



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

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No. 3119

DISTRICT COURT,
CARVER COUNTY, MINN.

In the matter of Adoption of
Yelmer Baile, a minor
Plaintiff.

vs.

Defendant.

Thos. F. Craven
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry March 9, 1908

Register of Actions "D" Page 537

Term Tried 1

Judgment for

Amount of Judgment \$

Date of Judgment 1

Judgment Book Page

Default Judgment Book Page

Date of Docketing 1

STATE OF MINNESOTA

DISTRICT COURT

County of Carver.

Eighth Judicial District.

In the matter of the adoption of
Yelmer Backa, a minor.

TO THE HONORABLE DISTRICT COURT ABOVE NAMED:

The petition of Jacob Kemkes and Anna Kemkes respectfully shows:

That said petitioners, and each of them, are inhabitants of said State of Minnesota, and reside in the City of Chaska in said County of Carver, and are lawful husband and wife.

That your said petitioners to adopt a minor child who now resides with them in said City, and whose name is Yelmer Backa; that said Yelmer Backa was born at Calumet Michigan on the twelfth day of March A.D. Nineteen Hundred, and is the son by birth of Hannah Backa and Andrew Backa.

That said Andrew Backa, the father of said minor, in the year 1901, abandoned said minor and has at all times since continued in such abandonment, and said father can not be found, he having abandoned his family in 1901. That Hannah Backa, the mother of said minor, has heretofore, ante-wit, the fourteenth day of July A.D. 1903, by an instrument in writing given surrendered and assigned said Yelmer Backa, and the guardianship and custody of said minor, to THE CHILDREN'S HOME SOCIETY OF MINNESOTA; and in said writing said Hannah Backa, said mother, duly appointed and authorized Rev. Edward P. Savage, Superintendent of said Society, and his successors in office, to appear in any court where proceedings may be had for the legal adoption of said minor and enter an appearance for said Hannah Backa in such proceedings, waive service of process, and to consent to the adoption of said Yelmer Backa.

That your petitioners are of sufficient ability and are able to properly rear and educate said minor child and desire so to do. Your petitioners

further pray that the name of said Yelmer Backa be changed to ^{ELMER} KEMKES. WHEREFORE, Your petitioners respectfully pray, that this Honorable Court determine said matter and make its order that from and after the date thereof said Yelmer Backa shall be the child of said petitioners and that his name be from thenceforth ELMER KEMKES.
Dated this 11th day of December A.D. 1907

Shas F. Brown
Attorney for said petitioners,
Chaska Minnesota.

Jacob Kemkes
Anna Kemkes
Petitioners

STATE OF MINNESOTA

County of Carver.

Jacob Kemkes and Anna Kemkes being first duly sworn upon oath says, that they are the petitioners named in the hereto annexed petition, that each of them has heard read the said petition that the same is true as their own knowledge, except as to matters therein stated on information and belief and as to such matters they believe them to be true.

Jacob Kemkes

Anna Kemkes

Subscribed and sworn to before me

this 8th day of March A.D. 1908

J. M. Clark
Deputy Auditor
Carver Co Minn

State of Minnesota
County of Carver
District Court

In the matter of Adoption
of Yelmer Backus
a Minor

Petition for Adoption

CARVER COUNTY,
FILED

MAR 9 1908.

H.D. Muehlberg, Clerk.

(637)

Has L. Cawson
Atty for Petitioner
Chas. O. K. & Wm.

President, REV. R. N. ADAMS, D. D.,
Minneapolis.

Supt., REV. E. P. SAVAGE,
802 New York Life Bldg., St. Paul.

HOME FOR HOMELESS CHILDREN.



Children's Home Society of Minnesota

Incorporated September 11, 1899, as
CHILDREN'S AID SOCIETY OF MINNESOTA.

Now organized under Chap. 17, Statutes of 1893, amended in 1899, Chap. 64, entitled, "An Act Relating to
Societies Organized for the Purpose of Securing Homes for Orphans, etc."

Co-operating with National Children's Home Society, chartered May 24, 1885, with auxiliaries in 20 states.
Pres., Rev. R. C. Henderson, D. D., Chicago, Ill.; Sec'y, Rev. H. H. Hart, LL. D., Chicago, Ill.

WHEREAS, heretofore the Children's ^{Home} Aid Society of Minnesota has received into its care, custody and control
a ~~male~~ child, born 12th day of March 1900, named Yelmer Oscha
by the legal assignment of the mother Hannah Oscha
And whereas Jacob Kuehler and Anna Kuehler
his wife, of Chaska, Minn. desire to adopt said child, and said Society, after
investigation, is satisfied that it is for the best interest of said child that it let them adopt him.

Now, therefore, pursuant to section 2 of chapter 17 of the General Laws of said State for the year 1893,
amended in 1899, chapter 64, said Society hereby consents to the entry of a decree of adoption of said child by said
Jacob Kuehler and his wife Anna Kuehler by any dis-
trict court of said State without further notice to said Society.

(Signed,)

CHILDREN'S ^{Home} ~~AID~~ SOCIETY.

By E. P. Savage [SEAL]
Its duly authorized Agent and Superintendent.

STATE OF MINNESOTA,

County of Ramsey

On this 3rd day of December 1907 before me appeared the undersigned
E. P. Savage

to me personally known, who, being by me duly
sworn, did make oath and say that he is the Superintendent of the Children's ^{Home} Aid Society of Minnesota, and the
agent of said Society duly authorized by it to consent to the adoption of all children in its care and custody under
the age of ten years, and that the facts stated in the foregoing consent are true, and that said instrument was
signed and sealed in behalf of said corporation by authority of its board of directors, and said
E. P. Savage acknowledged said instrument to be the free act and deed of said
corporation, and that said corporation has no corporate seal.

Lillian M. Oscha

Notary Public Ramsey Co., Minn.
My commission expires Aug. 4th 1911.

Children's Home Society of Minnesota,

ORIGINALLY INCORPORATED AS

THE CHILDREN'S AID SOCIETY.

President: REV. R. N. ADAMS, D. D.

Superintendent: REV. E. P. SAVAGE.

INCORPORATED SEPTEMBER 11, 1889.

Now Organized Under Act Approved March 29, 1893, Entitled "An Act Relating to Societies Organized for the Purpose of Securing Homes for Orphans, Etc." Chapter 17, 1893, Amended in Chapter 64, 1899.
Auxiliary to the National Children's Home Society, Chartered May 24, 1885, with Auxiliaries in Twenty States.
President, Rev. C. K. Henderson, D. D., Chicago, Ill.; Secretary, Rev. H. H. Hart, LL. D.

Power Minn. July 14, 1903.

I, The undersigned, being solicitous that a certain child named Yelmer Backa

of which I am the Mother should receive the benefits and advantages of the Children's Home Society of Minnesota, and said Society, through its authorized agents, being willing to receive it, and provide for it a good christian home, where it will be loved, trained and educated so as to be fitted for the duties of life, therefore, I make oath, certify and allege:

1. That I do hereby give, surrender and assign said child and the guardianship and custody thereof to said Children's Home Society and promise not to interfere in the management of it in any respect whatever, or visit it without the written consent of the Superintendent of said Society.

2. That in consideration of the benevolence manifested by the said Society in thus providing for my child, I do relinquish all right and claim to it and its services, until it shall arrive at full age.

3. That I will not ask or receive any payment for the services of said child or take said child from or induce it to leave the family where it may be placed by said Society.

