Schurbracker } Order.

This cause came on for trial
before the Court at a regular term
thru of July 1st 1875; at St. Olaf
and it appearing that there has been
no appearance on the part of either of
said defendants and the time for
answering having expired and
after hearing the facts on the part
of said plaintiffs whom it appeared
that the allegations in said Complaint
are true and that there is the
sum of four hundred and
seventy ^{eight} ~~five~~ (#478) dollars principal
and interest due them and unpaid
Now therefore upon motion of Baxter
and Beck Atty's for said plaintiffs it is
hereby ordered that said plaintiffs
have judgment for the relief demanded in the
Complaint.

Done July 1st 1875.

John H. Brewer
Judge Dist Court -

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

Susanna Zanger
vs
David Wellmer and Mary Wellmer his wife
William Grepler and Henry Schumacher
Judgment.

This cause came on for Trial and hearing
at a regular Term of said Court at Shakopee, July
first 1875, and there being no appearance on the
part of the defendants and the Court having ordered
that judgment be entered for the relief demanded
in the Complaint.

Now therefore, upon motion of
of Baxter Beck attorneys for said Plaintiff, It is hereby
adjudged and the judgment of this Court is that the
said Mortgage upon the following described premises
situate in the County of Carver and State of Minnesota,
to wit:

The South half of Lot number two (2) and Lot
number three (3) in Block Forty nine (49) - the whole
fronting ninety nine (99) feet upon Levee Street
in the Village of Watertown as Surveyed by R. H.
Blending Reg: as appears by the plat thereof on file
in the Office of the Register of Deeds of said County

of Corner, Also the west half of the South West
Quarter of Section No. One (1) in Township One
hundred and Sixteen (116) of Range Twenty Six (26)
containing seventy five and one half acres (75 1/2) -
more or less, be foreclosed.

And it is further adjudged that there
is now due on said note and mortgage principal
and interest and attorneys fees the sum of Four
hundred and seventy eight (\$478.00) dollars.

And that said Plaintiff recover said sum of Four
hundred and seventy eight (\$478.00) ^{dollars} and costs taxed
at fifteen & 30/100 = dollars, of said David & Mary
Waltmer.

And it is further adjudged that said mortgage
premises be sold according to law or so much thereof
as may be necessary to satisfy said sum of Four
hundred and seventy eight (\$478.00) dollars and costs
of foreclosure.

And it is further adjudged that the said
defendants herein and all claims, liens, demands
and interest in and to said premises by them be
forever barred of all interest in or to said premises
or claims or interest thereunder.

Dated July 10th A.D. 1895.

By the Court:

Georgienbuhl

Clud

Certs. Statute costs \$5.00
aff'd costs " 4.50
service of summons " 4.50
clerk fees " 5.05
Total \$19.05

State of Minnesota
District Court
County of Carver,

Susanna Zanger
vs

David Ballmer & Mary Ballmer
his wife William Hepler (and)
Henry Schumacher,

Judgment Roll.

Judgment \$448.00
Costs " 15.30

Total \$463.30

Filed July 10th 1895.
Wm. W. Weyenbuck, Clerk

= 155 =

Baxter Reed, Atty for Plaintiff
Chaska, Minnesota

Land Title

No. 875

DISTRICT COURT,
CARVER COUNTY, MINN.

Thomas A. Palmer
Plaintiff.

vs.
The Board of Commissioners
of the County of Scott
Defendant.

L. M. & J. A. Brown
Plaintiff's Attorney.

J. B. Whitlock, H. K. Kinde & H. L. MacDowell
Defendant's Attorneys

Date of Entry September 19th, 1874

Register of Actions "A" Page 209

Term Tried October General 1874

Judgment for Defendant

Amount of Judgment \$ 45.98

Date of Judgment October 17th 1874

Minute Record of Judgment Book Page 388

Default Judgment Book Page

Date of Docketing October 17th 1874

Judgment Book "A" Page 198-

Apr 5.

H. J. Rick

Receipt of the
Judgment Roll given
Holmes & Scott Co.

April 26th 1895.

Chocka April 26/75

Rec'd Judgment Roll in case
of J. A. Holmes vs The Com
of Sec Co

H. J. Pick.

DISTRICT COURT.

8th Judicial District.

County of

Scott

Thomas A. Holmes

Ag't

SUMMONS.

