

Prominent Man Fatally Injured

Christ Filzen, Sr. Succumbs
To Hurt Sustained
In Fall.

Slipping From Wagon, Victim
Falls Under Horses
Feet.

When Jacob Klossner, Jr. was returning from his farm in Milford Saturday afternoon about 4 o'clock and was driving along Broadway this side of Stuebe's farm a little boy came running up to him and told him that something had happened. A few feet further along Mr. Klossner could see a motionless body lying on the ground in front of a team of horses standing in mid-road. Mr. Klossner immediately alighted and was horrified to find that the body was that of our well-known fellow-citizen, Christ Filzen, Sr., and he could see at a glance that the injuries were serious, probably fatal.

Bending over the prostrate form, Mr. Klossner gathered from what the terribly injured man was able to say that he had been driving along with a load of manure to his farm when the wagon was jolted suddenly and that the cushion on the seat slipped off and threw him forward between the horses. They became frightened and began to kick and struggle and he was thrown to the ground and the team went on to the field, made the circle of it just as the driver were in charge and started on their return trip home. When they reached the man they had fatally injured he had strength sufficient left to call to them to stop and there they stood until Mr. Klossner arrived. Mr. Filzen asked that his people be notified and a physician called.

After trying to lift the victim of the accident into his buggy and finding that the suffering was too great for Mr. Filzen to bear, Mr. Klossner made him as comfortable as possible, covering him with his own coat and hat and then hastened back to Stuebe's farm and telephoned for aid. The unfortunate man was taken to the hospital at once where upon examination it was found that his right leg and both arms were broken, the muscles of his right arm cut and torn, his skull crushed and scalp torn loose and his right eye gouged out. No doubt he suffered internal injuries also. He retained consciousness until he was put under an anesthetic, his wounds dressed and the fractures reduced.

When the extent of his injuries became apparent, very little hope was entertained that he would recover altho a strong constitution was in his favor. But he lost consciousness Sunday morning about 11 o'clock and breathed his last Monday morning shortly before seven.

The deceased was born in Bad Bertrich Rheinpreussen, Germany, Jan. 3, 1841 and was consequently 72 years old when he was so suddenly called by Death. He was married to Mary Frances Kioves, his surviving widow, Nov. 4, 1868 in the old country and in 1871 they came to America and directly to New Ulm. For 17 years he was employed as engineer in our flouring mills, working successively in the Eagle Mill, New Ulm Roller Mill and Empire Mills. After he quit his last job, he devoted his entire time to running his farm at the north end of town and doing teamster work. He was street commissioner for several years and was considered the best one we ever had. Several of our streets were graded under his direction. He was an indefatigable worker and a good provider for his family. He had the courage of his convictions at all times and did not hesitate to express them.

The deceased is survived by his widow and the following children: Joseph Filzen, Mrs. John Wartha, Christ Filzen, Jr. of New Ulm, Mrs. John Simmet, Denhoff, N. D.; Philipp Filzen of the Town of Linden, Mrs. George Milne, Mayville, N. D. and Mrs. Jos. Claassen of New Richland, Minn. He is also survived by a sister in Bad Bertrich, one at Ediger an der Mosel, one brother at Springfield and one at Osceola, Wis. At the time of his death he was a member of the St. Joseph's society which will attend the funeral in corpore. Services will take place at the Catholic Church Thursday morning at 9:30 o'clock, Rev. Schinkert officiating.

Mr. Ernst J. Koch



Hale and hearty, our fellow-citizen Ernst G. Koch celebrated the 80th anniversary of his birth last Saturday at his home adjoining Hermann's Park. This event was made the occasion of a family gathering at the old home, all of the children being present except Mrs. Robt. Feldmann of Arlington.

Mr. Koch was born April 19, 1833 at Radegast, Herzogtum Anhalt-Deessau, Germany, and came to New Ulm as early as 1861. At the time of the outbreak of the Indian Massacre he was on a trapping expedition at Lake Shtetek. He immediately made for Mankato where he arrived at the time the Mankatoites were organizing a company to come to the relief of New Ulm. Considerable credit is due him for his untiring efforts in getting the Mankato people started for our hard pressed city on the day they did. While here he saw his share of active service, being a member of several relief expeditions that were sent out from here.

