



Minnesota District Court (Carver County)  
Civil and criminal case files

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No. 3096

DISTRICT COURT,  
CARVER COUNTY, MINN.

In the Matter of the Application  
to vacate Part of the plot of  
the Village of Mayer <sup>Plaintiff</sup> Carver County  
Minnesota vs.

Albertina Hueter  
Defendant.

Applicant

John J. LeBar <sup>Plaintiff's Attorney</sup>  
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry September 22<sup>nd</sup> 1907

Register of Actions 29<sup>th</sup> Page 513

Term Tried September Term 1908

Judgment for Village

Amount of Judgment \$ 35.45

Date of Judgment April 27<sup>th</sup> 1910

Judgment Book 29<sup>th</sup> Page 319

Default Judgment Book Page

Date of Docketing April 27<sup>th</sup> 1910

Docket "B" page - 111 -



State of Minnesota,  
County of Carver } ss.

## DISTRICT COURT.

Eighth

Judicial District.

In the Matter of The Application to  
vacate a part of the Plat of the  
Village of Mayer, Carver County  
Minnesota,  
Albertina Hunter, Petitioner.

## AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, - - - - - \$ 0.<sup>00</sup>  
Interest on same from the - - - day of - - - 1 - - - \$ 0.<sup>00</sup>

## COSTS AND DISBURSEMENTS.

Statutory Costs, - - - - - \$ 10.<sup>00</sup>  
Affidavits, - - - - - \$ 0.<sup>00</sup>  
Acknowledgments, - - - - - \$ 0.<sup>00</sup>  
Sheriff's Fees, - - - - - \$ 1.70  
Jury Fees, - - - - - \$ 0.<sup>00</sup>  
Clerk's Fees (to be taxed), - - - - - \$ 3.35

## WITNESS FEES, VIZ.:

(Give name of each Witness, Residence, Number of Days and Dates of Attendance and Number of Miles Traveled.)

NAMES.	RESIDENCE.	No. DAYS ATTENDANCE.	DATES OF ATTENDANCE	No. MILE TRAVELED.	
Ed. Behndegger	Mayer Minn.	1	Jan 6, 1909	40	\$ 3. <sup>40</sup>
Ed. Klein	Mayer Minn.	1	Jan 6, 1909	40	\$ 3. <sup>40</sup>
Ed. Lenz	Mayer Minn.	1	Jan 6, 1909	40	\$ 3. <sup>40</sup>
Rudolph Krazke	Mayer Minn.	1	Jan 6, 1909	40	\$ 3. <sup>40</sup>
Ed. Karloff	Mayer Minn.	1	Jan 6, 1909	40	\$ 3. <sup>40</sup>
Ferdinand Schmidt	Mayer Minn.	1	Jan 9, 1909	40	\$ 3. <sup>40</sup>
The above Bill of Costs and Disbursements taxed and allowed at					\$ 35. <sup>45</sup>
Total Amount,					\$ 35. <sup>45</sup>

Dated April 27<sup>th</sup> 1910 H.O. Muehlberg Clerk.

## AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota,  
County of Carver } ss. Thos. F. Cronin

being duly sworn, says on oath, that he is - - - the Attorney of the Village of Mayer & Respondent in the above entitled action; that the foregoing is a true and correct statement of the costs and disbursements of said Respondent in the above entitled action, and that the foregoing items of disbursements, and each item thereof, have been actually and necessarily paid or incurred therein, by and on behalf of said Respondent; and that each of the above named witnesses was a material witness for the said Respondent in said action, and was duly sworn, and testified on the trial of said action, on behalf of said Respondent. That each of said witnesses actually and necessarily traveled the number of miles above set opposite his name, in going from his said place of residence to, and returning to said place of residence from, the place of trial of said action, and for the purpose of so testifying, actually and necessarily attended said Court the number of days and on the dates hereinbefore stated; and that the residence of each of said witnesses is at the place above stated.

Subscribed and sworn to before me this

15<sup>th</sup> day of April 1910H.O. Muehlberg

Notary Public, County Minn.

Clerk Dist. Court.

NOTICE OF TAXATION OF COSTS.

State of Minnesota, }  
County of Carver } ss.

DISTRICT COURT,

Eighth

Judicial District.

In the Matter of The Application to vacate  
part of the plat of the Village of Mayer  
Carver County Minnesota  
Allentina Hunter, Petitioner,

Sir: Please Take Notice, That on the 27th day of April 1910  
at One o'clock P. M., application will be made to H. Muehlberg Esq.,  
Clerk of said Court, at his office in the Court House in the City  
of Chaska in the County of Carver and State of Minnesota, to have the  
within bill of costs and disbursements taxed and inserted in the judgment then and there to be entered  
herein.

Dated April 18th 1910

Yours respectfully,

Thos F. Craven

To John J. Leiker & J. B. Andrews Esqs,

Attorney for

Petitioner  
Wasca Miner

Attorney for Village of Mayer  
and Objecting Land Owners  
Respondents,  
Chaska Miner



District Court,  
*Eighth* Judicial District,  
County of *Carver*

*In the Matter of the Application  
to Vacate part of the Slab of  
the Village of Mayur,  
Carver County, Minn.*

Notice of Taxation of Costs and Bill of  
Costs and Disbursements.

*Due service of the within bill of disburse-  
ments and affidavit to same, and notice of  
taxation thereof, by delivery of copy  
thereof, is hereby admitted this*

*day of* 190*...* at

Attorney for

Filed this *18<sup>th</sup>* day of *April*

A. D. 19*00*

*H. O. Muehlberg* Clerk.

No. 13

Know all men by these presents, That Frederick  
Haunter a single man, and the owner of the NW 1/4  
of Section 6 Township 116 Range 23 in the County of  
Coville & State of Minnesota, that I have caused  
a portion of the same to be laid out in Lots  
and Blocks to be known as the village of Mayer  
as shown by the plat hereto attached and  
I do hereby donate and dedicate forever  
to the public use all the streets and alleys  
as they appear thereon.

In Testimony whereof I have hereunto set  
my hand and seal this 26th day of November AD 1900

Albertine Hunter a widow having a certain  
mortgage interest in said above described land  
do hereby join my son Frederick Hunter in  
the dedication of said streets as above stated  
and do hereby release all streets and alleys  
as shown on said plat and located in said  
above described land from any lien which  
I may hold against said land.

In Testimony whereof I have set my hand  
and seal the day and year above written

In presence of  
F. Scheedigger  
G. A. Gatz

Frederick Hunter  
Albertine Hunter

State of Minnesota ss  
County of Coville

On this 26th day of November  
1900 personally appeared before me Frederick  
Haunter and Albertine Hunter, to me known to  
be the persons described in and who executed  
the foregoing instrument and acknowledged  
the same to be their free act and deed.

G. A. Gatz  
Justice of the Peace  
Coville Co



COUNTY OF CARVER,

ss.

I hereby certify and return, that on the 15th day of February 1908, at the City of Chaska in the County of Carver in said State, I personally posted the within Notice to Vacate in three of the most public places in the City of Chaska in County and State afore-

said, to-wit:  
One true copy thereof on the Front Door of the City Hall of the City of Chaska, a usual place for posting of public Notices.

One true copy thereof on a Telephone Post being on corner of Block 39, 3rd and Pine Street, a usual place for posting of public Notices.

One true copy thereof on a Telephone Post being on corner of Block 30, 3rd and Ash Street, a usual place for posting of public Notices.

Dated this 15th day of February 1908.

Sheriff's Fees, Posting Notices, \$1.50  
Mileage . . . . . \$ .20  
Total . . . . . \$1.70

*G. A. Gatz*  
Sheriff Carver Co, Minn.

County of Carver, State of Minnesota.  
of Mayer, County of Carver, State of Minnesota.  
portion of said plat described as follows: Commencing at a point  
the portion of said plat described as follows: Commencing at a point  
one hundred fifty-seven and one-half feet north and thirty-three feet  
east of the southwest corner of the northwest quarter of section six,  
township one hundred and sixteen north of range twenty-five, Carver  
County, Minnesota, running thence east one hundred and fifty feet,  
thence south fifty feet, thence west one hundred and fifty feet,  
thence north fifty feet to the place of beginning. That said plat  
of said Village of Mayer is not of record in the office of the  
Register of Deeds in and for said county of Carver, in Volume B  
of plats, pages 96, 97 and 98, and that the petition or other said  
application will be made in and on file in the office of the clerk  
of said District Court in the city of Chaska, County of Carver,  
Minnesota.

Dated this 9th day of January, A. D., 1908.

John J. Isker, Attorney for Applicant.

*Albertina Hauster, Applicant.*  
*John J. Isker, Atty for Applicant.*  
Waseca, Minnesota.

NOTICE OF APPLICANT'S PETITION TO VACATE  
A PORTION OF THE PLAT OF THE  
VILLAGE OF MAYER.

Notice is hereby given that on the 2nd day of March, A. D., 1908, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver, State of Minnesota, for an order to vacate a portion of said plat described as follows: Commencing at a point one hundred fifty-seven and one-half feet north and thirty-three feet east of the southwest corner of the northwest quarter of section six, township one hundred and sixteen north of range twenty-five, Carver County, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is not of record in the office of the Register of Deeds in and for said county of Carver, in Volume 3 of Plats, pages 96, 97 and 98, and that the petition on which said application will be made is now on file in the office of the clerk of said District Court in the city of Chaska, County of Carver, Minnesota.

Dated this 9th day of January, A. D., 1908.

John J. Isker, Attorney for Applicant.

*Albertina Haueter, Applicant.*  
*John J. Isker, Atty for Applicant.*  
Waseca, Minnesota.



NO VACATE PART OF THE PLAT UP IN

CARVER COUNTY,  
FILED

MAR 2 1908

*H.C. Muehlberg* ..... Clerk.

(513)

*Original to be returned  
to the County Clerk  
at the time of the next  
term of court.*

25  
Feb

NOTICE OF APPLICATION TO VACATE PART OF THE PLAT OF THE  
VILLAGE OF MAYER.

Notice is hereby given that on the 2nd day of March A. D. 1908 at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the Court House in the City of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver and State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point One Hundred fifty seven and one-half feet north and thirty three feet east of the south west corner of the North West quarter of section six, township one hundred and sixteen north of range twenty five, Carver County, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the office of the Register of deeds in and for said County of Carver in Volume B of plats, pages 96, 97 and 98, and that the petition on which said application will be made is now on file in the office of the clerk of said District Court in the City of Chaska, County of Carver, Minnesota.

Dated this 29th day of January, A. D. 1908.

Albertina Haueter, Applicant.

John J. Isker, Attorney for Applicant.

Waseca, Minnesota.



NOTICE OF VACATE NOTICE TO ABOVE LEVEL OR THE DIVE OF THE

STATE OF MINNESOTA

COUNTY OF CARVER

State of Minnesota,  
County of Carver.

Fred Haueter being first duly sworn on oath depose and say that at the Village of Mayer in said County and State on the 3rd day of February A. D. 1908, he served the foregoing Vacate Notice upon the Great Northern Railway Company by handing to and leaving with G. W. Carlson, the duly appointed, qualified and acting freight and ticket agent of said Great Northern Railway Company at the Village of Mayer, County of Carver and State of Minnesota, and upon the Village of Mayer by handing to and leaving with H. J. Lenz, the duly elected, qualified and acting President of the Village Council of said Village of Mayer, County of Carver and State of Minnesota, each personally, a true and correct copy of said Vacate Notice, and handed to and left with each of said parties hereinbefore named, an agent of the Great Northern Railway Company and a President of the Village of Mayer Council respectively, a true and correct copy of said Vacate Notice and of the whole thereof.

*Fred Haueter*.....

Subscribed and sworn to before me this 5th day of January  
A. D. 1909.

*O. P. Pensford*.....

NOTARY PUBLIC, Carver County, Minn.  
My Commission expires May 1, 1914.



(5/13)

IN DISTRICT COURT

Fifth Judicial District.

Hauser entered into an agreement with the village authorities and the IN-  
PETITION.

ST to Your petitioner, Albertina Hauter, respectfully represents as follows:

## II.

### III.

#### IV.

but by mistake of the scrivener the said tract of land was not included in the reservation contained in said deed to her son Fred Haueter, but the



DEPT. OF THE DIST. OF THE ATTORNEY OF MINN.  
IN THE MATTER OF THE ESTATE OF MRS. M. H. H. H.

COMPTON OF DISTRICT

SEVER OF MINNESOTA

FILED JAN 8 1909  
IN DISTRICT COURT

same and all thereof was contained in the deed to him.

V.

That at the time of deeding said land to said Fred Haueter she took a mortgage on the same to secure to herself a part of the purchase price of said land.

VI.

That prior to Feb. 20th, 1900 the petitioner herein and her son Fred Haueter entered into an agreement with the village authorities and the inhabitants of the tract of ground to be incorporated as the village of Mayer to dedicate a tract of land twenty feet wide east of block three in said village of Mayer, to be used as an alley, and that on the 26th day of December A.D. 1900 they did join in a dedication intending thereby to dedicate said alley, but that the Surveyor had included in his plat of the village of Mayer, and there was included in the dedication executed by your petitioner and Fred Haueter the strip of land hereinbefore described as follows (Same description of strip as before set out), being a strip of land fifty feet wide and one hundred and fifty feet long lying south of lot number one in block number three, village of Mayer Carver County, Minn.

VII.

That the said strip of land so included in said plat and dedicated without the knowledge or consent of your petitioner or of Fred Haueter and was so included in the same wrongfully and unlawfully and fraudulently with intent to defraud your petitioner and that your petitioner was led to believe that said plat and dedication contained only the alley hereinbefore mentioned and did believe that said plat and dedication contained only said alley east of block three in said village of Mayer. And that your petitioner is unable to read or write the English language or to understand the same properly.

VIII.

That your petitioner owns a valuable dwelling house which is situated partly on lot one block 3 of said village of Mayer and partly on the strip of ground hereinbefore described lying south of said lot one and which was by mistake dedicated to the public as a street, and which your petitioner asks to have vacated, which dwelling house your petitioner now is and for more than seven years last past has been occupying as her homestead.

IX.

That after said strip of ground hereinbefore described, lying south of lot one block three in said village of Mayer, was dedicated as hereinbefore



3.

alleged your petitioner retained possession thereof and has ever since occupied the same and cultivated the same, and that the said street was never opened, worked and never in any way used by the public as a street.

X.

And your petitioner further states that there is no public necessity to have said tract of land platted as a street, and that the said tract of land is used for the purpose for which it was laid out, and that IN HER JUDGMENT IT IS FOR THE BEST INTEREST OF THE PROPRIETORS of said plat of the said village of Mayer that that part of said plat described as follows to-wit: (Again describing same strip as before)

be vacated, and that the title to said tract of land be adjudged, decreed, and declared to be in such person or persons as are entitled to the same.

XI.

That the parties owning and occupying land adjacent to said tract of land are the Great Northern Railroad Company, Fred Haueter and your petitioner Albertine Haueter.

YOUR PETITIONER THEREFORE PRAYS, that this honorable court may hear and determine this petition, and that it may by an order duly entered herein decree that part of the plat of the village of Mayer described in paragraph ten of this petition, be vacated, and that the title to the said tract of land be decreed in such person or persons as are entitled to the same, and that this Honorable Court make such further order or orders in the premises as the nature of the case may require and as may be necessary to carry out the purpose of this petition and to protect the rights of all parties interested in said plat, and that it further order that its proceedings relating thereto be recorded in the office of the Clerk of this Court and in the office of the Register of Deeds in and for said County of Carver.

Dated this 9th day of  
September 1907.

Albertine Haueter  
By JOHN J. ISKER  
her attorney

John J. Isker  
Attorney for petitioner.

( Verified by John J. Isker )

( Filed in office of Clerk of District Court Carver Co. Sept. 9th, 1907 )

V.