The Board of County Commissioners of the County of Scott

The State of Minnesota, TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to answer the Complaint in this action which is herewith served upon you

and to serve a copy of your Answer to the said Complaint on the subscribers, at their office in The City of Shakopee, County of Scott, & State of Minnesota within twenty days after the service of this Summons upon you, exclusive of the day of such service, and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff in this action will have the amount he is applying to the said Court for the relief demanded in his said complaint

Dated

Oct 10th

A. D. 1873

L. M. & D. A. Brown

Plaintiff's Attorneys Shakopee Minn.

State of Minnesota
Dist Court 8th Dist
County of Scott

Thomas A. Holme

Att

The Board of County Commissioners of the County of Scott -

The Plaintiff in the above entitled action for complaint therein respectfully states & shows to the court that he now is & for more than three months last past he has been seized in fee simple & has during the time aforesaid been & still is entitled to the immediate possession of the one undivided half of all that certain tract, piece or parcel of land situate in said county & known & designated as follows: to wit: "Court House square" the same being bounded upon the east side thereof by Holme street & on the west side by Fuller street, on the south side by Fifth street, & on the north side by Fourth street, in the Plat of Shakopee city as the same appears upon the record in the office of the Register of Deeds in & for the said county of Scott & the Plaintiff further says that said defendants have during all the time aforesaid & still do at the time of the commencement of this action wrongfully & unlawfully & without any lawful authority detain & withhold the possession of the said undivided

one half of said tract of land from him & to his
damages in the sum of five hundred dollars -

And the Plaintiff further says that said de-
fendants are not the owners of any part or
portion of said premises nor have they any
right, title, or interest therein or to the possession
thereof or of any part or portion thereof

Wherefore the Plaintiff demands the judgment
of this court that the possession of the said
undivided half of said premises be delivered
to him & for his damages aforesaid & the costs
of this suit -

L. M. & D. A. Brown
Attys for Plff

1325.
State of Minnesota
Dist Court 8th Dist
County of Scott

Thomas A. Bolnes

Ag't

The Board of County
Commissioners of the
County of Scott

Complain't & Summons

Filed Sept 19th 1874
W. H. B. & Co. Clerk

Filed Nov 17th 1873.

D. M. Connelley Clerk
By M. M. Maynard & Co. Attys

209

L. M. & D. A. Brown
Attys for Plff

1st Folio
State of Minnesota
County of Scott

District Court
8th Judicial District

Thomas A Holmes
Against
The Board of Commissioners of the County of Scott.

The defendant answering the Complaint of the plaintiff in the above entitled action for Amended Answer, therein respectfully states and shows to the Court,

1st That the defendant denies each and every allegation in the Complaint contained, except the allegation that the defendant has been during the three months next prior to the commencement of this ~~said~~ action in the possession, use and occupation of the premises bounded and described in the Complaint.

2nd Further answering says that the County of Scott, was duly organized, by and under an act of the Legislature of the Territory of Minnesota (now State), passed March 18th 53. And has remained a body politic, and Corporate ever since to the extent conferred and defined by public Statutes relating thereto. That Shakopee, or "Shakopee City" was in 1853, and ever since has been the County seat of said County of Scott, and the place where all the courts of record, have been held in and for

3rd

said County, and the place where all the County Offices
are and have been kept, and public records, held
and deposited

Further Answering says - That the Plaintiff and one
David, L. Fuller Jr. jointly and by virtue of the Provisions
and in pursuance of an act of Congress of the United
States Entitled: "An act for the relief of the Citizens
of towns upon the lands of the United States under
certain Circumstances" passed May 23rd 1844,
Cause to be surveyed and plotted into Blocks, Streets,
Alleys, Outlots, and Squares, and public grounds,
certain lands, now known and designated as "Shakopee
City," and caused the same to be entered at the U.S.
Land office, at Red Wing in the Territory of Minnesota
(now State), August 18th 1855, and thereafter and on
the 27th day of December of said Year 1855, the Plaintiff
together with said Fuller, endorsed on said plat
the following Certificate of Acknowledgement.
and duly and on the same day acknowledged the
same viz. "I hereby certify that I am one of the
original proprietors of the town site of "Shakopee City"
in Minnesota Territory. That the portions of
the within plat bounded by Blue shaded lines,
and by the red shaded lines, embrace all the Blocks
Lots, streets, alleys, and Public grounds in "Shakopee
City" aforesaid, and I further certify that I
have examined the Certificate of Edmund B. Hood,

4th

5th

Surveyor hereupon written, and that the same is correct.

Witness my hand and seal this 27th day of December A.D. 1855.