4. That I hereby request said Society, if it so desires, to secure for my child legal adoption by such person or persons as may be chosen by said Society without further notice to me, and to that end I hereby acknowledge and admit that I surrender said child and all my right as a parent of said child and confer such right upon said Society.

5. That I hereby appoint and authorize Rev. Edward P. Savage, Superintendent of said Society, and his successor in office, or any duly authorized agent or attorney of said Society, to appear in any court where proceedings may be had for the legal adoption of such child, and enter an appearance for me in such proceedings, waive service or process, and consent to the adoption of the said child.

6. Name of said child Yelmer Backa

Born March 12, 1900

Baptized when Born Calumet Mich.

Mother's name Hannah Backa

Nationality Norwegian Age 26 yrs.

Residence Power Minn.

Occupation Housekeeper

Father's name Andrew Backa

Nationality Fin Age 30 yrs.

Residence Last seen from him was

Occupation Miner

his child was (not) born in lawful wedlock.

ERASE "NOT" IF NECESSARY.

7. (Omit if neither are dead.) That the Mother—Father of said child died at.....in the

State of.....on the.....day of.....19.....

and that the facts and circumstances of his—her death are known to.....

residing at.....and to.....

8. That the names and ages of other children of said parents are John Hendrickson

Self Brothers, Willie and Arthur Backa

9. That the reason of this assignment is Mother not able to provide for children

father deserted her more than 2 yrs ago

(If either parent has abandoned the child state it.)

Remarks: Father,

Witness my hand and seal at Power Minn this 14 day of July A. D. 1903,

Two witnesses: H. L. Withrow Hannah Backa [SEAL]

A. J. Fuller [SEAL]

STATE OF Minnesota
St. Louis COUNTY.

I hereby certify that on this 23rd day of July, 1903
Hannah Backa who is to me personally known to be the identical
person described in and whose name is signed to the foregoing instrument, and she acknowledged the instrument to be
her voluntary act and deed for the uses and purposes therein named, and made oath to the truth of the statements
therein contained.

IN TESTIMONY WHEREOF, I witness my hand and seal at Town in said county,
this 23rd day of July, A. D. 1903

A. J. Keller
Municipal Judge Notary Public for County of St. Louis State of Minnesota.
City of St. Louis

PHYSICAL CONDITION OF CHILD.

Medical Examination held..... 19.....

By..... M. D.

Residence.....

Remarks:.....

Where found.....

By whom reported.....

Practicing Physician.....

PARENT'S OR GUARDIAN'S
ASSIGNMENT

TO

THE CHILDREN'S HOME SOCIETY



Register No. of Child.....

Name.....

Sex.....

Color.....

Date of Birth.....

Place of Birth.....

Date of Release.....

With whom placed.....

When placed.....

(537)

STATE OF MINNESOTA

DISTRICT COURT

County of Carver.

8th Judicial District.

In the matter of the adoption of

Yelmer Backa, a minor.

Upon the verified petition of Jacob Kemkes and Anna Kemkes of the City of Chaska, Minnesota for leave to adopt Yelmer Backa, a minor child, it appearing to the satisfaction of the Court:

1st That said petitioners are inhabitants of the said State of Minnesota, and that said petitioners are lawful husband and wife; that said petitioners are of sufficient ability to bring up and furnish suitable nurture and education for said child having reference to the degree and condition of its parents; and that it is proper that such adoption should take effect;

2nd That said Yelmer Backa is the son by birth of Hannah Backa and Andrew Backa and was born at Calumet Michigan on the 12th day of March 1900.

3rd That the said father, Andrew Backa, has abandoned said child and has continued in such abandonment at all times since July 1901, and his whereabouts is unknown to said petitioners. That the mother of said child has heretofore by instrument in writing surrendered and assigned said child and the guardianship and custody thereof to the Childrens Aid Society of Minnesota which society is commonly known and designated as The Children's Home Society of Minnesota; and that said Hannah Backa, said mother, duly appointed the said Reverend Edward P. Savage, the Superintendent of said Society and his successor in office to appear in Court for her and to consent to the legal adoption of said child; that the said Children's Aid Society aforesaid by said Reverend Ed Edward P. Savage its duly authorized agent and superintendent have heretofore by instrument in writing duly consented to the entry of a decree of adoption of said Yelmer Backa by said Jacob Kemkes and Anna Kemkes aforesaid.

THEREFORE, IT IS ORDERED, That from and after the date of this order said child, Yelmer Backa shall be deemed, to all legal intents and purposes, the child of said petitioners, said Jacob Kemkes and Anna Kemkes, they to have sole care custody and control of said minor. It is further ordered that the name of said Yelmer Backa be and hereby is changed to ELMER FRED KEMKES.

Dated at Chaska this 8th day of March 1908.

J. W. Morrison
Judge of said District Court.

State of Minnesota
County of Carver
District Court

In the matter of adoption
of Yelmer Backa
a minor

Order of Adoption

CARVER COUNTY,
FILED

MAR 9 1908

H.O. Muehlberg, Clerk

(537)

No. 3120

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Hermine Fitzgerald
Plaintiff

vs.

John E. Fitzgerald
Defendant

Thos. J. Cravin
Plaintiff's Atty.

Defendant's Atty.

Date of Entry *April 15th* 1908

Register of Actions, *D* Page *538*

~~Term~~ Tried *July 9th* 1908

Judgment for *Plaintiff*

Amount of Judgment, \$ _____

Date of Judgment *July 10th* 1908

Judgment Book *D* Page *272*

Default Judgment Book _____ Page _____

Date of Docketing _____ 190_____

SUMMONS RETURN, OF NO SERVICE, TO ATTACH.

FREE PRESS BLANK BOOK MANUFACTORY, MANKATO, MINN. 1886.

State of Minnesota,

County of

Carver

} ss.

I hereby certify and return, that after due and diligent search, I have been unable to find the within defendant John E. Fitzgerald within my said County and the defendant aforesaid cannot be found within said Carver County.

Dated this 14th day of April 1909

Sheriff's fees, return, \$ 1.00

Mileage \$

G. A. Gatz
Sheriff of Carver County, Minn.

By Deputy.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT
Eighth Judicial District.

Hermine Fitzgerald,
Plaintiff.

- VS. -

(S U M M O N S.)

John E. Fitzgerald,
Defendant.

You, John E. Fitzgerald, are hereby summoned and required to serve your answer to the Complaint of the plaintiff in the above entitled action, which complaint has been and is on file in the office of the Clerk of said District Court at the City of Chaska County of Carver and State of Minnesota, by copy, on the subscriber at his office in the City of Chaska in the County of Carver and State of Minnesota, within thirty days after service of this Summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiff in this action will apply to the Court for the relief demanded in the said

Complaint
Dated April 14th A.D. 1908

Chas H. Brown
Attorney for Plaintiff,
Chaska, Minn.

7061 STATE OF MINNESOTA
County of Carver.

DISTRICT COURT
Eighth Judicial District.

Hermine Fitzgerald,
- VS. -
John E. Fitzgerald,

Plaintiff

Defendant.