That at the time of reading said land to said Fred Haueter who took a mortgage on the same to secure to himself a debt of the purchase price of said land. of the application to have said land.



and was the great Northern Railway Company. They handled and have left  
that the parties owning and occupying land adjacent to said tract of

The Best Article of Interest and Value

又

In re Application  
to vacate part of the  
Plat of Village of  
Mayes

Peterson Copy

out the, telephone port has not of been done in finished notwithstanding out in

NOTICE OF APPLICATION TO VACATE  
PART OF THE PLAT OF THE  
VILLAGE OF MAYER.

Notice is hereby given that on the 30th day of September, A. D. 1907, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver, State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point one hundred fifty seven and one half feet north and thirty three feet ~~west~~ <sup>east</sup> of the southwest corner of the northwest quarter of section six, township one hundred and sixteen, north of range twenty-five, Carver county, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the Office of the Register of Deeds in and for said county of Carver in Volume B of Plats, <sup>Page 96-97-98</sup> and that the petition on which said application will be made is now on file of the office of the clerk of said District Court in the City of Chaska, County of Carver, Minnesota.

Dated this 9th day of September, A. D. 1907.

*Albertina Hauster*  
*John J. Isker*  
Applicant  
Attorney for Applicant  
Waseca, Minnesota.

( Filed in Office of Clerk of District Court, Carver Co. Sept. 24th, 1907 )  
( Certified by Clerk of District Court )  
Attest my hand and seal of office this 24th day of September, 1907.  
Clerk of District Court  
September 24th, 1907.  
Notary Public for Minnesota



1st Court  
in County  
Application  
to part of the  
estate of Mayhew

Copy-

Hand to Gilling, president

2

Shreve  
over Car  
in Applica  
restate part  
of Village of  
Mayer

Lies

1908

NOTICE OF APPLICATION TO VACATE PART OF THE PLAT OF THE  
VILLAGE OF MAYER.

Notice is hereby given that on the 2nd day of March A. D. 1908  
at ten o'clock in the forenoon of said day, or as soon thereafter  
as applicant can be heard, an application will be made to the District  
Court of the Eighth Judicial District in the County of Carver, State  
of Minnesota, at the Court House in the City of Chaska, by the under-  
signed proprietor of a portion of the plat of the Village of Mayer,  
County of Carver and State of Minnesota, for an order to vacate the  
portion of said plat described as follows: Commencing at a point  
One Hundred fifty seven and one-half feet north and thirty three feet  
east of the south west corner of the North West quarter of section  
six, township one hundred and sixteen north of range twenty five,  
Carver County, Minnesota, running thence east one hundred and fifty  
feet, thence south fifty feet, thence west one hundred and fifty  
feet, thence north fifty feet to the place of beginning. That said  
plat of said Village of Mayer is now of record in the office of the  
Register of deeds in and for said County of Carver in Volume B of  
plats, pages 96, 97 and 98, and that the petition on which said  
application will be made is now on file in the office of the clerk  
of said District Court in the City of Chaska, County of Carver,  
Minnesota.

Dated this 29th day of January, A. D. 1908.

Albertina Haueter, Applicant.

John J. Iker, Attorney for Applicant.

Waseca, Minnesota.

at  
ut



DIRECTOR  
 DEPT. OF AGRICULTURE  
 WASHINGTON, D. C.  
 1908

State of Minnesota,  
 County of Carver,

Fred Haueter being first duly sworn on oath  
 deposes and says that on the 3rd day of February A. D. 1908 at  
 the Village of Mayer, County of Carver and State of Minnesota  
 he posted a true and correct copy of the within Vacate Notice  
 and of the whole thereof, in each of three of the most public  
 places in the Village of Mayer, County of Carver and State of  
 Minnesota, to-wit:

One on the south side of the City Hall, one on the east  
 side of William Truwe's saloon building and one on the east side  
 of the Post Office.

Fred Haueter.....

Subscribed and sworn to before this 5<sup>th</sup> day of January  
 A. D. 1909.

O. P. Penford.....  
 Notary Public in for Carver  
 County, Minnesota.

My Commission Expires May 1 - 1914

N. O. Marshall  
 Clerk.

CORRECTION OF RECORD  
STATE OF MINNESOTA

VER COUNTY,  
FILED

JAN 6 1909

H. H. H. Clerk

513)

County of Carver.

ss.

Eighth

Judicial District.

In the Matter of the Application to  
vacate a part of the Plat of the  
Village of Mayer, Carver County, Minn.  
Albertina Haueter, Petitioner.

## JUDGMENT.

The above entitled action came regularly on for trial by the Court without a jury, and was tried on the 6th day of January, 1909, and said Court having made and filed its Findings of Fact and Decision wherein it found among other things that the said street sought to be vacated is a public necessity and if the same or any portion thereof were vacated it would to a considerable extent depreciate the value of the property contained in said Block Three (3) owned by other persons than petitioner; and that said petition should be dismissed on its merits with costs.

Now, Therefore on motion of Thos. F. Craven, as Attorney for the Village of Mayer et. al. It is Ordered, Adjudged and Decreed, that said street described in said petition is of such public utility and convenience that the same or any part thereof should not be vacated; that said petition be and the same is hereby in all things dismissed and denied and that said Village of Mayer recover of said Petitioner \$35.45 its costs and disbursements herein.

Dated April 27th, 1910.

By the Court,

H. O. Muehlberg  
Clerk.



DISTRICT COURT

Carver

In Matter of the  
Vacate part of the  
Village of Mayer  
County, Minn.  
Lina Hauter  
Petitioner

JUDICIAL DISTRICT

File 27<sup>th</sup> A. D. 1900

Muchallberg  
Clerk of the District Court

No. 1071

State of Minnesota, )  
County of Carver. )

(IN DISTRICT COURT.  
(8th Judicial District.  
(-----)

IN THE MATTER OF THE APPLICATION  
TO VACATE A PART OF PLAT OF THE VILLAGE  
OF MAYER, CARVER COUNTY, MINNESOTA.

At an adjourned Term of the District Court duly held in and for the County of Carver, at the Court House, in the City of Chaska, on the 8th day of January, a.d. 1900, the above entitled proceeding came on in its order for trial; and that thereafter, pursuant to agreement of counsel for the respective parties, the said cause was submitted to the court for decision and determination upon written briefs furnished by such counsel.

John J. Isker and F.B. Andrews Esqrs; appeared as Counsel for the petitioner.

Thos. E. Craven Esq; appeared as Counsel for the Village of Mayer.

After hearing the evidence adduced at the trial and the arguments of Counsel for the respective parties and being fully advised in the premises the Court makes the following findings:

Facts.

1, That the petitioner, Albertina Hauter, now is the owner and occupant of lot 1 in block 3 of the Village of Mayer, County of Carver and State of Minnesota, according to the recorded plat thereof which is now of record in the office of the Register of Deeds in and for said County of Carver, recorded in Vol. "B" Book of Plats Page 96-97-98, on the 28th day of December, a.d. 1900, at ten o'clock in the forenoon, and that said block 3 of said Village of Mayer covers a part of the N.W. 1/4 of sec. 6, town 118, north of range 25 west, Carver County, Minnesota and is a part of the original townsite of said Village of Mayer.

2, That the said Village of Mayer now is, and ever since the 10th day of December, a.d. 1900, has been a municipal corporation duly organized, created and existing under and by virtue of the laws of the State of Minnesota.

3, That the petitioner, Albertina Hauter, up to the fall of the year 1899, was the owner of the N.W. 1/4 of said sec. 6 aforesaid and that in the year 1900 she deeded said parcel of land to her son Fred Hauter reserving the tract now constituting block 3, of the Village of Mayer.

DEPT. OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

RECEIVED  
JAN 10 1901  
IN THE DISTRICT COURT  
OF THE TERRITORY OF ARIZONA

4, That lying south of said <sup>block</sup> ~~lot~~ three, there is a strip of land which was not included in the reservation so made by her which is described as follows:

Commencing at a point 157 1/2 feet north and 33 feet east of the south west corner of the north west quarter of section 8; running thence east 150 feet, thence south 50 feet, thence west 150 feet, thence north 50 feet to the place of beginning, which tract of land was included in the deed of conveyance from said petitioner to said Fred. Haueter.

5, That at the time of the deeding of said lands to said Fred. Haueter, she took a mortgage on the same to secure to herself <sup>the payment of</sup> a part of the purchase price thereof.

6, That on the 26th day of November, a.d. 1900, while said Fred. Haueter was the owner of said strip of land so lying south of said block 3, he, by an instrument in writing, the said petitioner joining therein, for a valuable consideration donated and dedicated said strip of land for a public street to the said Village of Mayer for the use of the public and for the convenience of the public which dedication was accepted by the governing body of the said Village of Mayer, and was thereafter opened for public travel, worked and improved as such and was platted as one of the public streets of the said Village of Mayer.

7, That said street so dedicated, and used as such is a public necessity, it has been traveled and used by the people of the village of Mayer and the public in going to the east end of all the lots contained in said block 3 and in reaching the lands and premises of the said Fred. Haueter, and if the same or any portion thereof were vacated it would to a considerable extent depreciate the value of the property so contained in said block three owned by other persons than the petitioner.

AS CONCLUSIONS OF LAW THE COURT FINDS:

That the said street is a public necessity, that it is for the best interests of the proprietors and the public that the same be not vacated; and it is therefore adjudged, determined and decreed that the Village of Mayer is entitled to judgment denying the relief prayed for in the petition and that the proceedings be dismissed ~~by the court~~ upon the merits.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Wm. Harrison  
Judge of said Court.



AFFIDAVIT OF PUBLICATION.

Chaska Herald Print

Notice of Application to Vacate  
Part of the Plat of the  
Village of Mayer

Notice is hereby given that on the 30th day of September, A. D. 1907, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver, State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point one hundred fifty seven and one half feet north and thirty three feet south of the southwest corner of the northwest quarter of section six, township one hundred and sixteen, north of range twenty-five, Carver County Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the Office of the Register of Deeds in and for said county of Carver in Volume B of Plats page 96, 97 and 98 and that the petition on which said application will be made is now on file in the office of the clerk of said District Court in the City of Chaska, County of Carver, Minnesota.

Dated this 9th day of September A. D. 1907.  
Albertina Haueter  
Applicant  
John J. Isker  
Attorney for Applicant  
Waseca, Minnesota.

NOTICE OF APPLICATION TO VACATE PART OF THE PLAT OF THE VILLAGE OF MAYER.

Notice is hereby given that on the 2nd day of March, A. D. 1908, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver, State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point one hundred fifty-seven and one-half feet north and thirty-three feet east of the southwest corner of the northwest quarter of section six, township one hundred and sixteen north of range twenty-five, Carver county, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the office of the Register of Deeds in and for said county of Carver in Volume B of Plats, pages 96, 97 and 98, and that the petition on which said application will be made is now on file in the office of the clerk of said District Court in the city of Chaska, County of Carver, Minnesota.

Dated this 29th day of January, A. D. 1908.  
Albertina Haueter, Applicant.  
John J. Isker, Attorney for Applicant.  
Waseca, Minn. Feb. 6.

State of Minnesota, ss.  
County of Carver

Came personally before me

*F. E. DuToit*

and, being duly sworn, deposes and says that he now is, and during all the time hereinafter mentioned has been, the editor and printer of THE WEEKLY VALLEY HERALD, a weekly newspaper printed and published in Chaska in said Carver county on Thursday of each week. That he knows of his own knowledge that the printed

notice of *Appl. to vacate part of plat of Mayer* hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said

newspaper once in each week for *Two* successive weeks, and that all of said publications were made in the English language. That said notice was first inserted, printed and published in said newspaper on Thursday, the *12th*

day of *September* 1907 and was printed and published therein on each day of *September* 1907 and every Thursday thereafter until and including Thursday the *19th*

day of *September* 1907. That during all the time aforesaid said newspaper was a collection of general and local news, comments and miscellaneous literary items, and regularly issued and published on Thursday of each week from a known office of publication, said office being equipped with the necessary materials, presses, etc., and skilled workmen for producing the same, and has consisted of not less than four pages, of five columns or more to each page, each column not less than seventeen and three-fourths inches in length, and never made up wholly of patents, plates and advertisements, or either or any of them, and has not been substantially a duplicate of any other newspaper, and has been regularly delivered each week to more than two hundred and forty paid subscribers, and that said newspaper, composed and consisting as above set forth, was printed and published in the English language weekly, and generally circulated in Carver county for more than one year next preceding the date of the first publication of said notice. That the publishers of said newspaper have filed with the county auditor of said Carver county, an affidavit setting forth the facts required by section 2, chapter 33. of the Laws of the State of Minnesota for the year 1893, and amendments thereto.

*F. E. DuToit*

Subscribed and sworn to before me this

*19th* day of *Sept.* 1907.

*Shos H. Cowen*  
Notary Public, Carver County, Minn.

Affidavit of Publication

No. ....

In the matter of the Estate of

Deceased.

Filed this.....day of

.....A. D. 190.....

Judge of Probate.

CARVER COUNTY,  
FILED

SEP 30 1907

H. O. Muehlberg, Clerk

(513)



State of Minnesota,  
County of Carver.

SS

Fred Hameter, being first duly sworn on oath deposes and says that on the 30th..... day of September, A.D. 1907, has posted a true and correct copy of the within vacate notice, and of the whole thereof, in each of three of the most public places in the village of Mayer, County of Carver, State of Minnesota to wit: -  
*one on front door of the city hall, one on the north east side of the postoffice, and one on the east side of building known as the Will Truwe building*

.....*Fred Hameter*.....

Subscribed and sworn to before me this 30th. day of September A.D. 1907

.....*John J. Isler*.....

NOTARY PUBLIC, Waseca County, Minn  
My Commission expires Feb. 4, 1910.

10/2/21

of the whole thereof, in each of three of the most fitting places in  
has passed a time and correct and of the affairs as they are in  
and says that on the 11th day of November, 1907.  
The register, being first duly sworn on o  
CARVER COUNTY, MINN.  
FILED  
OCT 8 1907  
D. Muehlberg Clerk.  
(513)

CARVER COUNTY

FILED

OCT 8 1907

H. O. Muehlberg

(513)



**NOTICE OF APPLICATION TO VACATE PART OF THE PLAT OF THE VILLAGE OF MAYER.**

Notice is hereby given that on the 2nd day of March, A. D., 1908, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer, County of Carver, State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point one hundred fifty-seven and one-half feet north and thirty-three feet east of the southwest corner of the northwest quarter of section six, township one hundred and sixteen north of range twenty-five, Carver county, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the office of the Register of Deeds in and for said county of Carver in Volume B of Plats, pages 98, 99 and 100, and that the petition on which said application will be made is now on file in the office of the clerk of said District Court in the city of Chaska, County of Carver, Minnesota.

Dated this 29th day of January, A. D., 1908.  
Albertina Haueter, Applicant.  
John J. Iker, Attorney for Applicant.  
Waseca, Minn. Feb. 6.

Came personally before me W. E. N. Voss

and, being duly sworn, deposes and says that he now is, and during all the time hereinafter mentioned has been, the editor and printer of **THE WEEKLY VALLEY HERALD**, a weekly newspaper printed and published in Chaska in said Carver county on Thursday of each week. That he knows of his own knowledge that the printed

notice of Appl to vacate part of plat of Mayer hereto attached, cut from the columns of said newspaper, was inserted, printed and published in said

newspaper once in each week for Two successive weeks, and that all of said publications were made in the English language. That said notice was first in-

serted, printed and published in said newspaper on Thursday, the Sixth

day of February 1908 and was printed and published therein at each and every Thursday thereafter until and including Thursday the 13th

day of February 1908. That during all the time aforesaid said newspaper was a collection of general and local news, comments and miscellaneous literary items, and regularly issued and published on Thursday of each week from a known office of publication, said office being equipped with the necessary materials, presses, etc., and skilled workmen for producing the same, and has consisted of not less than four pages, of five columns or more to each page, each column not less than seventeen and three-fourths inches in length, and never made up wholly of patents, plates and advertisements, or either or any of them, and has not been substantially a duplicate of any other newspaper, and has been regularly delivered each week to more than two hundred and forty paid subscribers, and that said newspaper, composed and consisting as above set forth, was printed and published in the English language weekly, and generally circulated in Carver county for more than one year next preceding the date of the first publication of said notice. That the publishers of said newspaper have filed with the county auditor of said Carver county, an affidavit setting forth the facts required by section 2, chapter 33. of the Laws of the State of Minnesota for the year 1898, and amendments thereto.