J. A. Holmes C.D.

Territory of Minnesota

County of Scott S.D. On the 27th day of December A.D. 1855. before me the undersigned, Associate Justice of the Supreme Court of the Territory of Minnesota personally appeared Thomas A. Holmes to me known to be the identical individual by whom the foregoing Certificate was executed, and acknowledged to me that he had executed the said Certificate.

In testimony whereof I have hereto Subscribed my name the day and year above written

Andrew L. Chatfield

Associate Justice Sup. Court M.T.

and that among the Blocks, and Squares, and public grounds, aforesaid, in the plat aforesaid is the piece or parcel of land described in the Plaintiffs Complaint as "Court House Square", and is the square alluded to in the Certificate aforesaid as "Public Grounds", and is duly marked & noted on said plat as "Court House Square" and bounded by the streets as set forth in the Plaintiffs Complaint.

7th

Further Answering, says that within three months after the acknowledgment and filing of the said plat in the office of the Register of

Deeds of the County of Scott aforesaid. The Legislature
of the Territory of Minnesota (now State) passed an Act
Entitled: An Act to Authorize the Commissioners of
Scott County to borrow money for the purpose
of Erecting County Buildings. Approved March 1st
1856. That soon after the passage of the said Act
the County Commissioners of the County of Scott,
issued the Bonds of the said County, known as
Court House Bonds, to the amount of \$10,000.⁰⁰,
8th and during the summer of 1856, entered in
and on the said square, denominated "Court House
Square", in the Complaint of the Plaintiff, and with
the knowledge, desire, request and permission,
and Consent of the Plaintiff, and with the Avails
of the said ^{and other means of the County,} Bonds, erected the Court House, Jail
and public Offices of the County, and since the
Completion thereof in 1858, have used and occupied
them ever since as the Court House and public
Offices of the County, and as the public grounds of
the County. That the defendant entered into
the possession of said premises, and erected
9th thereon said public buildings, at the request
and upon the urgent solicitations of the
Plaintiff, and upon his representation that
the same were the property and public grounds
of the County, and have improved, repaired,
Ornamented and fenced the same at public
Expense of the County, as the public property
of the County, to the amount and value of

\$20,000. with the full understanding on the part of the Defendant, and also of the Plaintiff that they were the public lands of the County.

Further Answering says, that during all the time of the building, occupancy, repairing, improving, ornamenting & fencing aforesaid in, on, and around the "Court House Square" aforesaid, in "Shakopee City". The Plaintiff has been a resident of "Shakopee City", and a freeholder, and tax payer in said County of Scott, and has at all times voluntarily contributed and paid taxes, together with the residue of the Citizens of the said County and public, to redeem the said issue of Bonds, and for the repairs, improvements &c. in & around the said Court House, Jail, Offices & Square aforesaid. And the Plaintiff by reason of his said acts and knowledge, and at his request, solicitation, and representation aforesaid, has Confused his property, if any he has in said premises, with the property of the public tax payers of the County, and is thereby estopped from any and all claims or claims to said "Court House Square", or that can in any wise arise out of it.

Further Answering says, That the lands designated as "Shakopee City" aforesaid, were entered at the United States Land Office at the Minimum Government price.

and platted as aforesaid, and for many years
have been occupied by a large population, and
city, and as the County Seat of said County of
12th Scott. The Plaintiff caused, or permitted to be
indicated the price, or square of land mentioned
in the Complaint, to be marked and noted in
the said plat, "Court House Square", and did and
performed all the acts aforesaid to the end that
the said "Court House Square" might be dedicated
to the public use, for the sole use of the Public
not only for the benefit of Shakopee City, but
for the Public ~~benefit~~ of the County of Scott, and
that by the marking, noting, and acts, and
matters hereinbefore stated, the said Court House
13th Square was dedicated to public use, and as the
public property of said County, for the uses
and purposes to which it is, and ever since
A.D. 1856, has been applied.

That by reason of the premises and
facts set forth in the foregoing answer the
Plaintiff is not entitled to the relief demanded
in the Complaint, nor to any relief whatever

Therefore the Defendant demands
the judgement of this Court, that he be
dismissed without day, and the Plaintiff
take nothing by his action.

1325

A. Holmes

v

2 of Com of Scott Co

Answer

under Complaint

Since of the nature of
copy at our office
this day of December
1877 is admitted

L. Mc. & D. A. Brown

Jeff's atty

Filed Sept 19th A.D. 1874,
Chargenbuttl
Hull

Filed May 6th A.D. 1874

Thomas H. Carr Clerk

14th 2nd. That all the Claim, or pretended Claim
of the Plaintiff to the title of said land, and
damages arising therefrom, be determined
in the defendant, and that the defendant
have judgment for his costs and
disbursements in this action.