He was married Oct. 14, 1864 to Elizabeth Sahle and immediately took up farming in the Town of Sigel. In the fall of the year 1866 he was elected Auditor of Brown County which position he ably filled for ten years. After retiring as County Auditor, he opened up a real estate office in New Ulm and for quite a number of years he was Court Commissioner and also chairman of the Board of County Commissioners.

Few have enjoyed the confidence of the people as did Mr. Koch and he was repeatedly elected to offices of trust. He never sought these offices, but when elected he gave the people the best service that he was capable of. He was elected as a member of the Board of Education in 1881 and served as clerk continuously for over ten years. He was elected as member of the City Council in 1891 and served the city as Mayor for two terms. For 3 years he was Cashier of the Brown County Bank, its Vice Pres. for 6 years and Pres. for 2 years. In the year 1900 he retired from active business and has since then devoted his time to looking after his farm adjoining his home. His first wife died Jan. 11, 1864 and he married Caroline Schmidt in the year 1866. She preceded him in death 13 years ago. Since then he and his unmarried children have kept up the home together. There are eight sons and daughters, all of the first marriage, who idolize their father and do everything in their power to make his declining years pleasant for him.

The jubilarian is one of the sturdy stock of pioneers whose word is as good as his bond. He has always been a great lover of Nature. The out-of-doors has always appealed to him and manual labor has always at all times been a recreation to him. Doing farm work, looking after his horses, cattle and chickens has kept him young and fresh and has made him sweet and even-tempered, cheerful and cordial. Even adversity was not able to chatter his indomitable spirit and he can look back serenely upon his 4 score years as a well-spent, useful life.

Mr. and Mrs. J. A. Luedka of Huron, S. D. are visiting with the Chas. Stolz family. The Luedka's are thinking of moving back to New Ulm this fall. It is nearly forty-five years since Mr. Luedka was located in New Ulm. At that time he was employed by August Stolz and then secured a position in the railway shops and was sent to Waseca. From Waseca he was transferred to Huron where he is at present foreman of the C. & N. W. Rwy. Shops. He has been there some 25 years and now plans to retire from active life and wants to make New Ulm his home. He purchased several lots on State Street some years ago and will erect a residence there next fall.

To Investigate Short Measures

Driver of Gasoline Supply
Tank Suspected of
Crooked Work.

Man Claims Shortage is All
Due to Mistake in
Counting.

Considerable excitement was stirred up among local gasoline dealers by the discovery that one of the drivers who had been distributing for the local agent of the Standard Oil Company had been dealing out short measure to them for some time.

It appears that the automobile food is drawn from the tank into 5 gallon pails and carried by the driver to the tank of the dealer he is supplying. As each pail is drawn the driver registers 5 gallons by means of a crank mechanism on the wagon and in that way keeps account of the amount delivered to each dealer. When the order is filled the dealer is required to sign a delivery receipt.

One of the dealers becoming suspicious that he was not getting full measure set a watch upon the man and kept tally of the pails delivered and found himself 10 gallons short. Upon speaking to the driver, the man supplied the missing amount, and claiming it was simply a mistake. Other dealers mention that they felt suspicious also and the matter was reported to the local agent who tried to clear the matter up.

The accused man claims whatever wrong deliveries were made were due wholly to mistakes. As he is a poor man and has a family the dealers are disposed to leniency, especially as there is as yet no evidence that he disposed of the amount he gained to anyone else and it is quite possible that the man was only careless. The local agent removed the man from the gasoline wagon until the matter is cleared up but is keeping him in his employ. It is expected that a thorough investigation will be made, the Standard Oil inspector at Mankato having been asked to come to New Ulm and conduct it.