J. E. DuBois

Subscribed and sworn to before me this 2d day of March 1908.

Comm. by Geo. A. DuBois  
Notary Public, Carver County, Minn.  
Oct 13/1913

Said village of Mayer covers a part of the Northwest quarter of Section Six (6), township one hundred sixteen (116), North of Range Twenty-five, West, Carver county, Minnesota, and is a part of the original town-site of said village of Mayer.

II.

That the village of Mayer, County of Carver and State of Minnesota, now is and since the 10th day of December, A. D., 1900 was a municipal corporation, organized, created, and existing as such under and by virtue of the laws of the state of Minnesota.

III.

That your petitioner, Albertina Haueter, up to the fall of the year of 1899 was the owner of the Northwest quarter of Section Six (6) Township one hundred and sixteen (116), North of Range Twenty-five (25), Carver County, State of Minnesota, and

it of Publication

No. ....

is matter of the Estate of

Deceased.

day of

A. D. 1900

Judge of Probate.

VER COUNTY,  
FILED

MAR 2 1900

W. H. Berg, Clerk.

573)

STATE OF MINNESOTA.

IN DISTRICT COURT.

COUNTY OF CARVER.

FIFTH JUDICIAL DISTRICT.

IN THE MATTER OF THE APPLICATION  
OF VACATE PART OF PART OF THE VILLAGE  
OF MAYER, CARVER COUNTY, MINNESOTA.

P E T I T I O N .

To the District Court of the County of Carver:

Your petitioner, Albertina Hauster, respectfully represents  
as follows:

I.  
That your petitioner is the owner, proprietor, and occupant  
of lot number one (1), in block number three (3), of the village  
of Mayer, County of Carver, State of Minnesota, according to the  
recorded plat thereof which is now of record in the office of the  
register of deeds in and for said county of Carver, recorded in  
Vol. B, Book of plats, pages 96, 97 and 98, on December 28th, A. D.,  
1900, at ten o'clock in the forenoon, and that said block three of  
said village of Mayer covers a part of the Northwest quarter of  
Section Six (6), township one hundred sixteen (116), North of Range  
Twenty-five, West, Carver county, Minnesota, and as a part of the  
original town-site of said village of Mayer.

II.

That the village of Mayer, County of Carver and State of  
Minnesota, now is and since the 10th day of December, A. D., 1900  
was a municipal corporation, organized, created, and existing  
as such under and by virtue of the laws of the state of Minnesota.

III.

That your petitioner, Albertina Hauster, up to the fall of  
the year of 1899 was the owner of the Northwest quarter of  
Section Six (6) Township one hundred and sixteen (116), North of  
Range Twenty-five (25), Carver County, State of Minnesota, and



Application

IN SENATE, FEBRUARY COMMER' MEMORANDUM  
TO ANCHOR, STATE OF MINN. OF THE SUPREME  
COURT, FEBRUARY 1900

STATE OF MINN. OF THE SUPREME  
COURT, FEBRUARY 1900

PER

FILE

FILE

(173)

that on or about the first day of September, A. D., 1900, she  
deeded said parcel of land to Fred Hamster, reserving the tract  
of land now constituting block three of the village of Mayer.

IV.

That at the time she deeded said land as hereinbefore stated  
she intended and it was also intended by said Fred Hamster that  
said reservation should also include the strip of land described  
as follows: commencing at a point one hundred fifty-seven  
and one-half feet North and thirty-three feet East of the South-  
west corner of the Northwest quarter of Section Six, township  
one hundred and sixteen, North of Range number twenty-five, County  
of Carver, State of Minnesota, running thence east one hundred and  
fifty feet, thence south fifty feet, thence west one hundred and  
fifty feet, thence north fifty feet to the place of beginning, but  
by mistake of the scrivener the said tract of land was not included  
in the reservation contained in said deed to her son Fred Hamster,  
but the same and all thereof was contained in the X deed to him.

V.

That at the time of deeding said land to said Fred Hamster,  
she took a mortgage on the same to secure to herself a part of the  
purchase price for said land.

VI.

That prior to February 26th, 1900, the petitioner herein and her  
son Fred Hamster entered into an agreement with the village author-  
ities and the inhabitants of the tract of ground to be incorporated  
as the village of Mayer to dedicate a tract of land twenty feet  
wide east of block three in said village of Mayer, to be used as an  
alley, and that on the 26th day of December, A. D., 1900, they did  
join in a dedication intending thereby to dedicate said alley, but  
that the surveyor had included in his plat of the village of Mayer,  
and there was included in the dedication executed by your petitioner

and Fred Hunter, the strip of land heretofore described as follows: commencing at a point one hundred and fifty feet and one-half feet north and thirty-three feet east of the southwest quarter of the northwest quarter of section Six, township one hundred and sixteen, north of Range twenty-five, County of Carver, State of Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet to the place of beginning, being a strip of land fifty feet wide and one hundred and fifty feet long lying south of lot number one in block number three, village of Mayer, Carver County, Minnesota.

VII.

That the said strip of land was included in said plat and dedication without the knowledge or consent of your petitioner or of Fred Hunter, and was included in the same wrongfully and unlawfully and fraudulently with intent to defraud your petitioner and that your petitioner was led to believe that said plat and dedication contained only the alley heretofore mentioned and did believe that said plat and dedication only contained said alley east of block three in said village of Mayer, and that your petitioner is unable to read or write the English language or to understand the same properly.

VIII.

That your petitioner owns a valuable dwelling house which is situated partly on lot one block three of said village of Mayer, and partly on the strip of ground heretofore described lying south of said lot one and which was by mistake dedicated to the public as a street, and which your petitioner asks to have vacated which dwelling house your petitioner now is and for more than seven years last past has been occupying as her homestead.



and that the said strip of ground hereinbefore described, lying south of lot one, block three in said village of Weyer, was dedicated as hereinbefore alleged, your petitioner retained possession thereof and has ever since occupied the same and cultivated the same, and that the said street was never opened or worked and never in any way used by the public as a street.

IX.

That after said strip of ground hereinbefore described, lying south of lot one, block three in said village of Weyer, was dedicated as hereinbefore alleged, your petitioner retained possession thereof and has ever since occupied the same and cultivated the same, and that the said street was never opened or worked and never in any way used by the public as a street.

X.

And your petitioner further states that there is no public necessity to have said tract of land platted as a street, and that the said tract of land is useless for the purpose for which it is laid out, and that in her judgment it is for the best interest of the proprietors of said plat of the said village of Weyer that that part of said plat described as follows: commencing at a point one hundred fifty-seven and one-half feet north and thirty-three feet east of the southwest corner of the northwest quarter of section six (6) township one hundred and sixteen north of range twenty-five, (25), west, County of Carver, State of Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred and fifty feet, thence north fifty feet, to the place of beginning, be vacated, and that the title to said tract of land be adjudged, decreed, and declared to be in such person or persons as are entitled to the same.

XI.

That the parties owning or occupying land adjacent to said tract of land are the Great Northern Railroad Company, Fred Hauster, and your petitioner, Albertina Hauster.

YOUR PETITIONER THEREFORE PRAYS, that this Honorable Court may hear and determine this petition, and that it may by an order duly entered herein, decree that that part of the plat of the village of Weyer, described in paragraph ten of this petition,

be vacated, and that the title to the said tract of land be decreed  
in such person or persons as are entitled to the same, and that  
this Honorable Court make such further order or orders in the  
premises as the nature of the case may require and as may be  
necessary to carry out the purposes of this petition and to  
protect the rights of all parties interested in said plat, and  
that it further order that its proceedings relating thereto be  
recorded in the office of the clerk of this court and in the  
office of the Register of Deeds in and for said county of Carver.

Dated this 25th day  
of January, A. D., 1908.

John J. Isker  
Attorney for Petitioner

Albertina Hauster  
by John J. Isker her Attorney



...to which the ... of ... and ...  
...the ... of the ... and ...  
...the ... of the ... and ...  
...the ... of the ... and ...  
...the ... of the ... and ...  
...the ... of the ... and ...

STATE OF MINNESOTA, )  
COUNTY OF WASECA. ) ss

John J. Isker, being first duly sworn on oath deposes  
and says that he is the attorney of and for the petitioner and  
applicant in the above entitled matter, that he has read the  
foregoing petition; that the same is true of his own knowledge,  
except to the matters therein stated on information and belief, and  
as to such matters he believes them to be true, and that the reason  
why this verification is not made by the petitioner herein is that  
said petitioner is absent from this county wherein resides this  
affiant, her attorney.

John J. Isker.

Subscribed and sworn to before me this 25th day of January, A. D.,  
1908.

John McQuinn  
State Senator, 10th Senatorial  
District.  
My term expires, Jan. 1st, 1911.

STATE OF MINNESOTA

County of .....

COURT

Plaintiff.

vs.

Defendant.

Due and personal service of the within

..... is hereby admitted

day of .....

A. D. 19 .....

Attorney for .....

Attorney for .....

Minn.

Journal-Radical. Waseca, Minn.

CARVER COUNTY,  
FILED

JAN 29 1908.

*H.O. Muehlberg* Clerk.

(513)



State of Minnesota.  
County of Carver. SS.

I Fred Haueter being first duly sworn on oath depose and say that on the 12 day of September A.D. 1907 I served a true and correct copy of the within vacate notice and of the whole thereof upon the Great Northern Railroad Company by handing to and leaving with Just Carlson a true and correct copy of the same which Just Carlson was at said time the duly acting ticket and freight agent of and for said Great Northern Railroad Company at the Village of Mayer, County of Carver and State of Minnesota and that on the said 12 day of September A.D. 1907 I also served a copy of the within vacate notice upon the common council of the Village of Mayer.

County of Carver and State of Minnesota by handing to and leaving with

A. Gitzow a true and correct copy of the said notice which said A. Gitzow was at said time a member of said common council of the Village of Mayer.

County of Carver and State of Minnesota and further affiant saith not.

Subscribed and sworn to before me

this 8th day of October A.D. 1907.

Fred Haueter

Albert Meyer  
Register of Deeds  
Carver Co. Minn

Country of origin.

(513)



State of Minnesota }  
County of Carver }

I hereby certify and return,  
that on the 14<sup>th</sup> day of September 1907, at the City of  
Chaska in the County of Carver in said State.

I posted three copies of the within Notice of  
Application to Vacate part of the Plat of the Village  
of Mayer in public places to-wit

One at the front door of the City Hall

One at Posting place N.E. Corner of Block 39, 3<sup>rd</sup> & Pine Street

One at Posting place S.E. Corner of Block 30, 3<sup>rd</sup> & Oak Street

All in City of Chaska Carver County Minnesota

Dated this 28<sup>th</sup> day of September 1907.

Shriffs Return, \$1.00

Mileage & Posting 1.70

total \$2.70

G. A. Gatz

Shriff of Carver County  
Minn.

NOTICE OF APPLICATION TO VACATE  
PART OF THE PLAT OF THE  
VILLAGE OF MAYER.

NOTICE OF APPLICATION TO VACATE  
PART OF THE PLAT OF THE  
VILLAGE OF MAYER.

Notice is hereby given that on the 30th day of September A.D. 1907, at ten o'clock in the forenoon of said day, or as soon thereafter as applicant can be heard, an application will be made to the District Court of the Eighth Judicial District in the County of Carver, State of Minnesota, at the court house in the city of Chaska, by the undersigned proprietor of a portion of the plat of the Village of Mayer County of Carver, State of Minnesota, for an order to vacate the portion of said plat described as follows: Commencing at a point one hundred fifty seven and one half feet north and thirty three feet ~~west~~ <sup>east</sup> of the southwest corner of the northwest quarter of section six, township one hundred and sixteen, north of range twenty-five, Carver county, Minnesota, running thence east one hundred and fifty feet, thence south fifty feet, thence west one hundred fifty feet, thence north fifty feet to the place of beginning. That said plat of said Village of Mayer is now of record in the office of ~~the~~ Register of Deeds in and for said county of Carver in Volume B of Plats, <sup>pages 96-97-98</sup> and that the petition on which said application will be made is now on file of the office of the clerk of said District Court in the City of Chaska, County of Carver, Minnesota. Dated this 9th day of September A.D. 1907.

*Albertina Haweter*.....

*John J. Isler*.....  
Attorney for petitioner,  
Waseca, Minnesota.





State of Minnesota,  
County of Carver.

In District Court,  
Fifth Judicial District.

IN THE MATTER OF THE APPLICATION  
TO VACATE PART OF PLAT OF THE VILLAGE  
OF MAYER, CARVER COUNTY, MINNESOTA.

P E T I T I O N.

ooooooo

To the District Court of the County of Carver:-

Your petitioner, Albertina Haueter, respectfully represents  
as follows:-

I.

That your petitioner is the owner, proprietor, and occupant  
of lot number one (1), in block number three (3), of the Village of  
Mayer, County of Carver, State of Minnesota, according to the recorded  
plat thereof which is now of record in the office of the registrar of  
deeds in and for said county of Carver, recorded in Vol. B. Book of  
plats, <sup>page 96-97-98</sup> on December 18th A.D. 1900, at ten o'clock in the forenoon, and  
that said block three of said village of Mayer covers a part of the  
northwest quarter of section six (6), township one hundred sixteen (116),  
north of range twenty-five, west, Carver County, Minnesota, and is a  
part of the original townsite of said Village of Mayer.

II.

That the Village of Mayer, County of Carver and State of  
Minnesota, now is and since the 10th day of December A.D. 1900 was  
a municipal corporation, organized, created, and existing as such under  
and by virtue of the laws of the state of Minnesota.

III.

That your petitioner Albertina Haueter, up to the fall of  
the year of 1899 was the owner of the northwest quarter of section six,  
township one hundred and sixteen, north of range twenty-five, Carver



2.

county, State of Minnesota, and that on or about the first day of September A.D. 1900 she deeded said parcel of land to Fred Haueter, reserving the tract of land now constituting block three of the Village of Mayer.

IV.

That at the time she deeded said land as hereinbefore stated *and it was also intended by said Fred Haueter* she intended that said reservation should also include the strip of land described as follows, commencing at a point one hundred fifty seven and one half feet north and thirty three feet east of the southwest corner of the northwest quarter of section six, township one hundred and sixteen, north of range number twenty-five, *County of Leaver, State of Minnesota* running thence east one hundred fifty feet, thence south fifty feet, thence west one hundred fifty feet thence north fifty feet to the place of beginning, but by mistake of the scrivener the said tract of land was not included in the reservation contained in said deed to her son Fred Haueter, but the same and all thereof was contained in the deed to him.

V.

That at the time of deeding said land to said Fred Haueter she took a mortgage on the same to secure to herself a part of the purchase price for said land.

VI.

That prior to Feb. 26th, 1900 the petitioner herein and her son Fred Haueter entered into an agreement with the village authorities and the inhabitants of the tract of ground to be incorporated as the Village of Mayer to dedicate a tract of land twenty feet wide east of block three in said village of Mayer, to be used as an alley, and that on the 26th day of December A.D. 1900 they did join in a dedication intending thereby to dedicate said alley, but that the surveyor had included in his plat of the village of Mayer, and there was included in the dedication executed by your petitioner and Fred Haueter the strip of

LEGISLATURE THE PLAT OF THE ROAD COMMISSIONERS PROCK RULES OF THE  
JUDICIAL V. C. TADON AND ASSOCIATED WITH BELONG TO THE SO ALSO GENERAL  
CONCEPTS OF THE STATE OF MINNESOTA THE PLAT OF THE ROAD COMMISSIONERS

3.

land  
hereinbefore described as follows, commencing at a point one hundred  
fifty seven and one half feet north and thirty three feet east of the  
southwest ~~quarter~~ of the northwest quarter of section six, township  
one hundred sixteen, north of range twenty-five, *County of Carver, State of Minnesota* running thence east  
one hundred and fifty feet, thence south fifty feet, thence west  
one hundred fifty feet, thence north fifty feet to the place of  
beginning, being a strip of land fifty feet wide and one hundred and  
fifty feet long lying south of lot number one in block number three,  
Village of Mayer, Carver County, Minnesota.