Said plaintiff for her complaint in the above entitled action respectfully states and alleges:

(1) That said plaintiff and said defendant were lawfully joined in marriage at Carver in said State on the 25th day of June A.D. 1901, and ever since have been and now are husband and wife. That said plaintiff is now thirty five years of age, and said defendant is now thirty eight years of age; that ever since the 12th day of September 1900 this plaintiff has been and now is a resident of this State and ever since said 12th day of September said plaintiff has resided in the Village of Carver in the County of Carver State of Minnesota; that ever since said 12th day of September this plaintiff has never seen or heard from said defendant and his residence whereabouts or address is, and ever since said last named date has been, to is plaintiff wholly unknown.

(2) That two children have been born to said plaintiff and defendant as the fruits of said marriage, both of whom are now living with and under the care and custody of this plaintiff; the elder of whom is named Orville Fitzgerald and is five years of age, and the younger of whom is named Roland Fitzgerald and is three years of age.

(3) That said defendant ever since said marriage has been guilty of cruel and inhuman treatment of said plaintiff as hereinafter more particularly alleged:

That shortly after their said marriage said defendant commenced and thereafter constantly continued toward said plaintiff a systematic course of ill-treatment and abuse, designed and calculated to, and which did annoy, harass, degrade and humiliate plaintiff until her health became greatly impaired, her nervous system undermined, and such course of treatment absolutely unbearable to this plaintiff. That beginning with their said marriage, and continuously thereafter during all the time plaintiff and defendant lived together, said defendant would and did for weeks at a time refr-

ain from speaking to plaintiff, and would not even answer the most civil question asked him by said plaintiff; that he habitually failed to furnish ^h the plaintiff with provisions with which to provide meals for herself and family, and failed to furnish her the necessaries or any thing to eat, that he, said defendant, would, during said time, persistently and habitually remain away from his home and take his own meals at hotels and restaurants, that he habitually, during all of said time, frowned down upon plaintiff, looked at her with contempt, scolded, called her vile and abusive names, habitually called her "an old Dutch-man"; repeatedly told her that he could not eat her Dutch cooking, and told ^r her to get out and go home to her Dutch parents; that he said defendant was never legally married to said plaintiff; that how much happier and better it would have been for him if he had married some one else; that he refused to go in public with plaintiff; that he habitually and persistently sought and kept company with other women; and besides the aforesaid acts said defendant habitually and persistently practiced toward plaintiff many other petty acts of a malicious nature.

out seven months after said marriage he broke up housekeeping and sent plaintiff to her parents at Carver where she had to remain, because of said defendant's failure and neglect to provide for her any place to live, for about four months; after which time defendant was at West Superior Wisconsin,

and this plaintiff went there to again live with him; defendant's treatment of plaintiff while there was of the kind and character hereinbefore enumerated, and after a period of five months living with him there, the defendant again refused to furnish plaintiff a home or any of the necessaries of life, he told plaintiff to go back to her parents, and said defendant broke up housekeeping at said West Superior and made plaintiff return to her home in said Carver in the Fall of the year 1902, when said defendant left said West Superior and this plaintiff did not see or hear from him

for many months but finally located him in North Dakota, and after so locating him, and after being ~~being~~ living with her parents without any support from him for about one year, plaintiff went to again live with defendant in said North Dakota; that his treatment of plaintiff there was of the same character and kind as hereinbefore enumerated; and within two months from the time said plaintiff joined her said husband as aforesaid in North Dakota, said defendant again refused to live with her, he broke up their home there, told, and thus compelled, plaintiff to go back to her parents in said Carver, where she went and continuously remained without receiving any sup-

port or aid whatsoever from said defendant, for over one year; that during said time defendant did not write said plaintiff for months at a time, did not let her know where he was or ever come to see her; that in the summer of the year 1906 defendant was in Chicago and informed plaintiff that he had reformed and that if she would again come and live with him he would cease his wanderings, would refrain from the cruel and inhuman treatment of her hereinbefore enumerated, and would treat her kindly and provide a pleasant home for them and in all things do unto her as a husband should; that believing and relying upon said promises this plaintiff again went to her said husband and lived with him for five weeks in Chicago, but during said time, instead of his treating her as a husband should and as he had promised, the said defendant was even worse in his treatment of plaintiff than ever before, he habitually did each and all the acts, performed the things, and said the words hereinbefore enumerated; he ^{willfully and purposely} failed and neglected to furnish this plaintiff and his said children with provisions or place to live, he virtually ^{willfully}

and actually starved plaintiff, he absented himself from home ate at hotels and restaurants, called plaintiff an "old Dutch-man", told her to get out and go to her home in Carver. That said defendant's conduct continued to be so unkind, cruel and inhuman, in the particular manner hereinbefore stated

until the 12th day of September A.D. 1906, when plaintiff, driven thereto solely by the neglect and cruel and inhuman treatment of said defendant as hereinbefore stated, was again forced to return to her parents at said Carver where she has remained and supported herself and said children ever since; that since the said 12th day of said September she has never heard from said defendant, neither does plaintiff know his present address or where he lives or stays. That so uniform and constant was defendant's neglect and cruel and inhuman treatment of plaintiff that her health became greatly impaired, that by reason of the said treatment aforesaid, when this plaintiff returned from Chicago on said 12th day of September, her health and happiness were gone, she was a nervous invalid; and plaintiff now believes and charges the fact to be that she can not with safety to herself longer live with said defendant as his wife, even though she had the opportunity, without further endangering her health and life.

(4) That this plaintiff is a suitable person, and said defendant is unsuitable, to have the care and custody of said children; and the best interests of said children will be promoted by giving their care and custody

to this plaintiff.

7-2-11 (5) That this plaintiff is of German parentage and her maiden name was Hermine Muehlberg; she is now living with her parents at Carver and has a suitable home for said children and is able and willing to support them.

WHEREFORE, Plaintiff prays the judgment and decree of this honorable Court dissolving the marriage relation existing between plaintiff and defendant, awarding to plaintiff the care and custody of the said infant children, that said plaintiff may resume and take her said maiden name Muehlberg and her name be so changed by these proceedings, and for such other and further relief as to the Court may seem meet and proper in the premises.

Thos F. Craven
Attorney for Plaintiff,
Chaska, Minn.

State of Minnesota,
County of Carver } ss.

Hermine Fitzgerald being first duly sworn upon oath, says that he is the plaintiff in the foregoing within entitled action; that he has heard read the foregoing complaint; that the same is true. of her own knowledge, except as to matters therein stated on information and belief, and as to such matters, he believes it to be true, to the best of his ~~knowledge, information and belief, and that the reason why this verification is not made by the~~ herein, is that said
is absent from this County wherein resides this affiant, his attorney

Subscribed and sworn to before me this 14th day of April 1908

(NOTARIAL
SEAL)

Notary Public, H. O. Muehlberg
Carver Co., Minn.

State of Minnesota,

County.

COURT,

JUDICIAL DISTRICT.

AGAINST

Plaintiff

SUMMONS.

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to answer the complaint of the Plaintiff in the above entitled action, which complaint—is hereto annexed und herewith served upon you—has been filed in the office of the Clerk of said Court, at the County of and State of Minnesota, and to serve a copy of your answer to the said complaint on the subscriber, at office, in the of, in the said County of within twenty days after service of this summons upon you, exclusive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the Plaintiff in this action will—apply to the court for the relief demanded in said complaint—have the amount Plaintiff entitled to recover, ascertained by the Court or under its direction, and take judgement for the amount so ascertained—take judgment against you for the sum of Dollars, (\$) with interest at the rate of per cent, per annum since the day of 1908 together with the Plaintiff's costs and disbursements herein.