A Most Inviting Place

One of those who will be in readiness for the automobile trade that will come to our doors with the new highway is F. W. Eibner. Mr. Eibner has had a force of men at work for weeks remodeling his bakery sales-room and ice cream parlors and altho not quite completed as yet, it shows what the result will be, one of the cleanest, prettiest and most inviting stopping places along the entire route from Chicago to Yellowstone. It makes one hungry just to look at the goodies, so attractively displayed.

Mr. Eibner, in planning the remodeling, chose a color scheme of green and white with cherry wood work. The walls are of a cool, woodland green and the ceiling is of dull white mortar board applied with laticing of cherry stripes. In the center of each section is placed a frosted electric globe, set into the ceiling with a brass rim, the effect being a softly diffused white light, without the usual glare of electricity.

In the furnishings the same colors are used, the new show cases being the English show case and wall case combined. The woodwork like that of the soda fountain is of cherry and marble is used in the finishing to give the white.

The floor has been lowered to a level with the sidewalk and a new front will be installed. There will be two of the bow windows instead of one as before and the doorway will also be made more modern in appearance. The front is to be of plate glass with prism glass above it to add to the attractiveness. Taken all in all, the place could not be more daintily or effectively planned. It looks the coyness and comfort one wants on a hot summer day, especially after a dusty ride in the sun and Mr. Eibner will prove what he already knows, that it pays to be prepared.

Clifford Muhs of New Ulm, Ed. Jahnke of Cottonwood and Carl Schweinfurth of Searies left Monday afternoon for White Sulphur Springs, Montana where they expect to take up a homestead.

County Fathers Consider Bills

Board of Audit Submits Re-
port at Special Meet-
ing Friday.

Action Taken In Matters Re-
lating To Roads and
Bridges.

At the special meeting of the Board of Co. Commissioners held last Friday auctioneer's licenses were granted to Anton S. Dorn of New Ulm and Palm Carlson of Cotmey.

From the report of the Board of Audit submitted and filed it appears that there was a balance of \$97,940.27 on hand Nov. 1, 1912 and that from tax collections and other sources the amount was swelled to \$177,738.86 on March 1, 1913. Of this amount \$86,070.37 was distributed to the various funds, leaving a balance of \$91,668.49 on hand Feb. 20, 1913 of which \$30,000 is deposited on certificates drawing interest and the balance is on open account. Their report further shows that the total tax levy for 1912 together with uncollected taxes for prior years amounts to \$220,411.05. The sum of \$43,249.27 has been collected and there was uncollected on March 1, 1913 \$177,161.78. Their recommendation that another \$10,000 be taken out of the ditch fund and loaned out at 4% on certificates of deposit met with the approval of the County Board. In their report they mention that they checked the Treasurer's receipts with the tax books for the purpose of ascertaining the amount of funds in the Treasury and chargeable thereto. This work is very slow and laborious and 4 days were consumed in doing it. At the request of the Public Examiner the County Surveyor's fees were fixed at \$5.00 per day and the former resolution was rescinded.

The application of Mrs. Wilhelmine Salkowski for a reduction of assessments and taxes was favorably recommended to the State Tax Commission.

A communication from the State Highway Commission notifying the Board that \$3400 had been allotted to Brown County was read and ordered filed. The request of Richard Baasen for a private road across the Baasen, Metz and County land was referred to the Poor Farm committee.

At the request of a committee from the Brown County Agricultural Society a \$500 appropriation was made for this year's fair.

The request of aid to the extent of \$1000 for constructing and graveling highways in the Towns of Mulligan and Stately was referred to the Commissioner of that district with authority to proceed under the rules and regulations adopted by the Board in 1912.

The following towns filed petitions for aid in constructing town bridges of steel, stone and concrete: Linden \$1000 and Bashaw \$2000, both referred to Com. Graff and Steinke; Mulligan, \$900, referred to Com. Steinke and Henle; Stately, \$2000, referred to Com. Henle and Erickson. The proper committee having reported that the Larrabee bridge needs replanking, it was resolved that this be done at once.