VII.

That the said strip of land was so included in said plat  
and dedication without the knowledge or consent of your petitioner  
or of Fred Haueter and was so included in the same wrongfully and  
unlawfully and fraudulently with intent to defraud your petitioner  
and that your petitioner was led to believe that said plat and dedication  
contained only the alley hereinbefore mentioned and did believe that  
said plat and dedication contained only said alley east of block three  
in said Village of Mayer. *And that your petitioner is unable to  
read or write the English language or to understand the same  
properly*

VIII.

That your petitioner owns a valuable dwelling house which  
is situate partly on lot one block three of said Village of Mayer and  
partly on the strip of ground hereinbefore described lying south of  
said lot one and which was by mistake dedicated to the public as a  
street, and which your petitioner asks to have vacated, which dwelling  
house your petitioner now is and for more than seven years last past  
has been occupying as her homestead.

IX.

That after said strip of ground hereinbefore described,  
lying south of lot one block three in said village of Mayer,  
was dedicated as hereinbefore alleged your petitioner retained possession  
thereof and has ever since occupied the same and cultivated the same,  
and that the said street was never opened



ONE HUNDRED SIXTY-FOUR HOLEY OF LAND (SEVEN-THIRTY) IN THE TOWN OF  
BONNAPART GROUND OF THE HOLEYMAN (HOLEY) OF SECTION SIX, COUNTY  
THIRTY SEVEN AND ONE HALF HOLEY HOLEY AND HOLEY HOLEY HOLEY OF THE  
HOLEYMAN (HOLEY) OF SECTION SIX, COUNTY  
HOLEY

4.

or worked and never in any way used by the public as a street.

X.

And your petitioner further states that there is no public necessity to have said tract of land platted as a street, and that the said tract of land is useless for the purpose for which it is laid out, and that in her judgment it is for the best interest of the proprietors of said plat of the said Village of Mayer that that part of said plat described as follows, to-wit:- Commencing at a point one hundred fifty seven and one half feet north and thirty three feet ~~west~~<sup>east</sup> of the south west corner of the northwest quarter of section six (6) township one hundred sixteen, north of range twenty-five, <sup>County of Hennepin, State of Minnesota,</sup> west, running thence east one hundred and fifty feet thence south fifty feet, thence west one hundred fifty feet, thence north fifty feet, to the place of beginning, be vacated, and that the title to said tract of land be adjudged, decreed, and declared to be in such person or persons as are entitled to the same.

XI.

That the parties owning or occupying land adjacent to said tract of land are the Great Northern Railroad Company, Fred Haueter and your petitioner Albertina Haueter.

YOUR PETITIONER THEREFOR PRAYS, that this Honorable Court may hear and determine this petition, and that it may by an order duly entered herein, decree that that part of the plat of the Village of Mayer described in paragraph ten of this petition, be vacated, and that the title to the said tract of land be decreed in such person or persons as are entitled to the same, and that this Honorable Court make such further order or orders in the premises as the nature of the case may require and as may be necessary to carry out the purposes of this petition and to protect the rights of all parties interested in said plat, and that it further order that its proceedings relating thereto

RECORDED IN THE OFFICE OF THE CLERK OF THE COURT AND IN THE OFFICE  
OF THE REGISTER OF DEEDS IN AND FOR SAID COUNTY OF CARVER.

OL MOVED THE COURT TO THE NEW COURT HOUSE IN THE CITY OF CARVER.

5.

be recorded in the office of the clerk of this court and in the office  
of the Register of Deeds in and for said county of Carver.

Dated this 9th day  
of September A.D. 1907.

by *Albertina Haueter*  
*John J. Isker*  
her Attorney for petitioner.

*John J. Isker*  
Attorney for Petitioner

*John J. Isker*

*John J. Isker*  
Attorney for Petitioner



OF THE JUDICIAL OF DEEDS IN THE 101 2114 CORNER OF CULACI  
BE LOCATED IN THE OFFICE OF THE CLERK OF THE COURT WHO TO THE OFFICE

2

State of Minnesota,  
County of Waseca ) ss

John J. Isker, being first duly sworn on oath deposes and says that he is the attorney of and for the petitioner and applicant in the above entitled matter, that he has read the foregoing petition that the same is true of his own knowledge, except to the matters therein stated on information and belief, and as to such matters he believes them to be true, and that the reason why this verification is not made by the petitioner herein is that said petitioner is absent from this county wherein resides this affiant, her attorney.

.....*John J. Isker*.....

Subscribed and sworn to before me this 9th day of September A.D. 1907.

.....*John Maonan*.....  
State Senator 10<sup>th</sup>  
Senatorial District  
My Term Expires Jan. 1-1911

Original  
**STATE OF MINNESOTA**

County of Carver

District COURT

*In the Matter of the Application for  
Vacate Part of the plat of the Village  
of Mayer, Carver County, Minnesota*

*Anna Haueter*  
*Applicant* Defendant.  
*Petitioner.*

and personal service of the within

is hereby admitted  
this \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_

*John J. Isker,*  
*Attorney for Applicant.*  
*Waukegan, Minnesota.*

Attorney for \_\_\_\_\_  
CARVER COUNTY, Minn.

Journal-Radice 1, Waseca, Minn.

*H. O. Muehlberg*  
*(513)*

State of Minnesota

County of \_\_\_\_\_

being \_\_\_\_\_  
19\_\_\_\_, he served the  
day of \_\_\_\_\_  
upon \_\_\_\_\_  
therein named, personally, by \_\_\_\_\_  
leaving \_\_\_\_\_  
at the house of the usual abode of said \_\_\_\_\_ a person of suitable  
age and discretion then resident therein, a true and correct copy of said \_\_\_\_\_  
that said \_\_\_\_\_ is to affiant well known to be the same  
as the within named \_\_\_\_\_



No. ....

IN DISTRICT COURT,

*Eighth* Judicial District,  
County of *Carver*.*In the Matter of the Application  
of Albertina Haustra to Vacate  
part of the Village of Mayes.*

## NOTE OF ISSUE

Last Pleading Served,

19

*Court.* Case.  
*John J. Isler.*  
Attorney for Plaintiff.  
*Chas. J. Leaven.* Applicant  
Attorney for Defendant.  
*Augusta.*Will the Clerk please file this note  
of Issue, and enter the cause on the  
Calendar for the *March*.  
A. D. 19*08* Term of this Court.Yours, etc.,  
*John J. Isler.*  
Attorney for Applicant.Filed *Feb 25<sup>th</sup>* 19*08*  
*A. O. Muehlberg*  
Clerk.

By \_\_\_\_\_ Deputy.

The \$3.00 deposit required by Sec. 2, Chap. 48,  
General Laws of 1886, must be paid before any action  
will be entered in Clerk's Office.

FRED HAUETER



10014001

Register's Office } ss

record this 28th day  
 in AD 1900 at ten  
 o'clock a.m. and recorded  
 in Vol B of State Papers 96, 97 & 98  
 Albert Meyer  
 Register of Deeds

CHRIST. HAUETER

Taxes paid and transfer  
 Entered this 26th day of Dec-  
 ember 1900

Fred Westerman  
 County Auditor

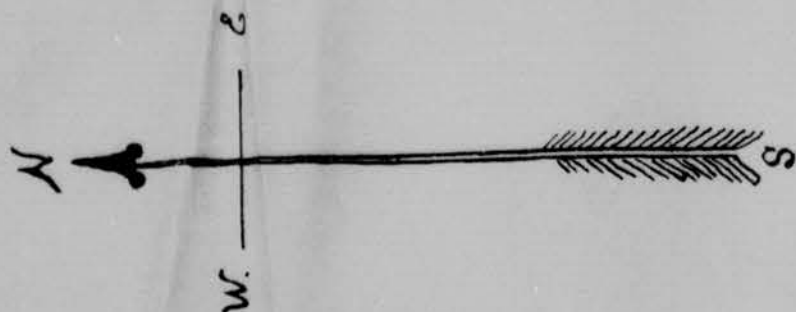


State of Minnesota } ss  
County of Carver }

I, John C Van Krevelen Surveyor  
in the County of Carver and State of Minnesota in which  
County the lands described and platted in the hereto  
attached plat are situated do hereby certify that  
the monuments for the guidance of future surveys,  
as shown on the hereto attached plat, have been  
correctly placed; that the boundary lines of the  
land platted are correctly shown on said plat,  
and that said plat is in all respects true and  
correct;

In testimony whereof I have hereto set my hand  
this 24th day of May A.D. 1900

John C Van Krevelen  
Surveyor



A. HASSE



FRED SCHEIDEGGER

PLAT  
OF THE VILLAGE  
MAYER

IN E 1/2 OF SEC. 1 T. 116 R. 26 & IN W 1/2 SEC. 6 T. 116 R. 25,  
W. of 5th P.M.B.

Carver County, Minn.

Surveyed May 900  
J. C Van Krevelen  
SURVEYOR

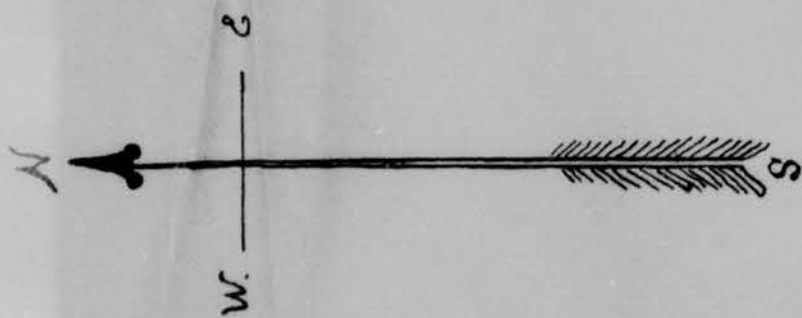
Scale 100' to an Inch.

State of Minnesota } ss  
 County of Carver }

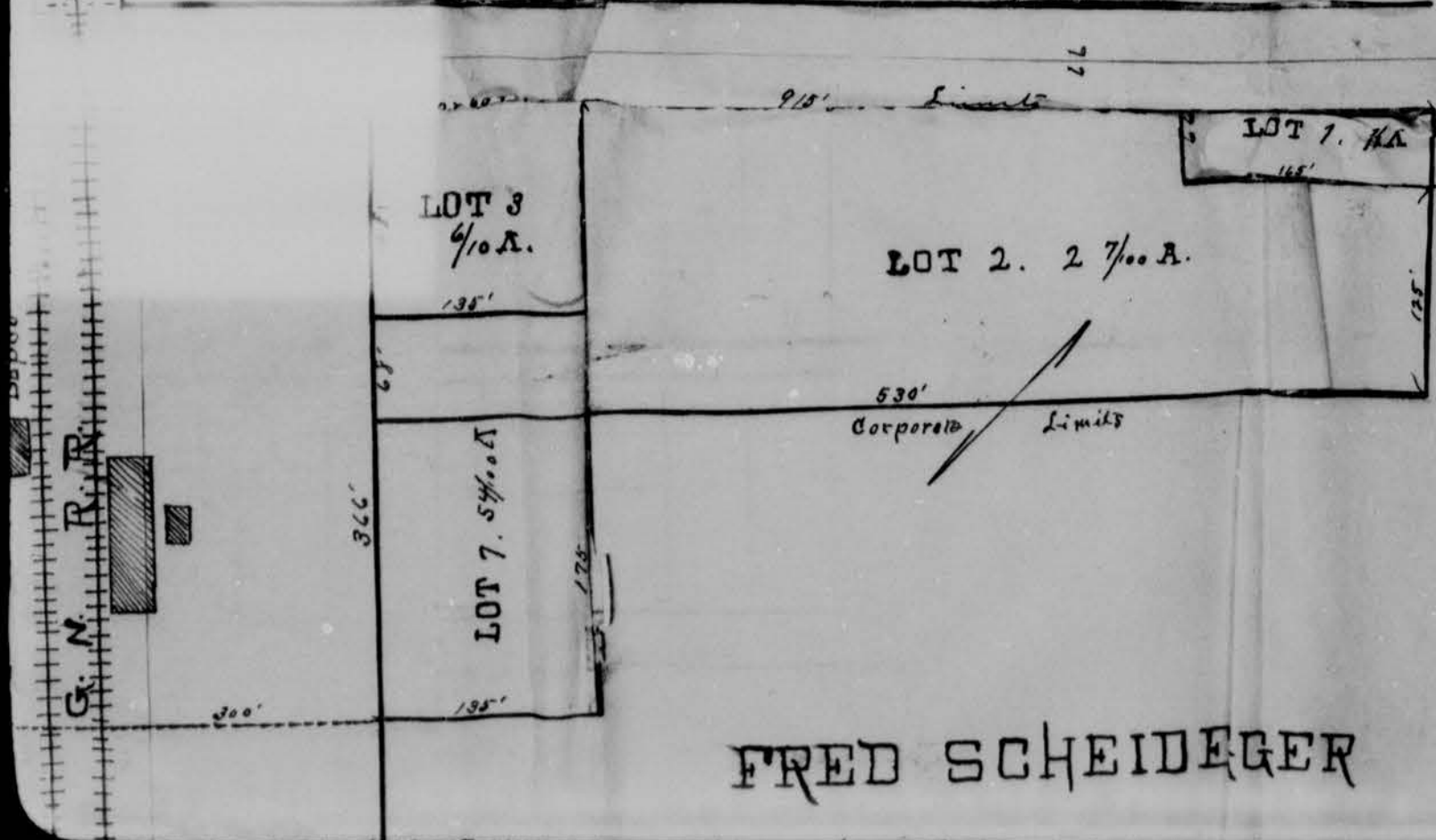
I, John C. Van Kester, Surveyor  
 in the County of Carver and State of Minnesota in which  
 County the lands described and platted in the hereto  
 attached plat are situated do hereby certify that  
 the monuments for the guidance of future surveys,  
 as shown on the hereto attached plat, have been  
 correctly placed; that the boundary lines of the  
 land platted are correctly shown on said plat,  
 and that said plat is in all respects true and  
 correct,