Dated A. D. 19

Plaintiff's Attorney, Minn

STATE OF MINNESOTA,

County of

Carver

District COURT.

Hermine Fitzgerald
Plaintiff.

vs.
John E. Fitzgerald
Defendant.

Summons & Complaint

Due and personal service of the within

CARVER COUNTY wereby admitted

this FILED day of

A. D. 1908 APR 15 1908

H. O. Muehlberg, Clerk.

Attorney for

Thos. F. Carver

Attorney for Plaintiff
Chas. A. Minn.

C. F. GREENWOOD, MANKATO, MINN

(538)

State of Minnesota,

County of

ss.

being

first duly sworn upon oath, deposes and says, that at the
in said County and State, on the day of

within upon
the therein named, personally, by leaving

with said 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

STATE OF MINNESOTA

County of Carver.

IN DISTRICT COURT

Eighth Judicial District.

Hermine Fitzgerald,

Plaintiff

- VS. -

John E. Fitzgerald,

Defendant

State of Minnesota

ss

County of Carver.

Thos. F. Craven being first duly sworn deposes and says, that he is the attorney for said plaintiff in said above entitled action, that the defendant, John E. Fitzgerald, in said action cannot be found within the State of Minnesota, as will more fully appear by the return upon said summons duly made by the Sheriff of said Carver County and filed with the Clerk of said Court; that said affiant believes that said defendant, John E. Fitzgerald, can not be found within the State of Minnesota; and affiant further says that the residence or address of the said John E. Fitzgerald is unknown to this affiant, and is unknown to said plaintiff; that said above entitled action is brought by said plaintiff against said defendant to secure a judgment and decree of said Court for an absolute divorce dissolving the bonds of matrimony now existing between said plaintiff and said defendant and for the care and custody of two minor children the fruits of said marriage to said plaintiff, that said action for divorce is brought on the ground of cruel and inhuman treatment, all of which will more fully appear in a copy of said complaint hereto attached and hereby made a part hereof; that said affiant believes said complaint to be true.

Subscribed and sworn to before me
this 14th day of April A.D. 1908

H. O. Muehlberg

Clerk Dist. Court

Carver Co., Minn

Thos F Craven

STATE OF MINNESOTA
County of Carver.

(Copy)

DISTRICT COURT
Eighth Judicial District.

Hermine Fitzgerald,
- Vs. -
Plaintiff

John E. Fitzgerald,
Defendant.

Said plaintiff for her complaint in the above entitled action respectfully states and alleges:

(1) That said plaintiff and said defendant were lawfully joined in marriage at Carver in said State on the 25th day of June A.D. 1901, and ever since have been and now are husband and wife. That said plaintiff is now thirty five years of age, and said defendant is now thirty eight years of age; that ever since the 18th day of September 1906 this plaintiff has been and now is a resident of this State and ever since said 18th day of September said plaintiff has resided in the Village of Carver in the County of Carver State of Minnesota; that ever since said 18th day of September this plaintiff has never seen or heard from said defendant and his residence whereabouts or address is, and ever since said last named date has been, to this plaintiff wholly unknown.

(2) That two children have been born to said plaintiff and defendant as the fruits of said marriage, both of whom are now living with and under the care and custody of this plaintiff; the elder of whom is named Orville Fitzgerald and is five years of age, and the younger of whom is named Robert Fitzgerald and is three years of age.

(3) That said defendant ever since said marriage has been guilty of cruel and inhuman treatment of said plaintiff as hereinafter more particularly alleged:

That shortly after their said marriage said defendant commenced and hereafter constantly continued toward said plaintiff a systematic course of ill-treatment and abuse, designed and calculated to, and which did annoy, harass, degrade and humiliate plaintiff until her health became greatly impaired, her nervous system undermined, and such course of treatment absolutely unbearable to this plaintiff. That beginning with their said marriage, and continuously thereafter during all the time plaintiff and defendant lived together, said defendant would and did for weeks at a time refr-

ain from speaking to plaintiff, and would not even answer the most civil question asked him by said plaintiff; that he habitually failed to furnish the plaintiff with provisions with which to provide meals for herself and family, and failed to furnish her the necessaries or any thing to eat, that he, said defendant, would, during said time, persistently and habitually remain away from his home and take his own meals at hotels and restaurants, that he habitually, during all of said time, frowned down upon plaintiff, looked at her with contempt, scolded, called her vile and abusive names, habitually called her "an old bitch-man"; repeatedly told her that he could not eat her Dutch cooking, and told her to get out and go home to her Dutch parents; that he said defendant was never legally married to said plaintiff; that how much happier and better it would have been for him if he had married some one else; that he refused to go in public with plaintiff; that he habitually and persistently sought and kept company with other women; and besides the aforesaid acts said defendant habitually and persistently practiced toward plaintiff many other petty acts of a malicious nature.

About seven months after said marriage he broke up housekeeping and sent plaintiff to her parents at Carver where she had to remain, because of said defendant's failure and neglect to provide for her any place to live, for about four months; after which time defendant was at West Superior Wisconsin, and this plaintiff went there to again live with him; defendant's treatment of plaintiff while there was of the kind and character hereinbefore enumerated, and after a period of five months living with him there, the defendant again refused to furnish plaintiff a home or any of the necessaries of life, he told plaintiff to go back to her parents, and said defendant broke up housekeeping at said West Superior and made plaintiff return to her home in said Carver in the Fall of the year 1908, when said defendant left said West Superior and this plaintiff did not see or hear from him for many months but finally located him in North Dakota, and after so locating him, and after being living with her parents without any support from him for about one year, plaintiff went to again live with defendant said North Dakota; that his treatment of plaintiff there was of the same character and kind as hereinbefore enumerated; and within two months from the time said plaintiff joined her said husband as aforesaid in North Dakota, said defendant again refused to live with her, he broke up their home there, told and thus compelled plaintiff to go back to her parents in said Carver, where she went and continuously remained without receiving any sup-

port or aid whatsoever from said defendant, for over one year; that during said time defendant did not write said plaintiff for months at a time, did not let her know where he was or ever come to see her; that in the summer of the year 1906 defendant was in Chicago and informed plaintiff that he had reformed and that if she would again come and live with him he would cease his wanderings, would refrain from the cruel and inhuman treatment of her hereinbefore enumerated, and would treat her kindly and provide a pleasant home for them and in all things do unto her as a husband should; that believing and relying upon said promises this plaintiff again went to her said husband and lived with him for five weeks in Chicago, but during said, instead of his treating her as a husband should and as he had promised, the said defendant was even worse in his treatment of plaintiff than ever before, he habitually did such and all the acts, performed the things, and said the words hereinbefore enumerated; he failed and neglected to furnish this plaintiff and his said children with provisions or place to live, he virtually actually starved plaintiff, he absented himself from home and ate at hotels and restaurants, called plaintiff an "old Dutch-man", told her to get out and go to her home in Carver. That said defendant's conduct continued to be so unkind, cruel and inhuman, in the particular manner hereinbefore stated, until the 12th day of September A.D. 1906, when plaintiff, driven thereto solely by the neglect and cruel and inhuman treatment of said defendant as hereinbefore stated, was again forced to return to her parents at said Carver where she has remained and supported herself and said children ever since; that since the said 12th day of said September she has never heard from said defendant, neither does plaintiff know his present address or where he lives or stays. That so uniform and constant was defendant's neglect and cruel and inhuman treatment of plaintiff that her health became greatly impaired, that by reason of the said treatment aforesaid, when this plaintiff returned from Chicago on said 12th day of September, her health and happiness were gone, she was a nervous invalid; and plaintiff now believes and charges the fact to be that she can not with safety to herself longer live with said defendant as his wife, even though she had the opportunity, without further endangering her health and life.