The petition of Peter A. Knutson and others for the establishment of a County road east of the village of Hanska was received. As a committee to hear reasons for and against the establishment of the road, Com. Steinke and Henle were appointed and they will meet at Olsen's Hall in the village of Hanska, May 12, 1913 for that purpose.

The first move to establish and grade a state rural highway thru Brown County under the Elwell Law of 1911 was made when a petition signed by 14 freeholders was presented to the Board and filed. The County Auditor was directed to give the requisite notice for hearing the petition as provided by law.

Ferdinand Bigot, Alfred E. Bigot and Gilbert Bigot, sons of Theresia Bigot, a County charge, were by resolution directed to support their mother, and if they fail to do so, the County Attorney is directed to bring suit to recover the sum of \$75.00 expended for the support of Mrs. Bigot.

It was also resolved that in case the proposed state rural highway be established, the appropriations made for improving State Roads No. 1 and 3 for the current year be expended on other state roads. After auditing bills aggregating \$2,654.07 the Board adjourned.

Mrs. Katherine Klossner



This is a week of anniversaries and Grandma Klossner is among those who are celebrating, today, Wednesday, April 23rd, being her 90th birthday. In many respects Mrs. Klossner's anniversary celebration is the most remarkable of those mentioned in this week's issue of the Review. Ninety years is a great age to attain to in this hurrying world and to arrive at that age well and strong, still able to do a good day's work including household duties, and even fine reading and sewing and some fine knitting, is indeed remarkable. But that is just where Mrs. Klossner's anniversary finds her and the many friends who have planned to call on her to offer their congratulations will find a sweet, happy bright old lady who spends her days busily occupied in the tasks of earlier years. Last year at the County Fair some of Mrs. Klossner's lace work was awarded first prize.

Born in 1823 of Swiss parents in Canton Berne, Switzerland, the little Susanna Katherine Kroepfli grew to womanhood in her native land of great mountains, snow-clad and sparkling, and lakes that reflected the deep blue of the skies. Her father was a deacon in the little home church and as a young girl she sat in the choir loft and sang at the church services. It was there that she was married to Jacob Klossner when she was twenty-three years old and in the old home their first three children were born. But in 1850 the young people heard the call from across the seas and decided to go to America, then as now, the land of promise. They settled first at Joliet, Ill. on a farm, remaining there until they came to New Ulm in May, 1856. They spent three days on the farm where Herman Pfander now lives and then decided to take up a claim across the river in Lafayette Township, and settled on the place still held and occupied by John Klossner.

At the time of the Indian Outbreak the family was living on the farm and on the night that so many of the buildings were burned in New Ulm they started for St. Peter, knowing well what the flames meant. However, the troops coming from St. Peter reassured them and they returned to their home. The tornado that worked such havoc in the city in later years spared them except for minor losses.

Mr. and Mrs. Klossner decided after they had passed the sixtieth milestone to move to New Ulm and for ten years they occupied a home near the river in the vicinity of the East Primary School. Mr. Klossner died there in 1897 and since that time Mrs. Klossner has made her home with her son Jacob and family.

Mrs. Klossner is the mother of six sons and four daughters, all of whom grew to manhood except one little boy Fred, who died shortly after the arrival of the family in America. A short time afterward another son came to take the place of the one who had died and was named Fred also. He is living at Klossner station. The other boys are Jacob, Jr., well-known to every man, woman and child in New Ulm as an active worker in G. A. R. Circles, Henry, a successful banker in far-away Texas, John who lives on the old home farm and William, a retired grain dealer at Winthrop. Of the daughters, Mrs. Emily Kiesling lives at Winthrop and Mrs. Sophia Johnson at Pelican Rapids, Mrs. Katherine Church died in Minneapolis in 1871 and Mrs. Caroline Guggisberg died at Gibbon in the 80's. There are 45 grandchildren and 28 great-grandchildren in the various Klossner families, the youngest of them all being the 8 weeks old daughter of Mr. and Mrs. Herman Albrecht of Lafayette. Mrs. Albrecht is a daughter of John Klossner.