In testimony whereof I have hereto set my hand  
 this 24th day of May A.D. 1900

John C. Van Kester  
 Surveyor



A. HASSE

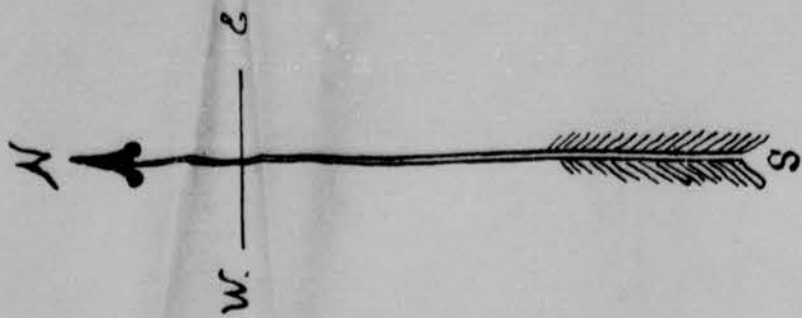


FRED SCHEIDEGGER

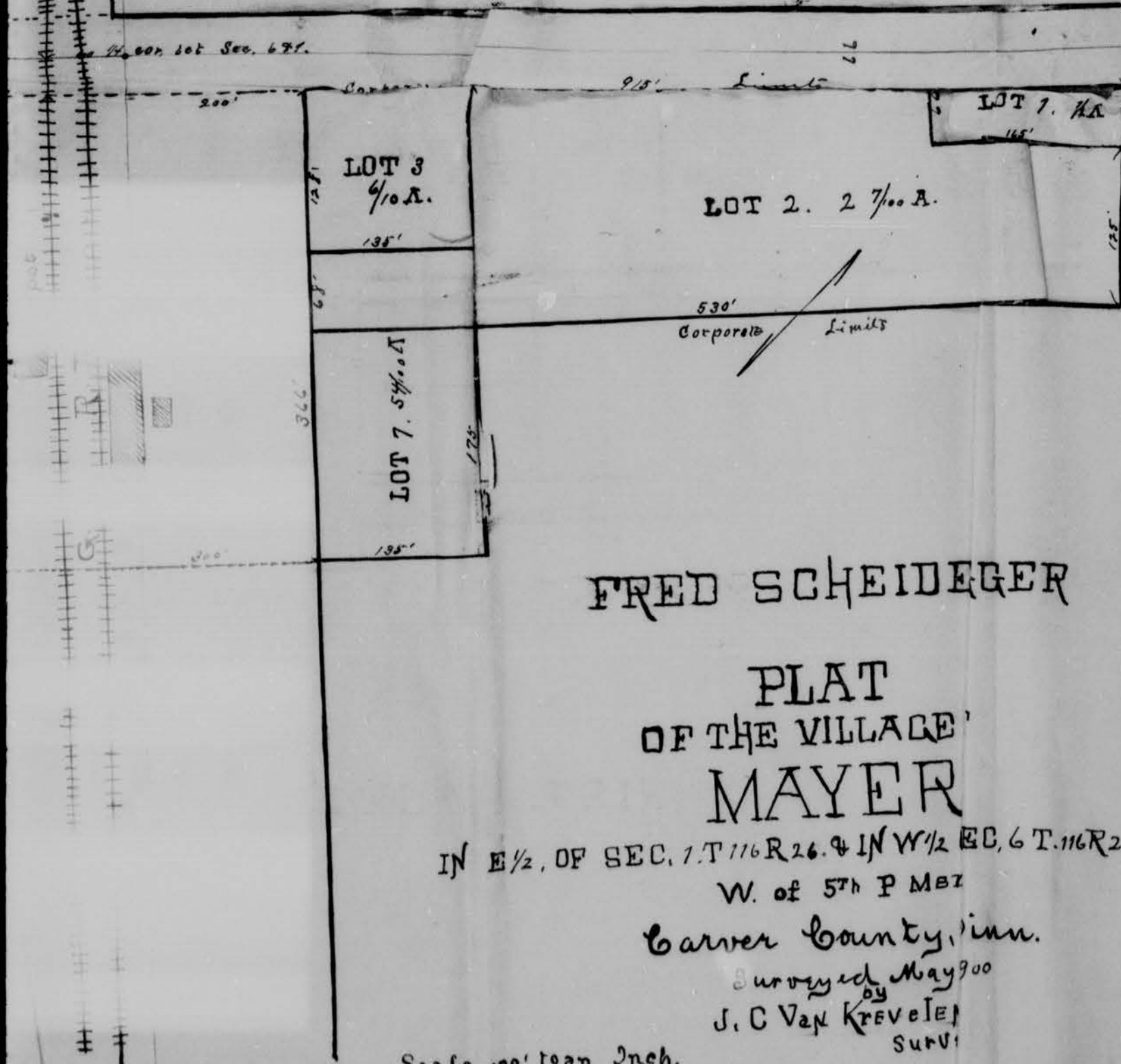


In testimony whereof I have hereunto set my hand  
this 24th day of May A.D. 1900

John C. Van Krevelen  
Surveyor



A. HASSE



FRED SCHEIDEGGER

PLAT  
OF THE VILLAGE  
OF MAYER

IN E 1/2, OF SEC. 1, T. 116 R. 26. & IN W 1/2 EC, 6 T. 116 R. 25,  
W. of 5th P MBT

Carver County, Minn.

Surveyed May 9, 1900  
by  
J. C. Van Krevelen  
Surveyor

Scale 100' to an Inch.

3097

No. 12.

# DISTRICT COURT

CARVER COUNTY, MINNESOTA

*Minneapolis Imp. Co.*  
Plaintiff

vs.

*H. O. Mansuery & Geo. Croff*  
Defendants

*John J. Taher*  
Plaintiff's Atty.

*P. R. Curran*  
Defendant's Atty.

Date of Entry *Sept. 17<sup>th</sup>* 1907

Register of Actions *2.* Page *514*

Term Tried *September* 1907

Judgment for *Defendants Geo. Croff*

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190



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

Minneapolis Supplement Co.

H. O. Mankenberg and Geo. Croff

as Co. partners

State of Minnesota  
County of Carver

John J. Fahey being first duly sworn  
says that he is the Attorney for the plaintiff  
in this action.

That said plaintiff cannot safely pro-  
ceed to trial because of the absence of  
A. O. Norton, a resident of Minneapolis  
Minn. and a material witness for said  
plaintiff in this action.

That in order to secure the attendance  
of the said John A. O. Norton, the said  
Attorney for the plaintiff, informed said  
plaintiff <sup>more than two weeks ago</sup> that it would be necessary  
for said A. O. Norton to be present at the  
trial of the above entitled cause, and that  
said plaintiff so informed said A. O.  
Norton, but that said A. O. Norton is absent  
from the State of Minnesota and in  
the State of North Dakota at the City  
of Minot assisting to close out a  
general Hardware business at said  
Minot.

<sup>That the affiant did not have sufficient time to  
secure the attendance of plaintiff because plaintiff had  
intended to leave said Minot, present July 29-31  
and plaintiff was informed by phone that said Norton  
could not be present at trial.</sup>  
That affiant expects and believes that  
the said A. O. Norton, if present at a  
witness at a postponed trial, would  
testify that said plaintiff sold and  
delivered to the said defendants H. O.  
Mankenberg and Geo. Croff certain  
goods wares and merchandise, during



the years 1904 and 1905, and that  
the said H.O. Monkenberg and Geo. Croff  
promised and agreed to pay plaintiff  
for the same, and did in fact pay  
for part of said goods, wares and mer-  
chandise, but defendants refuse  
and neglect to pay for the balance  
of said goods, wares and merchandise,  
and that said defendants now owe  
plaintiff the sum of \$61.44.

That if the trial of this action is  
postponed until the March 1908 Term  
of the District Court affiant believes  
that he can secure the attendance of  
the said A.O. Norton as a witness  
because at that time the said  
A.O. Norton will have said stock  
of goods closed out and disposed  
of and will have returned to Minneapolis  
Minnesota to reside there

That the testimony of the said A.O.  
Norton would not be cumulative and  
affiant knows of no other witness by  
whom the same facts could be proved.

That affiant is applying for a continuance  
in good faith and not for the purpose  
of delay. That said A.O. Norton has been absent from  
the State of Minnesota, and in North Dakota for more than 1 month  
last past.

John J. Gibby,

Attorney for Plaintiff

Dated Sept 30th, 1907,

Subscribed and sworn to  
before me this 30th day of  
September,

J. J. Gibby  
Notary Public  
Carver, Minn.



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CARVER COUNTY,  
FILED

SEP 30 1907

*H.O. Muehlberg* Clerk

(574)

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

No.

2

Minneapolis Implement  
Company

Plaintiff

Against

H. O. Mansenberg & Geo. Croff  
as co-partners

Defendant

List of Jurors.

Attorneys Mark Here

NAMES

REMARKS

1' Franz Kuntz  
 2 Wm. Teubert  
 3 ~~Albin Kuttke~~ Plf.  
 4 Charles Swanson  
 5 Wm. Kuntzner  
 6 Fred Ess Left  
 7 Henry Guenier  
 8 Alfred Johnson  
 9 B. J. Nesbit  
 10 Joe. Dresen  
 11 ~~Ch. Pottier~~ Left  
 12 Franz Richter Plf.  
 13 Geo. Hillriegel Left  
 14 Ernst Konebrunse  
 15 Chris Bender  
 16 Wm. Schwirtz  
 17 Herman Brinkhaus

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No. \_\_\_\_\_

STATE OF MINNESOTA,

County of *Carver*

DISTRICT COURT.

*Mpls. Implement Co.*

Plaintiff

Against

*H.O. Mansenberg and*

*Geo. Croff, as co-partners.*

Defendant

JURY LIST.

CARVER COUNTY,

FILED

OCT 2 1907

*H.O. Muehlberg* Clerk.

PIONEER PRESS CO., ST. PAUL, MINN.

State of Minnesota,  
County of *Larner*

ss.

IN DISTRICT COURT OF SAID COUNTY,

*8th* Judicial District  
*September* Term, 190*7*

~~IN THE MATTER OF~~

*Minneapolis Implement*  
*Company, a Corporation*  
vs. *H. O. Mauckenberg & Son*  
*as copartners, as Mauckenberg*  
*Hardware Company.*  
Plaintiff  
Defendants

*We*, The Jury impaneled and sworn in the above entitled action, find for the defendant

*Geo. Croff*

*Alfred Johnson*  
Foreman.

Dated at *Phoska* this *2nd* day of *Oct.* A. D. 190*7*.



DISTRICT COURT,

*8th* Judicial District  
*Sept* Term, 1907

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

VERDICT FOR DEFENDANT

IN THE MATTER OF  
*Minneapolis*  
*Implement*  
*Company, a Corporation*  
vs. *H. O. Muchlberg* Plaintiff  
*and Les Croft as*  
*co-partners* Defendant

Filed in open Court the *2nd*  
day of *October* 1907  
*H. O. Muchlberg* Clerk.

State of Minnesota,  
County of Cannon } ss.

In Justice's Court,  
Before A. J. Schuch  
Justice of the Peace.

Minneapolis Implement Co Plaintiff  
vs  
George Croff Defendant

State of Minnesota,  
County of Cannon } ss.

I, George Croff,  
being duly sworn, says he is the Defendant in this action, that the following persons  
were witnesses for the Defendant in said action, and that they necessarily traveled the number  
of miles set opposite their respective names in going from their places of residence to, and returning from the  
place of trial, and necessarily attended the number of days set opposite their said names, viz:

<u>Chris Ackerman</u>	travel	<u>52</u>	miles, attendance	<u>2</u>	days
	travel		miles, attendance		day
	travel		miles, attendance		day
	travel		miles, attendance		day

Subscribed and sworn to before me, this 14th day of Nov, 1907  
Geo Croff  
A. J. Schuch  
Justice of the Peace.



## IN JUSTICE'S COURT

County of \_\_\_\_\_

### Affidavit of Travel and Attendance of Witnesses

Filed this.....day of.....  
A. D. 190....

*Justice of the Peace.*

461000

CARVER COUNTY.

FILED

NOV 13 1907

..... G. C. M.

*Original*

State of Minnesota, } ss.  
County of Carver

The STATE OF MINNESOTA, To the Sheriff or any Constable of said County:

You are hereby commanded to summon H. O. Mankenberg and Geo. Croff as  
co-partners as Mankenberg Hardware Co.

the Defendants herein  
if they shall be found in your County, to be and appear before the undersigned, one of the  
Justices of the Peace in and for said County, on the 2nd day of  
August 1907, at 2 o'clock in the afternoon of said day,  
at my office in the Village of Norwood in said County, to answer  
the complaint of the Minneapolis Implement Co. ( A Corporation)

Plaintiff, in a civil action, wherein the Plaintiff claims  
the sum of Sixty-one and 44/100 Dollars (\$ 61.44 ),  
with interest thereon from the 15th day of June 1905, at  
rate of 6 per cent per annum; and have you then and there this writ.

Given under my hand, and dated this 23d day of July 1907.

*J. H. Krause*  
Justice of the Peace.



STATE OF MINNESOTA,  
 County of \_\_\_\_\_ } ss.  
 FEES—Mileage, \_\_\_\_\_ Miles \_\_\_\_\_  
 Service, . . . . .15  
 Copy, . . . . .15  
 Total, . . . \$ \_\_\_\_\_

I hereby certify and return, that I personally served the within Summons upon the within named Defendant, by reading the same and delivering a copy thereof to him, in said County, on the 23rd day of July, 1907.  
Fred Hall Constable.

STATE OF MINNESOTA,  
 County of Carver } ss.  
 FEES—Mileage, 24 Miles 2.40  
 Service, . . . . .15  
 Copy, . . . . .15  
 Total, . . . \$ 2.70

I hereby certify and return, that on the 23rd day of July, 1907, I served the within Summons upon the within named Defendant, by leaving a copy thereof at his last usual place of abode, with one Emma Martin, his wife, a person of suitable age and discretion, then residing therein, in said County, Defendant not being found.  
Fred Hall Constable.

IN JUSTICE'S COURT

County of Carver

Mpls. Improvement Co  
(a corporation)

H.C. Munksgaard and  
Geo. Croff.

SUMMONS

Returned and filed this 23d  
day of July 1907

Frank R. Johnson  
Justice of the Peace.

Personal service of the within Summons  
by reading the same and by delivery of a  
copy to me, is hereby admitted at  
in said County, this.....day  
of.....190....

CARVER COUNTY,

FILED

3616000

SEP 17 1907

# H.C. Munksgaard Clerk

(514)



STATE OF MINNESOTA,

IN JUSTICE'S COURT,

County of Carver,

Before J.D.Krause, Esq., Justice of the Peace.

\*\*\*\*\*  
Minneapolis Implement Company (A Corporation), Plaintiff.  
-vs- H.O. Mankenberg and Geo. Groff as  
co-partners as Mankenberg Hard-  
ware Company, Defendants.  
\*\*\*\*\*

The plaintiff in the above entitled action complaining of the  
defendants therein alleges  
For a first cause of action.

1. That during all the times hereinafter mentioned or referred to  
said plaintiff has been and still is a corporation ~~staring~~ organized  
under the laws of the state of Minnesota and transacting a general  
implement business in said state.

2. That during all the times hereinafter mentioned or referred  
to said defendants have been engaged in business as co-partners as  
Mankenberg Hardware Company.

3. That on the 15th day of June, A. D. 1905, said defendants were  
indebted to said plaintiff in the sum of \$121.89 on account for  
goods, wares and merchandise sold and delivered by plaintiff to de-  
fendants ~~between~~ the first day of January, 1905, and the 16th day of  
June, 1905.

4. That ~~no~~ part thereof has been paid except the sum of \$70.15  
which was paid between the 15th day of February, 1905 and the 16th  
day of June, 1905.

For a second cause of action plaintiff alleges:

1. Realleges paragraphs one and two of said first cause of action.

2. That on the first day of January, 1905, an account was stated  
between plaintiff and defendants.

3. That upon such statement a balance of \$9.70 was found due  
plaintiff from defendants.

4. That no part thereof has been paid.

Wherefore plaintiff demands judgment against said defendants for the  
sum of \$61.44 with interest on said sum at the rate of 6 per cent  
per annum from and after June 15th, 1905, and for the costs of this  
action.

*John J. Fahy*  
Plaintiff's Attorney,  
Norwood, Minn.

STATE OF MINNESOTA,                      IN JUSTICE'S COURT,  
County of Carver,    Before J.D.Krause, Esq., Justice of the Peace.

Minneapolis Implement Company ( A Corporation), Plaintiff.

-vs-

H. O. Mankenberg and Geo. Groff as  
co-partners as Mankenberg Hardware  
Company,

Defendants.

State of Minnesota, )  
County of Carver.    ) ss

John J. Fahey, being duly sworn, says that he is the attorney  
for the plaintiff in the above entitled action; that he has read the  
foregoing complaint and knows the contents thereof; that the same is  
true to the best of his knowledge, information and belief; that the  
reason why this verification is not made by the plaintiff is that  
it is absent from the County of Carver wherein affiant resides.