(4) That this plaintiff is a suitable person, and said defendant is unsuitable, to have the care and custody of said children; and the best interests of said children will be promoted by giving their care and custody

to this plaintiff.

(5) That this plaintiff is of German parentage and her maiden name was Hermine Muehlberg; she is now living with her parents at Carver and has a suitable home for said children and is able and willing to support them.

WHEREFORE, Plaintiff prays the judgment and decree of this honorable Court dissolving the marriage relation existing between plaintiff and defendant, awarding to plaintiff the care and custody of the said infant children, that said plaintiff may resume and take her said maiden name Muehlberg and her name be so changed by these proceedings, and for such other and further relief as to the Court may seem meet and proper in the premises.

Thos H. Crauer
Attorney for Plaintiff,
Shaska, Minn.

STATE OF MINNESOTA
ss.
County of Carver.

Hermine Fitzgerald being first duly sworn upon oath says, that she is the plaintiff in the foregoing within entitled action, that she has heard read the foregoing complaint, that the same is true of her own knowledge, except as to matters therein stated on information and belief, and as to such matters she believes it to be true.

Hermine Fitzgerald.

Subscribed and sworn to before me
this 14th day of April 1908.

(Seal Dist Court)
H.O. Muehlberg
Clerk District Court Carver Co.

STATE OF MINNESOTA,

County of Carver

District COURT.

Hermine Fitzgerald
Plaintiff.

vs.
John E. Fitzgerald
Defendant.

Affidavit for publication
of summons

Due and personal service of the within
CARVER COUNTY hereby admitted
this FILED day of

A. D. 1908 APR 15 1908
H. O. Muehlberg Clerk.

Attorney for

Shas L. Crocker
Attorney for Plaintiff
Chaska Minn.

C. F. GREENWOOD, MANKATO, MINN

(538)

State of Minnesota,

County of

ss.

being first duly sworn upon oath, deposes and says, that at the
in said County and State, on the day of
within the upon
therein named, personally, by
with said
age and discretion, then resident therein, a true and correct copy of said
that said
leaving at the house of the usual abode of said
a person of suitable
is to affirm well known to be the same.

STATE OF MINNESOTA

IN DISTRICT COURT

County of Carver

Eighth Judicial District.

Hermine Fitzgerald,

Plaintiff

- VS. -

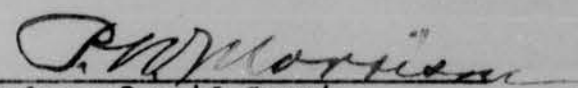
John E. Fitzgerald,

Defendant.

Upon reading and filing the affidavit of T.F. Craven, plaintiff's attorney in said above entitled action, and the summons and complaint in said above entitled action, with the return of the Sheriff of said Carver County attached to said summons and complaint; now on motion of Thos. F. Craven, Esq., as attorney for said plaintiff in said action,

It Is Hereby Ordered that the summons in said above entitled action be served upon the said Defendant, John E. Fitzgerald, by the publication of said summons, in the Norwood Times a legal newspaper printed and published at the village of Norwood in said Carver County, once in each week for six consecutive weeks and in the way and manner provided by law.

Dated at Norwood April 15th, 1908


Judge of said Court.

State of Minnesota
County of Carver

[#]
Hermine Fitzgerald

- vs -
John E. Fitzgerald

Order for publication of
Summons
[#]

CARVER COUNTY,
FILED

APR 15 1908

H. O. Muehlberg, Clerk

(538)

Affidavit of Publication.

NORWOOD TIMES PRINT.

Summons
STATE OF MINNESOTA, District Court
County of Carver, Eighth Judicial
District
Hermine Fitzgerald, Plaintiff,
vs. SUMMONS
John E. Fitzgerald, Defendant.

You, John E. Fitzgerald, are hereby summoned and required to serve your answer to the Complaint of the plaintiff in the above entitled action, which complaint has been and is on file in the office of the Clerk of said District Court at the City of Chaska, County of Carver and State of Minnesota, by copy, on the subscriber at his office in the City of Chaska, in the County of Carver and State of Minnesota, within thirty days after service of this Summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiff in this action will apply to the court for the relief demanded in the said Complaint.

Dated April 14, A. D. 1908.

THOS. F. CRAVEN,
Attorney for Plaintiff,
Chaska, Minn.

Sub. A; 17-6w)

State of Minnesota, ss.
County of Carver,

J. W. Craven being duly sworn says that he is and during all the time hereinafter mentioned has been the printer and publisher of a weekly newspaper known as **The Norwood Times**, that said newspaper is a collection of reading matter in columns and sheet form, consisting of general and local news, comment, and literary items, that during all the time for ten years last past the said newspaper has been and now is published in the English language, weekly, in the Village of Norwood, in Carver County, Minnesota, at an established office therein, equipped with the necessary materials and skilled workmen for producing the same, and that the said newspaper has been during all of said time and now is printed in part in said office in said city, where the same is dated, that said newspaper during all of said time has had and now has general circulation in said village and throughout the said Carver County, and during all of said time has consisted and now consists of not less than four pages of six columns to each page, each column not less than seventeen and three quarter inches long, that during all of said time there has been and now is published and delivered, weekly, at each regular issue of said paper more than 240 complete copies of said paper to paying subscribers, that said paper is not substantially a duplicate of any other publication, is not made up wholly of patents and plates and advertisements, that the publisher of said paper did file with the county auditor of Carver County an affidavit setting forth the facts required by Section 2, of Chapter 33, of the Laws of the State of Minnesota for the year 1893 and amendments thereto, That

the annexed printed notice of

hereto attached and made a part hereof, was cut from the columns of said newspaper and was published in said newspaper for 7 successive weeks, once in each week; that said notice was first published in said newspaper on Friday, the 17th day of April, A. D. 1908, and was thereafter published in said newspaper on each and every succeeding Friday until and including Friday, the 29th day of May, A. D. 1908, (7 insertions) and that during all of said period said newspaper was published on Friday of each week.

Sworn and subscribed to before me this

10th day of July, A. D. 1908

J. W. Craven
Notary Public, Carver County, Minnesota.

My Commission Expires Dec. 31st, 1912.

CARVER COUNTY,
FILED

JUL 10 1908

H.O. Muehlberg Clerk.

(538)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District.

Hermine Fitzgerald,

Plaintiff

-VS-

John E. Fitzgerald,

Defendant.

State of Minnesota

ss.

County of Carver.

Thomas F. Craven being first duly sworn says:

That he is the attorney of said plaintiff in said above entitled action, that the summons in said action, on order of said Court, was served on the said defendant in said above entitled action by publication, that said summons was published in The Norwood Times, a weekly newspaper printed and published at Norwood in said County, and was first printed and published

herein on on Friday the 17th day of April 1908 and on each and every succeeding Friday thereafter said summons was printed and published in said newspaper, for seven successive issues of said paper, the last insertion thereof having been made in said paper on the 28th day of May 1908;

that no answer or demur, or copy of either, has ever been served upon or received by affiant, nor by said plaintiff, within the time allowed by law or at any other time, in said cause of action; that more than thirty days has elapsed since the service of said summons on said defendant and said defendant has in no way appeared therein

Thomas F. Craven

Subscribed and sworn to before me

this 8th day of July A.D. 1908.