J. A. Whitlock
Atty for Defendant.

Benny Bonds and
J. L. Macdonald
sccys Lst

State of Minnesota
Hills County
Cannon County.

Thomas. A. Holmes
vs
The Board of Commissioners
of Scott County,

Receit,

Given, for Cash a 20844
Guthrie & Co
Clk.

Aug.

Thomas A. Colman.

Against
The Board of County Commissioners
of the County of Scott.

We the jury
in the above entitled action
find for the Defendant.

James J. Dougherty
Foreman

State of Minnesota
County of Carver

District Court

Thomas A Holmes

against

The Board of Commissioners of
Scott County

J. L. Mc² Brown
Attys Peff

Take notice that at ten o'clock
in the forenoon of the 16 Day of October
A.D. 1874 at the office of the clerk of this
court at Blueka in said county of Carver
application will be made to said clerk
to tax the defendants costs and disburse-
ments in this action to wit
Statutory costs \$10.00

Sheriffs fee serving subpoenas 9.20

Witnesses fee

Roderick O'Dowd	1 Day & 8 miles travel	1.48
M. S. Titus	1 " & 10 " "	1.60
Peter Gosh	1 " 8 " "	1.48
R & Murphy	1 " 12 " "	1.72
J. C. Wilson	2 " 24 " "	3.44
C. Barnes	1 " 10 " "	1.60
Mr. Mayer	1 " 8 " "	1.48
H Baumbacher	2 " 8 " "	2.48
N. M. D Mc Mullen	1 Day 10 " "	1.60
		36.04

J. C. Somerville	1 Day	28 miles	fare	1.48
A. Groffert	1 "	8 "	"	1.48
P. Geyerman	1 "	8 "	Not Paid	1.45
Hamilton Clark	1 "	14 "	"	1.84
Clarks bus	say			8.00
Ferry fee				Paid by Plaintiff 3.00
Total \$53.32				

F. J. Whillert Co. atty
 J. L. McDonald } atty
 Henry Hinds }

County of Cavan ss

Frank Mc Grade being duly sworn says that he is ~~chairman~~^{over} of the Board of County Commissioners of Scott County, defendant in the above entitled action; that each and all of the items of disbursements set forth in the foregoing bill were necessarily ^{incurred on the part} ~~for~~ the defendant in the defense of said action, except the items annexed to the names of last five witnesses, that said five witnesses were in actual attendance on the trial of said cause at defendants request and in obedience to a subpoena issued out of this court, each on Day 2 each traveled so to attend and return, from his residence by the usual route eight miles, that their evidence on such trial were in good

J. A. Holmes

v

Board Co. Comm. of Scott Co

Defts Bill of Costs

Received copy of the within
bill of costs and notes

This 14 day of Oct 1874

J. M. & J. A. Bacon

Pepps ally

Filed, October 15th 1874
Ex. 1874

For costs and
under judgment
as per within form
Henry H. Hinds

forth deemed necessary and material, and their
attendance was secured on good faith
believing each to be a necessary and ma-
terial witness for defendant

Subscribed & Sworn before }
on this 14 day, Oct. 1874 } *Frank McGowan*
William H. Koser
Notary Public

Statute Costs	\$ 10.00
Sheriff's fees	" 9.20
Clerk's fees	" 9.90
4 witnesses	" 6.88

Total \$45.98 Costs
in the within entitled action taxed by me
October 17th AD 1874, disallowing the fees for
the last four witnesses and the jury fee \$3.00
Paid by plaintiff *Ed. Weyenbuhl, Clerk*

The Plaintiff in the within entitled
in the annexed motion objects to the
allowance of the items of costs therein
specified as follows: to wit:

1st J. C. Wilson did not attend said
court necessarily where there are days \$1.00

2^d H. Bunnhagen did not necessarily
attend said court where there 1 day 1.00

3^d The last five named witnesses are
not entitled to any fees as witnesses
in said case for the reason that
they were not sworn as such except
H. M. D. McPherson and he gave no
evidence, and no legal excuse is shown
for subpoenaing said witnesses

4th No fees for subpoenaing the last
five witnesses named in said motion
should be allowed for the same reason
as above -