Subscribed and sworn to before me : John J. Fahey  
this 2nd day of August, A. D. 1907 :  
:

J. D. Krause  
Justice of the Peace  
Carver Co. Minn.

FILED  
CARVER COUNTY

(214)  
J. D. Krause



(Original)  
Justice Court  
Carver County

Mpls Supplement to

15

S. O. Mankenberg et al

#2

(complaint)

Filed this 2nd day of  
August, A.D. 1907

*John P. Krause*  
Justice of the Peace

John J. Fahy  
Plaintiffs Attorney  
Norwood, Minn

CARVER COUNTY,  
FILED

SEP 17 1907

*H. O. Muehlberg* Clerk.  
(514)

FILED SEP 17 1907

State of Minnesota, )  
County of Carver. ) ss

In Justice's Court,  
Before J.D. Krause, Justice.

The Minneapolis Implement Co., ( A Corporation )  
Plaintiff,

-vs-

( Answer )

H.O. Mankenberg and Geo. Croff, (Co-partners)  
Defendants. *As Mankenberg Hardware Co.*

The defendant herein, Geo. Croff, for his separate answer to the  
Complaint of the plaintiff, in the above entitled action, alleges as  
follows:

- (1) Admits the plaintiff's corporate capacity.
- (2) Further answering, said defendant denies each and every  
allegation in plaintiff's complaint, not herein specifically  
admitted.

Wherefore said defendant demands judgment that plaintiff  
take nothing by this action and that he have judgment for  
his costs and disbursements herein.

*P.R. Curran*  
Attorney for Defendant.

State of Minnesota, )  
County of Carver. ) ss

( VERIFICATION )

Geo. Croff, being first duly sworn, upon oath, deposes and says:  
That he is one of the defendants in the foregoing entitled action;  
that he has read the foregoing answer and that the same is true of  
his own knowledge.

*Geo Croff*  
Subscribed and sworn to before me this 2nd day of Aug. 1907.

*J. D. Krause*  
Justice of the Peace



Filed this 2nd day of  
August, 1907.

(continued) "TOTO" and BUS STATION. 0.1  
stationed

00 JOURNAL  
JOURNAL

SEP 17 1967  
K.O. Muehlberg  
(514)

State of Minnesota, }  
County of Carver } ss.

The STATE OF MINNESOTA, To

H. C. Maukenberg

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for the said County, at my office in the Village of Wauwoda on the 9th day of August A. D. 1907, at 2 o'clock in the after noon of said day, to give evidence in a certain cause then and there to be tried, between Minneapolis Implement Co (a Corporation) Plaintiff, and H. C. Maukenberg and Geo. Groff as co partners, as Maukenberg Hardware Company Defendants, on the part of the Minneapolis Implement Company (a Corporation) Plaintiff

Given under my hand this

6th

day of

August

A. D. 1907

Just. H. Krause Justice of the Peace.



State of Minnesota, } ss.  
County of Carver }  
America Iron, certify that I personally served the within Subpoena by reading the same to  
H. O. Munkenberg

and paid \$ 2.32 in advance his fees for mileage and one day's attendance, and for  
traveling to and returning from the place where he was required to attend; also, that I necessarily traveled  
Twenty six miles in the service of said Subpoena.

Dated this 8th day of August A. D. 1907

Fred Falk Constable.

FEES--Mileage, 26 Miles, \$ 2.60  
Service, - - - - \$ 1.15  
2.75

IN JUSTICE'S COURT

County of

*Carver*  
*Mpls. Dipl. Co*  
*vs*  
*H. Wankenberg et al.*

SUBPOENA

Filed this *8th* day of *Aug.*  
A. D. 190*7*  
*Just. A. B. Cause*  
Justice of the Peace.

852000

CARVER COUNTY,

#4 FILED

SEP 17 1907

*H. Q. Muehlberg* Clerk.  
(514)



(Affidavit for change of venue.)

State of Minnesota } ss In Justice Court  
County of Carver } Before J. D. Krause Justice

The Minneapolis & Northern Pacific Ry. Co., Plaintiff.

H. O. Mankenberg <sup>vs</sup> and Geo. Croff, <sup>co-partners</sup> Defendants.

Geo. Croff, being first duly sworn deposes and says:

That he is a defendant in the above  
entitled action; that he has filed a separate  
answer; that from prejudice, bias, or other  
reasons he believes that the said J. D. Krause, the  
justice before whom this action is pending, will  
not decide impartially in the matter; and that  
this affidavit is made and filed for the purpose  
of having this action transferred to some other justice.

Geo Croff

Subscribed and sworn to before me this 9th  
day of Aug., A.D. 1907.

J. A. Clausen  
Justice of the Peace.

State of Minn }  
County of Carver }

Justice - Court  
J. L. Krause Justice

The Mpls Implement Co.

Plff:

vs  
H. O. Mankenberg and Geo. C. Hoff  
Co-partners & Defts.

Affidavit for  
Change of Venue.

Filed this 9th  
day of Aug. 1907

Jacob B. Krause  
Justice of the Peace

#5

CARVER COUNTY,  
FILED

SEP 17 1907

H. O. Mankenberg  
(514)



State of Minnesota      In Justice's Court  
County of Carver      Before J.D. Krause, Esq.  
Justice of the Peace.

Minneapolis Implement Co (A Corporation)  
Plaintiff.

VS-

H. O. Mankenberg and Geo. Croff as co-  
partners as Mankenberg Hardware Co.

Defendants.

John J. Fahy, being duly sworn, says  
that he is attorney for the plaintiff in  
the above entitled action, that August  
Eckardt is a material witness for the  
plaintiff in said action; that said  
August Eckardt is here in this court  
to give testimony in said action, that  
said August Eckardt is here for no  
other purpose, that said August  
Eckardt has traveled from St. Paul  
Minnesota, to Norwood Minnesota  
a distance of 50 miles for the  
purpose of testifying in said above  
entitled cause; that said August  
Eckardt is entitled to witness's fees  
for 1 day and for mileage for 50 miles.

John J. Fahy

Subscribed and sworn to before  
me this 9th. day of Aug. 1907

Jacob D. Krause  
Justice of the Peace, Carver  
Co., Minn.

In Justice court  
County of Carver

Mpls. Drupl. Co.

vs

H.O. Mankenberg etc.

aff. for travel etc.

Filed this 9<sup>th</sup> day  
of Aug. 1907

Jacob R. Kramer  
J.P.

CARVER COUNTY,  
FILED

#6

SEP 17 1907

H.O. Mankenberg... Clerk.

(514)



(After the following transcript of the Justice's docket is fully made out, fasten all papers in the case together securely, here, and fold and place in an envelope sealed for delivery.)

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

**In Justice's Court,**

Before Jacob D. Krause  
Justice of the Peace.

The Minneapolis Implement Co.

-----VS-----

H.O. Mankenberg & George Croff

as Co-Partners as Mankenberg Hardware Co.

Norwood, Minn. July 23rd. 1907, Summons issued returnable at my office in the Village of Norwood, in said county, on the second day of August A.D. 1907 at 2 o'clock P.M. and delivered to constable Fred Falk for service, Plaintiff claims \$61.44.

July 23rd. Summons returned by constable Fred Falk with his certificate thereon showing personal service upon the within named Defendant by leaving a copy of said summons at the last usual place of abode of said Defendants in said county with one Emma Mankenberg, the wife of one of the Defendants, a person of suitable age and discretion then a resident therein, Constable fees \$2.70, Summons filed.

August 2nd. 1907-2 P.M. Plaintiff appears with Attorney J.J. Fahey and files his complaint duly verified, alleging that Defendants heretofore and ever since June 15th. 1905 were indebted to them on open account for goods and Merchandise, and that the balance now due to them on said account is the sum of \$61.44 with interest thereon at 6% from the 15th. day of June 1905 and pray for judgement for said sum and interest thereon

Defendant appears by Attorney Peter Curran who files a written answer duly verified, Defendant admits the Plaintiff's corporate capacity, but denies each and every alligation in Plaintiff's complaint.

Plaintiffs ask that the case may be adjourned to August 9th. 1907 at 2 P.M. at my office, request granted and case adjourned accordingly.

August 6th. 1907, Subpoena issued in behalf of Plaintiffs requiring H.O. Mankenberg, August Eckhart and Mr. Norton to appear at said examination, and delivered the same to constable Fred Falk for service.

Aug. 8th. 1907, Subpoena returned, filed by constable, showing personal service upon the within named H.O. Mankenberg, Constable fees \$2.75.

Aug. 9th. 1907- 2 P.M. case called, parties appear, Defendant by his Attorney made and filed an affidavit stating that, from prejudice and bias, the undersigned Justice of the Peace, before this action is pending

Will not decide impartially in the matter, and paid all costs herein including mileage for plaintiff's witnesses, amounting in all to \$14.27 whereupon I ordered the said action to be transferred to J.W. Craven, Esq. a Justice of the Peace of the Village of Norwood in the same election district before whom the parties are to appear for trial on August 16th. 1907 at 2 P.M.

Plaintiff previously filed affidavit for travel and allowance for his witness ~~pp~~ Aug. Eckhart.

Jacob D. Krause

Justice of the Peace.



Will not decide impartially in the matter, and paid all costs herein including mileage for plaintiff's witnesses, amounting in all to \$14.27 whereupon I ordered the said action to be transferred to J.W. Craven, Esq. a Justice of the Peace of the Village of Norwood in the same election district before whom the parties are to appear for trial on August 16th. 1907 at 2 P.M.

Plaintiff previously filed affidavit for travel and allowance for his witnesses Aug. Eckhart.

Jacob D. Krause

Justice of the Peace.

**State of Minnesota,**

County of Carver

} ss.

I hereby certify that I have compared the foregoing with the original entries in my docket, and that the same is a full and correct transcript thereof, and of all the proceedings had before me in said cause; that all the papers had before me therein are herewith returned and attached, and numbered from 1 to 1 inclusive; and that, together with the foregoing transcript they contain a full, correct and complete statement of all the proceedings had before me in said cause.

Given under my hand, this ninth day of August 1907.

To Joseph W. Craven Esq., Justice of the Peace.  
Justice of the Peace of Norwood Minnesota.



IN JUSTICE'S COURT

County of *Carver*

*The Mpls Imp Co*  
*Plsff*

*- vs -*  
*H. O. Mankenberg &*  
*Geo Croff Co. partners*  
*as Mankenberg & Co.*

TRANSCRIPT IN CHANGE OF VENUE

Filed this *10* day of *Aug.*

A. D. 190*7*

*J. W. Craven*  
Justice of the Peace.

1-00-1000

# *7*

CARVER COUNTY,  
FILED

SEP 17 1907

*H. O. Mankenberg* Clerk  
(514)

State of Minnesota, } ss.  
County of Carver

The STATE OF MINNESOTA, To H. O. Mankenberg, Esq.

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for the said County, at my office in the Village of Norwood on the 16th day of August A. D. 1907, at 2 o'clock in the afternoon of said day, to give evidence in a certain cause then and there to be tried, between Minneapolis Implement Co. (A Corporation), Plaintiff

Plaintiff, and H. O. Mankenberg and Geo. Croff, as co-partners as Mankenberg Hardware Company,

Plaintiff

Defendant, on the part of the

Given under my hand, this 13th day of August A. D. 1907.

J. W. Crauer Justice of the Peace.



State of Minnesota,

County of Carver

ss.

*Certify that I*  
H. O. Mankenberg

*D. Andrew Mattison*

personally served the within Subpoena by reading the same to

and paid to him in advance his fees for mileage and one day's attendance, and for traveling to and returning from the place where he was required to attend; also, that I necessarily traveled two miles in the service of said Subpoena.

Dated this 14<sup>th</sup> day of August

A. D. 1907

*Andrew Mattison* Constable.

FEES--Mileage,	2	Miles,	\$ .20
Service,	-	-	\$ .15
			.35

IN JUSTICE'S COURT

County of Carver

The Mpls Lumber Co  
Pltf.

- vs -

H.O. Maukenberg & Geo. Coff.  
Co-partners as  
Maukenberg & Geo. Coff.

SUBPÆNA

Filed this 16th day of Aug  
A. D. 1907

J. L. L. L. L.  
Justice of the Peace.

10 01 4000

# 6 CARVER COUNTY,  
FILED

SEP 17 1907

H.O. Maukenberg Clerk.

(514)



State of Minnesota, )  
County of Carver. ) ss

State of Minnesota )  
County of Carver ) ss

The State of Minnesota, to the Sheriff or any Constable  
of said County: do hereby certify and return that by virtue of the writ

You are hereby commanded to summon *Wm. J. Splett* and *Wm. J. Splett*

*Wm. J. Splett* and *Wm. J. Splett*  
*Wm. J. Splett* and *Wm. J. Splett*

to be and appear before the undersigned, one of the Justices of  
the Peace in and for said County, on the *16* day of *Aug*, 1907

at *3* o'clock *P.M.*, to make a jury for the trial of a civil  
action between *Wm. J. Splett*, plaintiff

and *H. C. Munksgaard & Co. Craft*, defendant... and have you then and there this writ.

Given under my hand and dated this *16* day of *Aug*

1907.

*J. W. Crahan*  
Justice of the Peace.

FILED	RECORDED	INDEXED	SERIALIZED	FILED
Aug 16 1907	Aug 16 1907	Aug 16 1907	Aug 16 1907	Aug 16 1907
Carver County	Carver County	Carver County	Carver County	Carver County

State of Minnesota, )  
County of Carver. ) ss

State of Minnesota, )  
County of Carver. ) ss

I hereby certify and return that by virtue of the within writ

I have personally summoned as jurors the following named per-

sons named therein, viz: *Adolph Blum*

*Alfred Blum* *My Lindert G. Thomsen*  
*Alfred Blum* *My Lindert G. Thomsen*

And that I was unable to find the following persons named here-

in, viz: *My Lindert G. Thomsen*

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In Justice Court.

County of Carver.

..... *J. W. Campbell* Justice

*W. L. S. S. Co*

Plaintiff,

vs

*H. O. Muehlberg*  
*Geo. Craft*  
*acc. p. m. to*  
*Self*

=====

*H. O.*

VENIRE

CARVER COUNTY,  
FILED

SEP 17 1907

*H. O. Muehlberg* Clerk  
*(514)*

=====

Returned and filed this... *16*  
day of *Aug*....., 1907.

*M. L. S. S. Co*  
Justice of the Peace.

State of Minnesota }  
County of Carver } S.S.

The Mpls Supplement Co.  
vs - Corporation

H.O. Mauckenberg & Geo Croff  
Co-partners, as Mauckenberg  
Hardware Co

We the jury in the a-  
bove entitled action  
find for the \_\_\_\_\_

We agree to Disagree

Wm. Born

perman



Filed Aug 17/07

J. W. L. L. L.  
Justice  
#

Disagreement  
of jury

#10

CARVER COUNTY,  
FILED

SEP 17 1907

H. O. Muehlberg, Clerk

(514)

State of Minnesota,  
County of Carver,

In Justice's Court,  
Before J. W. Kraven, Esq., Justice of the Peace.

Minneapolis Implement Co. (A Corporation), Plaintiff.

vs.  
H. O. Mankenberg and Geo. Kroff, as co-partners as Mankenberg  
Hardware Co.,  
Defendants.

It is hereby stipulated and agreed by and between  
the above named parties and their respective Attorneys  
that the above entitled action be continued by  
to and until Friday Aug. 23, A. D. 1907, <sup>at 10:30 o'clock A. M.</sup> and that  
said action be then and there tried and  
determined.

Witness my hand at Norwood, Minn. Aug. 14, 1907

John J. Foley  
Atty for Plaintiff

R. J. Curran  
Atty for Defendant  
Geo. Kroff.



State of Minn  
County of Carver  
In Justice Court  
Subrauer  
Justice

Mpls Imp Co  
vs  
ptff

H.O. Mankenberg &  
Geo Croff, Co-  
partners, as Man-  
Mankenberg & Co  
Deft

Stipulation

Filed Aug 17,  
1907  
Subrauer  
Justice Court

# 11

CARVER COUNTY,  
FILED

SEP 17 1907

H.O. Muehlberg, Clerk.  
(514)

SUBPOENA

State of Minnesota  
County of Carver, ss.