H. O. Muehlberg

Clerk Dist. Court.

State of Minnesota
County of Carver
District Court

Herminie Fitzgerald

- vs -

John E. Fitzgerald

Affidavit of No Answer
or Appearance

CARVER COUNTY,

FILED

JUL 8 1908

N.O. Muehlberg, Clerk.

(538)

Thos. L. Craven
Plaintiff's Attorney
Chaska, Minn.

State of Minnesota,)
County of Carver.)
-----)

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

Hermine Fitzgerald,)
-vs-) Plaintiff.)
John E. Fitzgerald,)
Defendant.)
-----)

The above entitled cause came on for trial ,at the village of Norwood, in said County of Carver, on the 9th day of July, a.d. 1908.

Thos. F. Craven Esq appeared as Counsel for the plaintiff.

The defendant defaulted and made no appearance whatsoever.

After hearing the evidence adduced on the part of the plaintiff and after giving the same due consideration, the court makes the following findings of fact:

1, That paragraphs, 1 and 2, of plaintiffs complaint and the whole thereof and all the allegations contained therein are true, as therein alleged and set forth.

2, That all of the allegations contained in paragraphs 3 and 4, *of complaint* respecting the acts of cruelty inflicted upon the plaintiff by the said defendant are true as therein alleged.

3, That paragraph 5 of plaintiff's complaint is true.

AS CONCLUSIONS OF LAW FROM THE FORGOING FINDINGS OF FACT THE COURT FINDS:

1, That the plaintiff, Hermine Fitzgerald, is entitled to the judgment and decree of this Court dissolving the marriage relations existing between herself and the defendant, John E. Fitzgerald,

2, That the said plaintiff is entitled to the care, custody and control of the said minor children, to wit: Orville Fitzgerald and Roland Fitzgerald during the years of their minority.

3, That said plaintiff is entitled to judgment and decree of this Court permitting her to resume and take her maiden ~~name~~ name, Hermine Miehlerberg.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated at Norwood, Minnesota, this 9th day of July, a.d. 1908.

R. M. Morrison
Judge of said Court.

State of Minnesota
County of Carver
Sub District Court

Hermann Fitzgerald
vs. Rep

John E. Fitzgerald
Opp

Findings and
Order for Judgment

CARVER COUNTY,
FILED

JUL 10 1908

H. O. Muehlberg, Clerk.

(638)

State of Minnesota,
County of Carver.

District Court,

Eighth Judicial District.

Hermine Fitzgerald,

Plaintiff.

- vs. -

John E. Fitzgerald,

Defendant,

JUDGMENT.

The above entitled cause came on for trial at Norwood, Minnesota, on the 9th day of July A. D. 1908, before the Court, upon the Summons and Complaint, proof of service and affidavit of no answer or appearance on the part of the defendant.

Thos. F. Craven, Esq., appearing as Attorney for the plaintiff and there being no appearance on the part of the defendant, and after hearing the proofs and allegations on the part of the plaintiff, and the Court having made and filed his findings of fact and conclusions of law, ordering judgment for the plaintiff, for the relief demanded in the complaint.

Now therefore, it is hereby ordered, adjudged and decreed, and the judgment and decree of this Court is, that the marriage contract heretofore existing between the plaintiff and defendant, is no longer of any force or effect, and a divorce from the bonds of matrimony is hereby granted said plaintiff against said defendant, and it is further adjudged that said plaintiff, have the care and custody of said minor children, viz: Orville and Roland Fitzgerald, minor children of said plaintiff and defendant during the remaining years of their minority, and until the further order of this Court.

And it is further adjudged and decreed that the name of said plaintiff be changed from Hermine Fitzgerald to Hermine Muehlberg and that said plaintiff be hereafter known and called by her maiden name to-wit: Hermine Muehlberg.

Dated July 10th, 1908.

By the Court,

H. O. Muehlberg

Clerk

DISTRICT COURT,

County of *Carver.*

Hermine Fitzgerald

AGAINST

John E. Fitzgerald

JUDGMENT ROLL.

Filed July 10th A. D. 1908

H. O. Muehlberg
Clerk of the District Court.

No. 1071.—PIONEER PRESS CO., St. Paul, Minn.

DECEASED JULY 10th 1908.
to-wit: Hermine Muehlberg.
that said plaintiff be restored for good and called by her maiden name
plaintiff be changed from Hermine Muehlberg to Hermine Muehlberg and
And it is further adjudged and decreed that the name of said
minor children, viz: Ophelia and Roland Muehlberg, minor children of
said plaintiff and defendant during the remaining years of their
lives be changed that said plaintiff have the care and custody of said
minor children and plaintiff against said defendant, and it is fur-
ther ordered that plaintiff and defendant from the bonds of matrimony in
of any force or effect, and a divorce from the bonds of matrimony in
heretofore existing between the plaintiff and defendant, is no longer
the judgment and decree of this court is, that the marriage contract
Now therefore, it is hereby ordered, adjudged and decreed, and
in the complaint.
of law, ordering judgment for the plaintiff, for the relief demanded
the court having made and filed his findings of fact and conclusions
herein the facts and allegations on the part of the plaintiff, and
and there being no appearance on the part of the defendant, and after
Jesse A. Green, Esq., appearing as attorney for the plaintiff
on the part of the defendant.
and complaint, piece of service and affidavit of no answer or answer
on the 28th day of July A. D. 1908, before the court, upon the summons
The above entitled cause came on for trial at St. Paul, Minnesota.

3124

No. 11.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Andrew A. Mellberg
Plaintiff

vs.

Supervisors of San Francisco
Town Defendant

W. C. Odell
Plaintiff's Atty.

Thos. J. Craven
Defendant's Atty.

Date of Entry June 9th 1908

Register of Actions Page 542

Term Tried September 1908

Judgment for Appellate

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

State of Minnesota,
County of Carver.

District Court,
Eighth Judicial District.

Andrew A. Wellborg,

Appellant.

-vs-

The Supervisors of the Town of
San Francisco,

Respondent.

KNOW ALL MEN BY THESE PRESENTS, That we Andrew A. Wellborg as Principal, and John L. Wellgren and William Anderson as Sureties, all of the County of Carver and State of Minnesota, are held and firmly bound under Peter A. Johnson, Swan Wancuist and John Olson Bratt as the Board of Supervisors of the Town of San Francisco in said County and State, and their successors in office, in the penal sum of \$250.00, lawful money of the United States of America, to be paid to the Board of Supervisors of said Town of San Francisco, for the payment whereof well and truly to be made we bind ourselves, our and each of our heirs, executors and administrators jointly and severally firmly by these presents.

Sealed with out seals and dated this 9th day of June A. D. 1908.