5th The Plff. objects to the taxation of any of
said costs for the reason that the motion
is insufficient. Mr. Whitlock is the atty.
of record and his name signed to said
motion is not his signature

6th The jury fee is not taxable to the
Plff. in the within, and it has
already been paid by him

7th No fees for subpoenaing any witnesses should
be allowed unless the subpoena has been

filed with the return of the Sheriff thereon

8th The fees of the Clerk in Scott Co. have
been paid and the ^{legal} fees of the Clerk in
Corner Co. do not amount to \$8,

L M & D. A. Brown
Attys for Jeff

State of Minnesota. } Venue changed
Dist Court 8th Dist. } to Carver County
County of Scott. }

Thomas. A. Holmes
Agt

The Board of County Commissioners of the
County of Scott. ~

County of Scott ss

Thomas. A. Holmes being duly sworn says, That he is the Plaintiff in the above entitled action, That he was present at Chaska in Carver County during the whole of the time of the trial of said cause And deponent further says That neither the witness Wilson or Baumhager who testified in said cause on the part of the defendant were necessarily in attendance upon said court as such witnesses more than one day That said Wilson told this deponent on the night of the first day of the trial that he remained ~~over the night~~ at said Chaska over night. for the purpose of looking after some colts which he suspected were at or in the vicinity of J. G. Bass opposite said Chaska. on the following day. And deponent further says That the witness T. M. D. M. Mullin gave no evidence at all upon said trial. that he was

sworn but that the evidence he proposed
to give upon said trial was by the judge
of said court wholly & entirely ruled
out. And that the witnesses mentioned in
the defendants notice of taxation of costs
to wit: J. C. Sommerville, A. Grafeustatt, P.
Geyerman, and H. Clark, were not sworn,
nor did they give any evidence whatever,
upon the trial of said cause.

subscribed & sworn to } J. H. Holmes
before me Oct 15th 1874 }

D. A. Brown
Notary Public
Scott Co Minn



dog.

(Filed) October 16th 1874
Guthrie & Co
Bellevue

Thomas A. Holmes
Agt
The Board of Co. Comm
County of Scott

Affidavit

State of Minnesota
County of Carver

District Court
9th Judicial District

Thomas A. Holmes

against

The Board of Commissioners
of Scott County

L. L. M. & D. Brown
Atty's Rlff.

Take notice that at
ten o'clock in the forenoon of the 16 day
of October A.D. 1874. at the office of the
Clerk of this Court at Chaska in
the County of Carver. application will
be made to said Clerk to tax the defendants
costs and disbursements in this action
to-wit:

Statutory costs \$10.00

Sheriffs fees serving Subpoenas 9.20

Witness fees

Roderick O. Dowd 1 day & 8 miles travel \$1.48

Ab. S. Litus 1 " & 10 " " 1.60

Peter Yost 1 " 8 " " 1.48

R. G. Murphy 1 " 12 " " 1.72

J. C. Wilson 2 " 24 " " 3.44

C. Barnes 1 " 10 " " 1.60

M. Mayer 1 " 8 " " 1.48

37.98

H. Baumhager	2 days and 8 miles travel	\$2.48
A. M. M. Mullen	1 " " 10 "	1.60
J. C. Lomerville	1 " " 8 " "	1.48
A. Graffenstadt	1 " " 8 " "	1.48
P. Keyerman	1 " " 8 " "	1.48
H. Clark	1 " " 14 " "	1.84

A. Geo. M. Mullen	1	"	"	10	"	1.60
-------------------	---	---	---	----	---	------

J. C. Lomerville 1 " " 8 " " 1.48

A. Graffenstadt 1 " " 81 " 148

P. Geyerman 1 " " 8 " 148

2. Clark	1	"	"	14	"	"	1.84
----------	---	---	---	----	---	---	------

blanks per \$8.00

July fee \$ 3.00

Total \$53.34

F. J. Whitlock Co Atty

J L McDonald } atty at law
Harry Hinds }

Harry Hinds

District Court
Cass County

Carver County

Thomas A. Holmes

5

Board of Commissioners

Scott County

Notes of Taxation
of Costs

of Casio

Copy

John Oct 16 54 1894
Anthony Abbott
Wm C

Robert L. Montgomery

State of Minnesota *W* District Court
County of Carver *B* Eighth Judicial District.