The State of Minnesota, To H. O. Mankenberg, Esq.

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said county, at my office in the Village of Norwood on the 23d day of August

A. D. 1907, at 10:30 o'clock in the fore-noon of said day, to give evidence in a certain cause then and there to be tried, between Minneapolis Supplement Co. (A Corporation)

Plaintiff, and H. O. Mankenberg and Geo. Croff, as co-partners as Mankenberg Hardware Company Defendants, on the part of the Plaintiff.

Given under my hand this 22nd day of August A. D. 1907

J. H. Craven Justice of the Peace



State of Minnesota,

County of Carver. ss.

J. Andrew Matheson hereby certify that

I personally served the within Subpoena by reading the same to H. O. Mankenberg and that I paid to him in advance his fees for mileage and one day's attendance, and for traveling to and returning from the place where he was required to attend; also that I necessarily traveled two miles in the service of said Subpoena.

Dated this 22nd day of August, A.D. 1907.

J. Andrew Matheson Constable.

Fees---Mileage 2 Miles, \$ 2.00  
Service ----- .35  
35

Filed this  
23rd day  
of Aug 1907  
of J. Andrew  
Matheson

CARVER COUNTY.

FILED

#12

SEP 17 1907

H. O. Mankenberg, Clerk

232 (514)

SUBPOENA

State of Minnesota  
County of Carver, ss.

The State of Minnesota, To Andrew Mathison

You are hereby required to appear before the undersigned, one of the Justices of the Peace in and for said county, at my office in the Village of Norwood on the 23rd day of August

A. D. 1907, at 10:30 o'clock in the fore-noon of said day, to give evidence in a certain cause then and there to be tried, between

Municipalis Implement Co. (a corporation)  
Plaintiff, and H. O. Markun-  
berg and Geo. Graff as co-partners as Markunberg and  
ware Co Defendant S, on the part of the Plaintiff

Given under my hand this 22nd day of Aug A. D. 1907

J. W. Craven Justice of the Peace



State of Minnesota,  
County of Carver, 33

I, Aug. H. Eckardt hereby certify that I personally served the within Subpoena by reading the same to Andrew Matteson and that I paid him in advance his fees for mileage and one day's attendance, and for traveling to and returning from the place where he was required to attend; also that I necessarily traveled two miles in the service of said Subpoena.

Dated Aug. 22nd, 1907

Aug. H. Eckardt

Less Mileage 22 Miles \$2.20  
Service .15  
Total \$2.35

CARVER COUNTY,

FILED

SEP 17 1907

H. O. Muehlberg  
(574)

Subpoena

Filed Aug 23-07  
J. W. Granger  
J. J. Dence

✓ Bernhard Erickson	Plf.	1
August Arnoldt	Left	2
Fred Roth		3
Sumner Teubert Jr.	Plf.	4
Christ Efferly		5
Otto Mülle	Left	6
Dr. Leistico	Left	7
Hm. Fabel	Left	8
Herman Hartlett	Left	9
Herman Heinbockel		10
Albert C. Klenke	Plf.	11
Herman Wack	Plf.	12
Bernhard Perlis	Left	13
Herman Schmidt		14
Robert Rieck	Plf.	15
Edward Baummeister		16
Frank Fabel		17
Peter Heinikes Jr.	Plf.	18

Fred Ball Constable



#14

Jury List

Filed this  
23<sup>d</sup> of Aug.  
1907

W. H. Craven  
Justice

CARVER COUNTY,  
FILED

SEP 17 1907

H. O. Muehlberg, Clerk

(514)

W. H. Craven

Exhibit "4"

New Germany Min  
3/9-56

27/526 ~~Charles Back~~

Charles Min

Leup - You are not in in-  
gaged to Mauckemberg & Co.  
Co. - Hills say I was not in  
under a wrong impression.  
Did you or they think I was  
Co. Mauckemberg had no  
Company or Partner. Will  
state just how he was  
situated - In the first place  
he bought a lot to build  
on Mauckemberg & Sand for  
Foundation - bought him-  
self a team and wagon I  
made him a loan and  
two or three times I paid  
young Samuel H. Co. Bills  
that was how that he could  
not pay for want of funds



Until he and me over 4000<sup>00</sup>  
I had no security. So last  
fall 19<sup>th</sup> of September I bought  
him out, through his living  
and crooked work I settled up  
with him gave him 140<sup>00</sup>  
cash. He told me he would  
pay my Temple Hill & Co  
Marshall Wells & Co & Inter  
national Harriet Co and  
these other little bills I was  
to pay them. I found out  
instead of giving Int N. H. Co  
400<sup>00</sup> he and them over 800<sup>00</sup>  
gave S. H. & Co 1090 Marshall  
Hill 417. With his living  
and crooked work I am out  
over a 1000<sup>00</sup> now. I did not  
know of these other bills  
and am no more under  
obligation to pay them than  
you or any one else is.  
I paid them 100 cents on

22/526  
the dollar And expected  
everything to be straight  
But find she is a genuine  
rogue and I can prove it  
Will give you three or 4  
numbers & you or they can  
write to them. J J Schlichter  
Chris Ackerman Sel.  
Johnson Lute Daily Rud  
Smith - He sold goods for  
cash and now paid bill  
I paid on 2300 what I  
agreed to And three other  
bills I know nothing about  
I never have been Re or  
partner to H O M. nor money  
since he started And am  
not holding for his dirty  
work, Marshall Hills & Co  
of Duluth wrote me when I  
was up in Otter tail Co asking  
if I was Co. or partner or any  
way responsible for H. O. M.



They have my ans. yet  
and how did have it a  
month ago - You will find  
it just as I have told you  
To save you or them trouble  
I write this. To see me  
would be useless - costs as  
much as you would be had  
to make him a loan  
from the bank. He has  
a good size part of the debts  
and old dead boat debts  
and a look & stock 10000  
and a dollar - I would like  
to see him brought to  
justice - I can show some  
of his dirty work and dis-  
turbance. But there is  
no one in sight to get  
him. He is working in the  
city. 1500 a week. If you  
see H. O. Mauckley

for there is no Co. When  
he made his rating to  
the International Harriet  
Co. of 1903 & 1904 you can  
find out he has no  
Co. And also to James  
Sample Hill & Co.  
His rating was no good  
so I went his bond to  
International Harriet Co.  
& that was the reason I  
had 500 to pay and next  
as he lied to me 400  
He is a brother in law but  
that cuts no ice he is  
a genuine sneak and  
his word is not near the  
truth. Hope you can  
get at him some  
way - they might scare  
some of it out of him  
by getting after him good  
and sharp

(5- #154

But their loss is small  
compared to mine

Yours Truly  
Geo Croff.

E4 C

Filed Aug  
23-1907, in  
Evidence  
J.W. Lerner  
J.D.

CARVER COUNTY,  
FILED

SEP 17 1907

H.O. Muehlberg, Clerk  
(514)



State of Minnesota } ss  
County of Carver }

The State of Minnesota  
To the sheriff or any constable,  
of said County:-

You are hereby commanded  
to summon - Fred Roth, Chris  
Efferz, H. Heinbachel, H. Schmidt &  
Ed. Bauermeister, & Frank Fabel,  
to be & appear before the  
undersigned, one of the Justices  
of the peace in & for said County  
on the 23<sup>d</sup> day of Aug 1907, at one  
o'clock P.M. of said day in the  
Village of Howard in said County  
to make a jury for the trial  
of a civil action between  
The Mpls Lumber Co. Plt & and  
H. O. Wausenberg & Geo Croff  
Co partners, as Wausenberg  
& Geo Co. Defs & have you  
then & there this writ

Given under my  
hand this 23<sup>d</sup> of Aug 1907.

J. W. Lawrence  
Justice of Peace

Fred Falk Constable

State of Minnesota }  
County of Carver } s.s.

I hereby certify and return that by virtue of the within writ I have personally summoned as Jurors the following named persons, named therein viz: - Fred Noth, Ch. Efferly, H. Heinbockel, H. Schmidt, Ed Baumeister & Frank Pabel

And that I was unable to find the following persons named herein viz:

B. ex

Reed Hall constable



#16  
State of Minn. }  
County of Carver }

In Justice Court  
before Judge

Mpls Sup. Co  
Pltff  
vs

H. O. Mauchenberg  
Geo Croff & Co  
partners in Mauch-  
enberg & Co

Verdict

Filed this  
23d of Aug  
1907 Judge  
J.D.

CARVER COUNTY,  
FILED

SEP 17 1907

H. O. Mauchenberg, Clerk.

(514)

State of Minnesota }  
County of Carver }

In Justice  
Court before  
J. W. Cravens  
Justice

Mpls. Imp. Company  
vs  
H. O. Mauckenberg  
Geo. Croff. Co-partners  
as Mauckenberg Hdw Co  
deft.

He the jury in the above en-  
titled action find for the plaintiff  
in the sum of \$61 <sup>without</sup> ~~with~~ interest  
the costs & disbursements in this  
action. Dated this 23rd of Aug  
1907.

Herman C. Schmitt  
Foreman



State of Minnesota  
County of Cannon

Justice Court  
Before Julesmann

Wm. S. S. Co.  
vs  
Wm. S. S. Co.

H. O. Muehlenberg & Co.  
Captains, as Wm. S. S. Co.  
H. O. Muehlenberg & Co.

Verdict

Filed this  
23<sup>rd</sup> day  
of Aug 07  
Julesmann  
justice

#17

ER COUNTY,  
FILED

SEP 17 1907

H. O. Muehlenberg, Clerk

(514)

State of Minnesota, }  
 County of Carver } ss. In JUSTICE'S COURT,  
 Before J. H. Cranen  
 JUSTICE OF THE PEACE.

The Minneapolis Implement Co. (a corporation)  
 Plaintiff,

vs  
N. O. Mankenberg and Geo. Croff, as co-partners  
as Mankenberg Hardware Co., Defendants.

State of Minnesota, }  
 County of Carver } ss. Geo. Croff  
 the Defendant in this action, being duly sworn, says that he appeals to the District Court in and  
 for said County, from the judgment rendered by said Justice of the Peace, in this cause, on the 24<sup>th</sup>  
 day of Aug., 1907~~189~~, in favor of said Minneapolis Implement Co.  
(a corporation) the Plaintiff,  
 and against said Geo. Croff the Defendant.

therein; and that the said appeal is made in good faith, and not for the purpose of delay.

Subscribed and sworn to before me, this

31<sup>st</sup>

day of

August

1907

A. D. 189

A. J. Schuchrich

Justice of the Peace.



IN JUSTICE'S COURT

County of

*Carver*

*The Minneapolis Implement*  
*Co (a corporation), Plff.*  
*vs*

*N. D. Maubenberg and Geo Croff*  
*as Co-partners, vs Maubenberg*  
*Hardware Co., Defendants.*

APPEAL AFFIDAVIT.

Filed this *2<sup>d</sup>* day of *Sept.*

A. D. *1907*

*J. W. Crauer*  
Justice of the Peace.

1-21-'93-1000

CARVER COUNTY,  
FILED

SEP 17 1907

*H. O. Muehlberg* Clerk.

(514)

State of Minnesota,

ss.

In Justice's Court,

County of Carver

Before J. W. Craven

Justice of the Peace.

The Minneapolis Implement Co., (A Corporation)

Plaintiff,

vs

H. O. Mankenberg and Geo. Croff, as co-partners as  
Mankenberg Hardware Co.,

Defendants

To John J. Fahey, Esq., Attorney for Plaintiff.

PLEASE TAKE NOTICE, That the above named Geo. Croff, herein  
who made separate answer appeals to the District Court in and for said County,  
from the judgment rendered by said Justice of the Peace, in the above entitled cause, on  
the 24<sup>th</sup> day of August A. D. 1907, in favor of said  
Minneapolis Implement Co.,  
against said Geo. Croff

therein, for the sum of Sixty one and  $\frac{44}{100}$ , and costs taxed at \$57  $\frac{22}{100}$  Dollars;  
and that the said appeal is taken upon questions of law and fact

Dated at Moorhead this 30<sup>th</sup> day of Aug., 1907.

D. R. Curran  
Atty for Resp. Geo. Croff.



# IN JUSTICE'S COURT

County of Carver

The Minneapolis Implement Co.,  
( A Corporation )

Plaintiff,

vs

H.O. Mankenberg and Geo. Croff  
as co-partners as Mankenberg  
Hardware Company.

Defendants.

## Notice of Appeal

Filed this 27 day of Sept

A. D. 1907

J. W. Brainerd  
Justice of the Peace.

Due service of the within Notice of Appeal  
admitted at Nowood, Minn  
this 2nd day of September  
A. D. 1907

John J. Faley,  
Plf's Atty.

5-99-2000

CARVER COUNTY,  
FILED

SEP 17 1907

H. O. Mankenberg  
(514)

State of Minnesota,  
County of \_\_\_\_\_

ss.

being duly sworn, says, that at the

day of \_\_\_\_\_

of \_\_\_\_\_

1

in said County, on the

by delivering to and leaving with him personally a copy thereof

Subscribed and sworn to before me, this \_\_\_\_\_

day of \_\_\_\_\_

1

Justice of the Peace.

State of Minnesota,  
County of Carver } ss.

In Justice's Court,  
Before J. H. Craven  
Justice of the Peace.

The Minneapolis Implement Co. (a corporation)  
Plaintiff

vs  
H. O. Mankenberg and Geo Croff, as co-partners  
as Mankenberg Hardware Co., Defendants.

Know all Men by these Presents, That we

George Croff

as principal, and

Fred Gelbmann & Joseph Paul as sureties,  
are held and firmly bound unto Minneapolis Implement Co. (a corporation)

in the sum of

Two Hundred Dollars, lawful money of the

United States, to be paid unto the said Minneapolis Implement Co. (a corporation)

their heirs, executors, administrators

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

Sealed with our seals and dated this 31st day of August 1907

The condition of this obligation is such, that whereas the said George Croff, the Defendant  
appeals to the District Court, in and for said County, from a certain judgment  
rendered by said Justice of the Peace in said cause, on the 24th  
day of August 1907, in favor of said Minneapolis Implement Co. Plaintiff  
and against said George Croff said Defendant  
for the sum of Sixty One & 44/100 and costs taxed at \$7.22 Dollars.

NOW, THEREFORE, If the said Appellant shall prosecute his appeal with  
effect, and abide the order of the Court therein, then this obligation shall be void;  
otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this  
31st day of August A. D. 1907

Signed, Sealed and Delivered in Presence of

Chas. Curran  
A. J. Schobrich

Geo Croff  
Fred Gelbmann  
Joseph Paul

Seal

Seal

Seal

Seal



State of Minnesota  
County of Camer } ss.

On this 31st day of August A. D. 1907, before me, a  
Justice of the Peace, within and for said County, personally appeared  
George Croft, Fred Gelman & Joseph Paul

to me known to be the person described in and who executed the foregoing instrument, and acknowledged  
that ~~he~~ executed the same as their free act and deed.

A. J. Schnobrich  
Justice of the Peace

State of Minnesota,  
County of Camer } ss.

Fred Gelman & Joseph Paul  
being duly sworn, say, each for himself, that he is one of the sureties within named; that he is a resident  
and freeholder of the State of Minnesota, and worth the amount of Two Hundred  
Dollars, specified in the within Bond,  
above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me, this  
31st day of August 1907  
A. J. Schnobrich  
Justice of the Peace

Fred Gelman  
Joseph Paul

IN JUSTICE'S COURT

County of Carver

The Mpls Imp. Co.

- vs -

H.O. Marchenberg  
Geo Craft copartner  
as MarchenHow co.

APPEAL BOND

I hereby approve the within Bond and  
the sureties thereon.

Dated Sept 2 1907

J.W. Crauen  
Justice of the Peace.

The within Bond filed this 22  
day of Sept 1907

J.W. Crauen  
Justice of the Peace.