Many of the old neighbors and friends of Mrs. Klossner have planned to call on her today to wish her continued health and long life and Wm. B. Mather has ordered for her an immense bouquet consisting of one beautiful carnation for each year of her long life. The day will no doubt be one of happy memories for many of the older generation.

Supreme Court Sustains Olsen

Modern Woodmen of Ameri-
ca Must Pay Lockway
Policy.

Lessee Cannot Collect For
Plowing In Johnson-
Carlin Case.

In two of the cases handed down by the supreme court last Friday, Judge Olsen was sustained. One of the cases went up from Brown county and the other was a Nicollet county case. The Modern Woodmen of America will now be called upon to pay the insurance on their policy issued to John Lockway, a former New Ulmite. The Order contended that the death of Mr. Lockway was due to "delirium tremens." A Brown county jury decided against them on this issue and the supreme court finds the evidence sufficient to sustain the verdict. The action was brought by Theresia Lockway, the widow of the deceased, who was named beneficiary in the policy. She was represented by A. Frederickson of Springfield, and A. V. Riecke of Fairfax. The syllabus of the court reads as follows:

1. A benefit certificate provided that if death was due to delirium tremens caused by the imtemperate use of alcoholic drinks, it should be null and void. In proofs of death furnished by the beneficiary, it was stated that the cause of the death of insured was delirium tremens. Held, that such statements in the proofs are not conclusive and do not preclude or estop the beneficiary from showing that such statements were made by mistake, and that in fact, the insured did not die from such cause. Held further that plaintiff in this case produced testimony tending to show such a mistake and that the cause of death was not as stated, sufficient to warrant the denial of the motion to dismiss made at the close of plaintiff's case.

2. The evidence did not conclusively show that the insured died from delirium tremens caused by the imtemperate use of alcoholic drinks, and the verdict for plaintiff is sustained by the evidence.

3. The burden of proof was upon defendant.

4. It was not reversible error to deny defendant the right to the closing argument to the jury, no prejudice appearing.

5. There was no reversible error in any of the rulings on the admission of evidence or on the charge.

In the case of Krana Johnson vs. Carl Carlin the syllabus of the court reads as follows:

1. A farm lease provided that if the lessor sells the farm and gives notice to the lessee that she desires to give possession to the purchaser, the lessee shall forthwith vacate upon the lessor paying to— of \$—per acre for plowing newly made before the notice be given, held that the evidence supports the verdict that no compensation could be demanded for such plowing made by the lessee before he was required to vacate, and also that defendant was not entitled to a directed verdict for failure to prove a sale.

2. To prove a sale so as to give the lessor, this plaintiff, a right to terminate the lease oral testimony that she and the purchaser met and bargained for a sale of the farm, reduced the agreement to writing, signed it, that part of the purchase price was then paid, that the purchaser then went into possession, claiming ownership, with plaintiff's consent, and before the trial had received a deed is admissible and is sufficient to establish the condition upon which the lessee, this defendant, was required to vacate, it not being necessary or material to prove the contents or terms of the written contract of sale.

3. Upon such properly admitted evidence the court was right in holding as a matter of law that a sale was proven, and hence no prejudice could result from the improper reception of other evidence relating to the sale.

According to the Madelia Times-Messenger—Judge A. R. Pfau, has handed down a decision in Watonwan county establishing judicial ditch No. 7, the building of which has been protested. The ditch itself is about two miles long with about seven miles of tiling and runs through Butternut Valley and Lincoln townships in Blue Earth and Madelia townships in Watonwan county. The petitioner for the building of the ditch was presented by Attorney J. E. Haycraft of Madelia, E. C. Farmer of St. James, and S. B. Wilson of Mankato, and the men who objected to the building of the ditch were represented by Attorneys H. L. and J. W. Schmitt of Mankato, John Moonan of Waseca, H. N. Somsen of New Ulm and H. P. Barlow of St. Paul. The cost of the work will be between \$60,000 and \$70,000.