Thomas A. Holmes *W*
^{against}
The Board of Commissioners *W*
of the County of Scott, *B*

2 This action was commenced by the plaintiff to recover of the defendant the undivided one half of all that tract or parcel of land and real estate lying and being in the City of Shakopee, County of Scott, State of Minnesota known and described upon the plat of Shakopee City as Court House Square, and to eject and remove the defendant therefrom and for his damages, and this action having upon the plaintiff's application been transferred from the County of Scott where the action was commenced to the County of Carver and a trial of this action before a jury having been had in this Court at Chaska in the said County of Carver at the October Term thereof A.D. 1874, and the jury having returned a verdict therein whereby they found for the defendant the issues in the pleadings in this action.

Now therefore, unmotion of the defendants
Attorneys, It is Considered and adjudged that
the plaintiff is not entitled to the possession of
said Premises, that he take nothing by this
action; that the defendant is, upon the facts
set up in the answer herein and the issues
found in its favor by the jury on said trial,
entitled to the peaceable and quiet possession
of said Premises, and that the said defendant
have and maintain the possession thereof for
ever without let or hindrance from the plaintiff,
and recover his Costs and disbursements in
this action, taxed at the Sum of Forty five
dollars and ninety eight cents, and that said
defendant have his Writ of Possession therefor.

Statute costs	\$ 10.00
Sheriff's fees	" 9.70
Witness fees	" 16.88
Deputy fees	" 9.90
Total	\$ 46.48

Dated, October 4th A.D. 1874.

By the Court:

G. Wraymehl
 Clerk

State of Minnesota
District Court

80 District

Thomas A Holmes

- 75 -

The Board of County
Commissioners of Scott
County

} Order

This case came on to be heard
at a Special Term of said Court
at Shoketown in said County on
the 4th day of May 1875. upon
a motion upon the part of said
plaintiff for an order modifying
the judgment then and after
hearing H. J. Beck Atty for Plaintiff
in support of said motion and
Henry Hinder Atty for Defendant in
opposition thereto it is ordered
that said motion be and the
same is hereby granted and
said judgment entered in said
action is modified by striking
out ~~and~~ ~~reversing~~ therefrom the
following to wit: That the defendant
is upon the facts set up in the answer
him and the issues found in ~~it~~ its favor

" by the jury on said trial, entitled
" to the peaceable possession and
" quiet possession of said premises
" and that the said defendant have
" and maintain the possession thereof
" forever without let or hindrance
" from the Plaintiff" and that the
" Plaintiff ~~have~~ be in dollars costs
and said motion.

Done May 5 1855

} John H. Brown
District Judge

Dist Court
Barre Vt.

Thomas A Holmes

- 25 -

The Commr of
Sutro Co. Min.

Order.

Filed, May 10th 1875.

G. H. H. H. H. H.
Clerk

- 29 -

Brown & Peck
Attys for Plaintiff

State of Minnesota } Place of trial changed
Dist. Court 8th Dist } to Cass County
County of ~~Scott~~ ^{Cass} }

Thomas A. Holmes

vs

The Board of County
Commissioners of Scott County

Sir: Please to take notice That
at a Special Term of said Court to be
held at the Court House in Shakopee
in ^{said County of} Scott on Tuesday the 4th day of May
A.D. 1875 at ten o'clock A.M. on that
day or as soon thereafter as counsel can
be heard, a motion will be made
before said Court on the part of said plaintiff
for an order modifying the judgment
entered in said action in said County of
Cass on the day of A.D. 1874 by
striking out of said judgment the follow-
ing words to wit: "That the defendant is
upon the facts set up in the answer true
and the issues found in its favor by the
jury on said trial, entitled to the peaceable
possession and quiet possession of said
premises and that the said defendant
have and maintain the possession thereof
forever without let or hindrance
from the plaintiff, with costs of

of said matter. For the following among
other reasons and causes to wit

- 1st Said portion of said judgment is
wholly unsupported by the pleadings
and records of the jury in said case
2. The said Defendant - has no right to
any affirmative relief under their answer
or under the verdict rendered in said
case

And you are hereby notified that the
Judgment Roll in said case and ~~the~~
~~copy of said judgment~~ ~~and~~ including
said verdict and answer will be used in
support of said matter at the time
and place aforesaid -

Brown & Beck
Atty for Plffs

Dist Court
Cass County.

Thomas S Holmes

- 25 -

The Court of
Cass Co. Minn.

Warrant of Motion

~~Order~~

On 2nd day of
April 1895
at Minn.

William H. Koser.
Co. Atty. Cass Co.
vs
Doa and.

Amund & Pick
Atty. for Doa

Filed May 10th 1895
G. H. Fay Clerk