Whereas the Supervisors of the Town of San Francisco in said County and State by their order made and dated on the 12th day of May 1908 and filed in the office of the Town Clerk of said Town on said day laid out and established a public cartway described as follows, viz: beginning at a point in a public cartway in said Town known as the August Brahee cartway, the same being at the Northwest corner of the Northeast quarter of Section No. eight (8) Township one hundred and fourteen (114) Range No. twenty four (24) West, thence running South on the North and South quarter line of said Section No. eight (8) said Township and Range two hundred and thirty one (231) rods, thence Southwesterly about Seventeen (17) rods, to the creek, the same being a point ten (10) rods west of the East line of the Southwest quarter of said Section No. eight (8) said Township and Range, thence

Southerly twenty one (21) rods to a point nine (9) rods west of said East line of the Southwest quarter of said Section eight (8), thence Southeasterly twenty eight (28) rods to a point one (1) rod west of the said east line of the Southwest quarter of said Section No. eight (8), thence south to the south boundary line of said Section No. eight (8) said Township and Range, and then and there terminating said public cartway at a point in the public highway running East and West along the Section line between Sections Nos. eight (8) and seventeen (17) said Township and Range one (1) rod west of the South quarter post of said Section No. eight (8) said Township and Range. The above route being the center line of said cartway.

And whereas said above bounden Andrew A. Wellborg, a tax payer and voter of said Town, feeling aggrieved by said determination of said Supervisors in so laying out and establishing said cartway appeals from the order of said Supervisors so laying out and establishing said cartway to the District Court of the Eighth Judicial District of the State of Minnesota in and for the said County of Carver to reverse entirely the decision of said Supervisors in so laying out and establishing said cartway.

Now the Condition of this Obligation is such that if said above bounden Andrew A. Wellborg shall pay or cause to be paid all costs arising from his said appeal in case the determination of said Supervisors in so laying out and establishing said cartway shall be sustained then this Obligation to be void, otherwise in full force and effect.

In Witness Whereof we have hereunto set our hands and seals the day and year aforesaid.

Andrew A. Wellborg (seal)
J. L. Wellgren (seal)
William Anderson (seal)

State of Minnesota ss.
County of Carver.

Be it known that on this 9th day of June 1908 before me, a Notary Public, within and for said County and State personally appeared Andrew A. Wellborg, John L. Wellgren and William Anderson to me known to be the identical persons who

executed the foregoing instrument, and each acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Shos F. Gower

Notary Public, Carver County.

State of Minnesota, SS.
County of Carver.

John L. Wellgren and William Anderson being first duly sworn each for himself says, that he is a resident and free holder of said County and State and is worth the sum of \$500.00 over and above his just debts and liabilities and exclusive of property exempt of execution or attachment under the laws of this State.

Subscribed and sworn to before me

this 9th day of June 1908.

L. M. Gower
William Anderson

Shos F. Gower

Notary Public.

Carver County, Minn.

District Court
County of Carver.

Andrew A. Muehlberg
Appellant

-VS-

The Supervisors of the Town
of San Francisco.

Bond on appeal.

State of Minnesota
County of Carver^{ss.}

I hereby approve the within
Bond and the conditions thereon.

Dated June 9th 1908.

Within bond approved
this 10th day of June
1908

J. H. Houaolley
County Auditor
Carver Co. Minn.

(542)

W. C. Odell
Attorney for appellant
Chaska, Minn.

CARVER COUNTY,
FILED

JUN 9 1908

H. O. Muehlberg, Clerk.

Class 8.

No.

DISTRICT COURT,

Carver County.

Andrew A. Mellborg
Appellant

against

The Supervisors of the Town of Sauk Prairie
Respondent.

NOTE OF ISSUE.

LAST PLEADING SERVED,

June 4th 1908.

June Case.

Attorney for Appellant

Attorney for Defendant.

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the *September* A. D. 1908.

General Term of this Court.

Yours, etc.,

E. C. Dull
Attorney for Appellant

Filed *Sept. 19th* 1908.

H. O. Muehlberg Clerk.

The \$3.00 deposit required by Sec. 7, Chap. 48, General Laws
of 1883, must be paid before any action will be entered in
Clerk's Office.

No. 83. - Pioneer Press Co., St. Paul, Minn.

(542)

State of Minnesota)

County of Carver

ss Charles W Hillstrom being duly sworn says that

Town of San Francisco

on the 30th day of April 1908 he posted three copies of the annexed order and notice of hearing in three public places in the Town of San Francisco Carver County Minnesota, to wit, one copy on a board on the guide board along side of the public road at or near the West Union Church, one copy on a board on a guide board post ~~xxxxxxxxxxxx~~ along side of the public ~~road~~ road near the East Union ~~Store~~ Store and one copy at the front door of the Town Hall in said Township of San Francisco, all said places in said town ^{being} designated for the purpose of posting notices and giving public notice. Deponent further says that on the same day to wit, said 30th day of April 1908 he served a copy of said order and notice of hearing on each of the owners and occupants through whose lands said proposed cartway passes, to wit, one copy on Andrew Mellgren by handing to and leaving with said Andrew Mellgren personally a true copy thereof, one copy on Christina Mellgren formerly Christina Miller or Millen, by handing to and leaving with said Christina Mellgren formerly Christina Miller or Millen, ~~xxxxxxxxxx~~ personally a true copy thereof, ~~sa~~ said copy being left with said Christina Mellgren formerly Christina Miller or Millen, while she was in her room in the house upon the east half of the south west quarter of Sec 8 Town 114 Range 24 Carver County Minnesota, one copy upon John L Mellgren by handing to and leaving with said John L Mellgren personally a true copy thereof, one copy upon ~~Jxxxxxxxxxxxxxxxxxxxx~~ Swante Wanquist by handing to and leaving with ~~xxxx~~ the said ~~Jxxxxxxxxxxxxxxxxxxxx~~ and Swan te Wanquist personally a true copy thereof, one copy upon ~~A.P. Felt~~ A.P. Felt by handing to and leaving with said A.P. Felt personally a true copy thereof, and one copy on A.G. Johnson by handing to and leaving with said A.G. Johnson personally a true copy thereof, and that each of said copies were served by this deponent on said 30th day of April 1908

Subscribed and sworn to before me
this 30th day of April 1908

A. J. Burling

Town Clerk Town of
San Francisco Carver County Minn

Chas W Hillstrom

Said A.G. Johnson being a tenant on E 1/2 of SW 1/4 Sec 8 - Town 114 R 24

— NOTICE —

ordered and notice
 It IS HEREBY GIVEN, That the Supervisors of the Town of *San Francisco* in the County of *Carver* and State of Minnesota, will meet on the *12th* day of *May* 1908, at *9* o'clock in the *fore*noon, at *the North end of the below-described proposed road* in said Town, for the purpose of personally examining the route named below, proposed for a *public Cartway*, *two rods wide*, and for hearing all reasons for or against said proposed *laying out* and to act upon said petition. Said proposed *public Cartway* as described in the petition, is as follows:

Commencing at a point in a public cartway in said Town known as the Auger and Brahe cartway, the same being at the North west corner of the North East quarter of Section No. eight (8) Township one hundred and fourteen (14) Range No. twenty four (24) west, thence running south on the North and South quarter line of said Section No. eight (8) said Town and Range, two hundred and thirty one (231) rods, thence southwesterly about seventeen rods to the creek, the same being a point ten (10) rods west of the East line of the South west quarter of said Section No. eight (8) said Town and Range, thence southerly twenty one (21) rods to a point nine (9) rods west of said East line of the South west quarter of said Section eight (8), thence southeasterly twenty eight (28) rods to a point one (1) rod west of said East line of the South west quarter of said Section No. eight (8) said Town and Range, and then and there terminating said public Cartway at a point in the public highway running East and West along the Section line between Sections No. eight (8) and seventeen (17) said Town and Range, one (1) rod west of the South quarter post of said Section No. eight (8) said Town and Range, the above route being the center line of said proposed public Cartway.