11-98-2000

CARVER COUNTY,  
FILED

SEP 17 1907

H.O. Marchenberg

(514)

*Carver Co. Ind. 11-98-2000*



11  
State of Minnesota, )  
County of Carver ) SS

*Transcript.*  
In Justice's Court,  
Before J.W. Craven,  
Justice of the Peace.

The Minneapolis Implement Co., (Incorporation) Plaintiff,  
vs  
H.O. Mankenberg and Geo. Croff, co-partners as  
Mankenberg Hardware Company, Defendants.

Change of Venue from J.D. Krause, Justice of the Peace.

Aug., 18, 1907. 2 o'clock, p.m. Case called. Plaintiff appears by his attorney, John J. Fahey. Defendant also present by his attorney, Peter R. Curran, who appeared separately for Geo. Croff. Defendant calls for a jury, whereupon Constable Falk was ordered to draw a list of eighteen names, from which a jury of six, as agreed by both parties, was selected. The list of names returned were as follows: Henry Biescher, Otto Bauermeister, William Arndt, Wm. Borne, Dr. Leistico, Gust Thaemert, Peter Roth, W.G. Fabel, Ad. Splettstoesser, Henry Lindert, R.E. Webb, Otto Meilke, J.E. Soper, G.W. Oobock, G. Teubert. From this list attorneyd, in the usual way, selected the following as a jury to try the cause: Henry Biescher, Wm. Borne, Otto Bauermeister, Adolph Splettstoesser, Henry Lindert, Gust Thaemert. Venire issued returnable at three o'clock, Constable Falk said that he could not find Henry Biescher, whereupon Andrew Francke was selected to complete the jury. All present and they were sworn. Atty, Curran objected to the form of oath. Overruled and exception taken.

Aug. H. Eckert, traveling agent or ass. credit man for the plaintiff, sworn. He said he sold goods to Mankenberg Hardware Co., in '04 and '05. Did not at that time ask Mr. Mankenberg who Mankenberg Hardware Co., were. Objected to. Objection overruled and exception taken. What did he say? Objection. Overruled and exception taken. Ans. Geo. Croff was. Amt. due plaintiff was \$81.44 and interest. Cross-examined. Came first to New Germany in 1904. Was there last 4 weeks ago. Talked with Mankenberg and Croff. That's all.

Plaintiff called Geo. Croff for cross-examination under the statute. Objection. Overruled and exception taken. Had general store and same hardware in 1905. No hardware in March, '05. Bought Machinery in '05. Had no money in business but loaned him money from time to time. Took no mortgage or note. Paid no bills for Mankenberg Hardware Co. Paid Int. Harvester Co. by check to Mankenberg, \$800. Didn't take Mankenberg's interest in Hardware Co. in Mar., '05. Took it in September, '05. Paid Jenny, Semple Hill & Co., \$1100. Another Co., \$417. Loaned this money to Mankenberg Hardware Co. at 5 per cent. Objection. Sustained. When bought Mankenberg interest promised to pay Int. Harves. Co. Jenny, Semple Hill and Co., Bought book account. Had loaned Mankenberg about \$800, including interest. First loan on June 1st, '05, \$108.57. second loan, June 22nd, '05, \$309. 58. last loan Sept., 10th, '05. No notes and no security. Gave checks for amounts and supposed he bought hardware with it. Letter offered in evidence. Objection to. Objection sustained and exception is taken. Always gave him checks to pay bills. Left New Germany Ja., 1st, '05.

H.O. Mankenberg sworn. Sold to Croff 3/30, '05 and staid with him until Sept. Croff loaned me money all the time. Bank account was kept in Croff's name. Cross-examined. Got more than one loan in '04. I was to pay 5 per cent. No notes and no security. Promised security of chattel mortgage but never gave it. Promised to keep the stock clear. I owned the business until 3/30, '05. Did not tell the Mpls. Implement Co. that Croff was a partner. Objection. Same overruled and an exception taken. Q Who was the hardware company? Objection. Overruled. Ans. Myself.



44 2.  
Groff was proprietor after 3/30, '05. I worked for him. Made deposit in Groff's name after 3/30, '05. Received no rent. Eckhart called. Mpls. Implement Co. goods to Mankenberg Hardware Co. after 3/30, '05 to amount of \$54.99 as shown by the balance sheet. Upon what did you base your judgment that the company was good? Objection. Overruled and an exception taken. Upon reports from Dunn and Bradstreet's as looked up by the house, etc. Plaintiff rests. Geo. Groff, defendant, sworn. Was in business in '04. Mankenberg started in in May. One June 1st I made him a loan. Witness refers to books. On 8/22, '04 made second loan. States to jury amount Mankenberg for security, 2/2, '05. He wanted \$225 for his business and call it off. Told him that I would take the stock at wholesale price. Objection. Sustained and an exception taken. Promised to pay three bills. Talked to Eckhart. 2/27 '05. Invoice taken. Mankenberg had \$2800. Looked at book accounts. Took it to see how he stood for security. Objection. Sustained, and an exception taken. Second invoice taken 9/'05. Assets \$4900. He owed me \$2900. Owed in all about \$8000. Objection. Sustained. Book of original account offered in evidence, pages 183 and 228. Marked exhibits 'A' and 'B' respectively. Made loans, 8/1 '04, 8/22, '04, 11/26, '04, 1/25, '05. Drew checks to firms and gave them to Mankenberg. Christ Ackermann sworn. His testimony did not change the above statements materially. P.R. Curran took witness stand and was sworn. Had conversation with Groff, 7/24, '07. Groff had told him that he had no connection with Mankenberg. Defendant rests. Case goes to jury at 7:30, p.m. Jury out to 2 a.m. when they returned a verdict of agree to disagree. Whereupon the Court believed it useless to keep them out longer and excused them from further services on the case. Case adjourned to August 17th, '07. Aug. 17th, '07. Case called. Attorney for plaintiff present. Attorney Curran wished the case stipulated for a new trial at 8 p.m. Stipulation filed, both parties agreeing to a retrial on Aug. 23. at 10:30 a.m. Case adjourned accordingly.

Aug. 23rd, '07. 10 a.m. Case called according to stipulation and adjournment. Both parties present and by their attorneys. Fahey for the plaintiff and Curran for the defendant. Court ordered jury and demanded fee from the defendant. Fees of \$6 paid by the defendant. Officer Falk returned following list of 18 men: G. Blokschen, Fred Roth, August Arndt, G. Teubert, Jr., Christ Effertz, Otto Meilke, Dr. Leistico, Wm. Fabel, H. Hartel, H. Heinbockel, A.C. Klancke, H. Noack, G. Perbix, H. Schmidt, Robert Rick, Ed Bauermeister, F. Fabel and Peter Heimkes Jr. From this list the following jury of six were chosen: Fred Roth, Christ Effertz, H. Schmidt, Herman Heinbockel, F. Fabel and Ed Bauermeister. Case adjourned to 1 o'clock when venire is returned. 1 o'clock, p.m., Aug. 23, 1907. Venire returned. Case called. Jury present. Ed Bauermeister excused by consent of the attorneys for cause. Aug. Noll chosen juror in his stead. Jury sworn. Aug. H. Eckhart called and sworn. Sold goods in '04 and '05 to defendant. Books of plaintiff showed in Jan. 1st, '05 there was a balance of \$9.70 due and now there was a balance of \$81.44 due and that the same was demanded from both Mankenberg and Groff, defendants. How did you go about finding out the credit of the Mankenberg Hardware Co.? Objection. Overruled and the defendant takes an exception. Ans. I asked Mankenberg, who the Co. was. I looked up the reports of Dunn and Bradstreet's. What did they contain? Objection. Sustained. Couldn't get any original reports. Did you ask Mankenberg at different times about the partnership? Objection. Overruled. Ans. I think that I did. Never went of Groff to find out anything until 3/'07. Did not ask anybody in New Germany. Don't know who made Dunn's reports. Groff never held himself out to be a partner. Saw Groff 4 weeks ago. Had conversation with him. What? Objection. Overruled, and an exception is taken. Don't know what he said. He didn't say he was not a partner. Geo. Groff sworn and ~~examined~~ cross-examined under the statute by the plaintiff. Was not in company with Mankenberg in '04 or '05. I was to loan him \$2500. Made first loan 8/1 '04. Did you agree to pay the debts? Objection. Sustained.



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He bought lot in '04. First loan was \$1108.57. Did not give him money. Gave him checks drawn in favor of Jenny Sample Hill and Co., got no receipt but the check. Was to get the note after the loans amounted to \$2500. Gave him another loan or check on June, '04 of \$309.58. Was it part of the loan? Objection. Sustained. On 7/20, '04, made another loan of \$108.78 by check to G. and F. Stove Co., part of loan. On 11/8, '04 gave another loan of \$221.75. He was to give note and chattel mortgage on stock. Up to 1/1, '05 he had 2894.80 from me. On 1/25, '05 gave him another check to J.S.H. & Co., for \$724, also a loan. How much did he then owe you? Objection. Sustained. Had no note or security yet. On 2/21 gave him \$275 in cash. On 9/10 gave him \$40. No note. Gave him money to carry on the business. Got it back in 9/05 in goods and stock and gave him check for \$100. Bought book account. Did you agree to pay the debts? Objection. Sustained. Gave him checks and money to the amount of \$3800. That's all, Mr. Croff.

Defendant H.O. Mankeneberg called by the plaintiff for cross-examination under the statute. Objection by the defendant. Objection sustained, because he was subpoenaed by the plaintiff and the plaintiff takes an exception. In the hardware business in New Germany in '04 and '05. Who furnished the money to carry on the business? Objection. Overruled. Most of it I got from Croff, and in '04 he paid some bills. Did he furnish money in '05? Objection. Overruled. Ans. Yes. I bought goods from Mpls. Implement Co. in '04 and '05. Carried on the business in the name of Mankenberg Hardware Co. in '04 and '05. Croff was back of me in the business. Cross-examined by the defendant. 1st loan for \$1100. Did not go to Croff to get the money. Objection. Sustained. Did Croff ever loan you any money? Objection. Overruled and an exception is taken. Did you promise to give notes? I think so. Did you paint sign? Objection. Overruled. Did you have your name on the goods? Objection. Sustained. Croff was in store one time when Eckhart was there. Never told Eckhart that Croff was a partner. Bought goods in name of Mankenberg Hardware Co. in '04 and '05. I don't owe Mpls Implement Co. Croff bought out Hardware Co. in 9/30, '05. Croff didn't pay anything. Objection. Sustained. Sold building. After 3/30, '05, I worked for him. Between 3/30, '05 and 9/30, '05 I deposited money in Croff's name. Bought buggy and charged to my account. Sold machinery in 7/ '05 on time. Croff was in business. Did you trade horses? Objection. Overruled. Mankenberg cross-examined. After 3/30, '05 and 9/30, '05 money was deposited in Croff's name. Agents always went to Croff for their money. Got checks. I don't remember going to him. Called Croff over phone once. He told me to deposit the money in the bank in his name after 3/30, '05. Letter shown witness. Paid the insurance between 3/30, '05 and 5/29, '05 and renewed it on Mankenberg Hardware Co.. That's all, Plaintiff rests.

Geo. Croff sworn by the defence. Am Mankenberg's brother-in-law. He went into the Hardware business in '04. There was an agreement in '04. He said he could make money in the hardware business and I said that I would loan him \$2500 at 5 per cent, if he kept the stock clear for security. Gave him checks as he called for to pay bills. Never had control of the business and never got any of the profits. Never said I was proprietor of the Hardware Co. and in '05 I went for security. He had excuses. In 2/'05 I said I got to have security and he said he would sell out and wanted \$225, for horses and wagon and sled. Said he'd send papers. Later he wanted \$400. I said it's off. I took inventory with my wife and Ackermann. Book of original entry offered. Pages 188 and 228. Objection. Overruled. Cross-examined by the plaintiff. Had talk with Mankenberg. Told him I'd loan him \$2500. He owed me \$2300. Objection. Overruled. Am positive that I did not tell Lester bank about money to be deposited. I bought stock, building and lot in 9/30, '05. All stock and accounts, was there any agreement? Objection. Overruled. I agreed to pay three bills. They were J.S.H. & Co., Marshaele & Well. Didn't agree to pay the Mpls. Implement Co. Letter offered in evidence, last page. Objection. Overruled. Allowed to impeach character of witness. Defendant withdraws objection and allows all of letter to go in as evidence. Letter read to jury. Later on



#141  
Witness cross-examined by defendant. I ran it in his own name as before as Mankenberg Hardware Co.. All. Louis Zimmermann sworn for the defendant. Bought machinery from Mankenberg on time. Did not ask who owned the business. Andrew Mattison sworn in rebuttal. . Objection. Overruled. . Did you hear Groff say over the phone that he bought out Mankenberg and to put the money in the bank in his name? Objection. Overruled. Ans. Yes. Christ Ackermann sworn. Groff bought Mankenberg out in 9/30, '05. Helped to take the inventory. When was the deed delivered? Objection. Sustained. Defendant rests. Case argued by the attorneys and goes to jury. Jury returns the following verdict:

We, the jury in the above entitled action find for the plaintiff in the sum of \$61.44 and the costs and disbursements of this action. Dated Aug. 23rd, '07. H. Schmidt, Foreman.

Whereupon judgment is ~~entered~~ hereby rendered this 24th day of August, '07, against the defendant and in favor of the said plaintiff for the sum of \$61.44 and the costs of this suit taxed at \$57.22.

Note.

Of the above costs \$22.22 have been paid by defendant, in advance of entry of judgment.

J.W. Craven,  
Justice of the Peace

J.W. Craven.  
Justice of the Peace



# Costs

## Justice Fees.

In Justice Court, before J.D. Krause.

Jury  
Filing 5 papers  
Subpoena  
Oath to jury  
Swearing 5 witnesses on first trial  
Venire, first trial  
Oath to officer, first trial  
Entering 20 objections and exceptions  
Docket entries  
Adjournment  
Filing disagreement  
Taxing costs, first trial

\$ 14.27  
8.00  
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.25  
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.15  
3.00  
1.00  
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\$ 6.25

Constable Fees. Fred Falk.

Attendance on Court, one day, first trial  
Making jury list, first trial  
Summoning jury, first trial  
Attending jury, first trial

1.00  
.15  
1.00  
1.00

\$ 2.85

Constable Fees, Constable Mattison

Serving subpoena

.35

Witness Fees, First trial

H.O. Mankenberg, 1 day's attendance and mileage  
Christ Ackermann, 1 day's attendance and mileage

\$ 2.20  
2.20

\$ 33.92

Costs of 1st trial

Justice Fees, second trial

Filing 8 papers,  
Issuing 2 subpoenas  
Issuing venire  
Oath to jury  
Swearing 6 witnesses  
Oath to officer  
Objections and rulings  
Docket entries  
Taxing costs

.30  
.50  
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.25  
.90  
.15  
3.00  
1.00  
.15

\$ 6.50

Jury Fees. Second trial

6.00

Constable Fees, second trial

Attendance one day of Court  
Making jury list  
Summoning jury  
Attendance on jury

\$ 1.00  
.15  
1.00  
.50

\$ 2.65

Constable fees, constable Mattison

Serving subpoena

\$ .35

Witness fees, second trial

H.O. Mankenberg, 1 day and travel  
Mattison, ditto  
Ackermann, ditto  
Zimmermann, ditto

\$ 2.20  
2.20  
2.20  
2.20

\$ 8.80

Total costs, \$57.22.

State of Minnesota )

County of Carver. ) ss

I hereby certify that I have compared the foregoing with the original entries in my docket, and that the same is a full and correct transcript thereof, and all the proceedings had before me in said cause, that the affidavit, bond and notice of appeal, together with all the papers had before me therein, are herewith returned and attached and numbered from to inclusive, and that together with said transcript, they contain a full and perfect statement of proceedings had before me.

Dated this 12 day of Sept '07.

J. W. Krause  
Justice

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