The several tracts of land through which said road *will or may* pass and the occupants thereof, as nearly as we can determine the same, are as follows:

OCCUPANTS OF LANDS	DESCRIPTION OF LANDS	SEC.	TOWN	RANGE
<i>John L. Mellgren</i>	<i>E. 1/2 of N.W. 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>
<i>Johanna Johnson 2d</i> <i>Swanto Wauquist</i>	<i>N. 1/2 of N.E. 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>
<i>Christina Mellgren</i> <i>formerly Christina Miller</i> <i>or Miller</i>	<i>E. 1/2 of S.W. 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>
<i>Johanna Johnson 2d</i> <i>A.P. Felt</i>	<i>N.W. 1/4 of S.E. 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>

Given under our hands this *29th* day of *April* 1908

Peter H. Johnson
John Olson, Nath
Swanto Wauquist } Supervisors

Supervisors' Order, or Notice of Hearing

—FOR—

A public Cartway

—FROM—

*The North 1/4 post Sec. 8
running south*

—TO—

The South 1/4 post Sec. 8

Filed this *29th* day of *April*
A. D. 190*8*

A. J. Burling
Town Clerk

The petitioners shall cause personal service of this order to be made upon each occupant of such land at least ten days before such meeting, and also cause ten days' posted notice thereof to be given.

1279000

Appl to Ex 3

(542)

Town of _____

day of _____

being duly sworn, says, that on the _____
A. D. 190____, he served the within notice upon each of the occupants
personally of the land through which the within described road may pass, by _____

That also, on the _____

day of _____

A. D. 190____, he posted copies of the

within notice in three public places in said Town, viz: _____

Subscribed and sworn to before me this _____

day of _____

A. D. 190____

and your petitioners as in duty bound will ever pray.

Dated April 4th 1908

Names

Names

John Olson	-	Patrick Conlin
Alfred Lund	-	Julius Holsten
C. P. Johnson	-	Thomson
J. G. Johnson	-	A. G. Hurty
A. P. A.	-	W. Hillstrom
	-	James Brown
Mrs. C. P. Johnson	-	Stephen Smith
John Nelson	-	Dwan Halquist
P. A. Sandqvist	-	John K. Johnson
Jacob Karmann	-	Henry & Aderson
John Fladine	-	Andrew Scott
John Huggins	-	A. G. Olson
Gustaf Johnson	-	A. Freberg
John A. Lundgren	-	Haris Johnson
C. J. Hurty	-	

State of Minnesota }
County of Carver } ss.
Town of San Francisco

A. P. Felt being duly sworn, says, that on the 8th day of April A.D. 1908 he posted copies of the within Petition, conspicuously, in three of the most public places in said Town, viz:

One at East Union, on a post, One at the road next South of West Union Church on a post and one on the Town Hall. ADPFW

Subscribed and sworn to before me
This 8th day of April A.D. 1908

A. J. Burling
Town Clerk

of San Francisco, Carver Co., Minn.

new - Petition
for a Public Cartway
in Sec 8

Filed this 8th day
of April 1908.

A. J. Burling
Town Clerk

The within Petition granted
this 12th day of May 1908.

Peter H. Johnson

G. W. Hargrave
John Olson, Clerk
Supervisor

Apples Ex 2

Petition for a public cartway

To the Hon. The Board of Supervisors of the Township of San Francisco in the County of Carver and State of Minnesota.

We the undersigned legal voters of the said Town, who own real estate or occupy real estate under the Homestead or Preemption laws, or under contract with the State of Minnesota, within two miles of said proposed public cartway as hereinafter described, do hereby petition you to lay out, establish, locate and caused to be opened a public cartway two rods in width, and within said Town, and described as follows.

Commencing at a point in a public cartway in said Town known as the August Brahee cartway, the same being at the north west corner of the north east quarter of Section No eight (8) Township one hundred and fourteen (114) Range No twenty four (24) west, thence running south on the north and south quarter line of said Section No. Eight (8) said Town and Range two hundred and thirty one (231) rods, thence southwesterly about seventeen rods, to the creek, the same being a point ten (10) rods west of the east line of the south west quarter of said Section No eight (8) said Town and range, thence southerly twenty one (21) rods to a point nine rods (9) west of said east line of the south west quarter of said Section eight (8) thence southeasterly twenty eight (28) rods to a point ^{one (1)} ~~two (2)~~ rods west of said east line of the south west quarter of said Section No eight (8) thence south to the south boundry line of said Section No eight (8) said Town and Range, and then and there terminating said public cartway at a point in the public highway running east and west along the section line between sections Nos eight (8) and seventeen (17) said town and Range, ^{one (1)} ~~two (2)~~ rods west of the south quarter post of said Section No eight (8) said Town and Range. The above route being the center line of said proposed public cartway.

The description of the lands over which said proposed public cartway will or may pass, and the names of the owners so far as known, are as follows.

John L. Mellgren	east half of north west quarter of Section eight (8) Township one hundred and fourteen (114) Range 24
Johanna Johnson and Swante Manquist	west half of north xxx east quarter of section No eight (8) Township one hundred and fourteen (114) Range 24
Christina Mellgren, formerly Christian Miller or Millen	east half of south west quarter of section eight (8) Township one hundred and fourteen (114) Range 24
Johanna Johnson and A.P. Felt	north west quarter of south east quarter of Section eight (8) xxxxxxx Township 114 Range 24

State of Minnesota, County of Crow Town of San Francisco SS.

Whereas, Upon the petition of Twenty nine legal voters who own real estate or who occupy real estate under the homestead or pre-emption laws of the United States, or under contract from the State of Minnesota, within Two (2) miles of the road proposed in said petition to be laid out; which said petition was filed with the Town Clerk, who forthwith presented it to us for action thereon, and which said proposed new road is set forth and described in said petition as follows, viz: Beginning at a point in a public cartway in said Town known as the August Brahe cartway, the same being at the North west corner of the North East quarter of Section No eight (8) Township one hundred and fourteen (114) Range No twenty four (24) West; thence running South on the North and South quarter line of said Section No eight (8) said Town and Range two hundred and thirty one (231) rods, thence Southwesterly about seventeen rods to the creek, the same being a point ten (10) rods west of the East line of the South west quarter of said Section No eight (8) said Town and Range, thence Southerly twenty one (21) rods to a point nine (9) rods west of said East line of the South west quarter of said Section eight (8) thence Southeastly twenty eight (28) rods to a point one (1) rod west of said East line of the South west quarter of said Section No eight (8) thence South to the South boundary line of said Section No eight (8) said Town and Range, and then and there terminating said public cartway at a point in the public highway running East and West along the section line between Sections No eight (8) and seventeen (17) said Town and Range, one (1) rod west of the South quarter post of said Section No eight (8) said Town and Range. The above route being the center line of said proposed public cartway.

And Whereas, Upon receiving said petition, we did, within thirty days thereafter, make out an order or notice of hearing and fix therein a time and place at which we would meet and act upon such petition, to-wit: On the 12th day of May 1908, at 9 o'clock in the forenoon at the North end of the above described proposed road.

causing copies of such notice to be posted in three public places in said Town, at least ten days before such meeting; and having met at such time and place as above named in said notice, and being satisfied that the petitioners had, at least ten days previous to said time used said notice of time and place of hearing to be given to all the occupants of the land through which such highway might pass, by giving the same personally upon each of said occupants, proof of which was shown by affidavit, we proceeded to examine personally such

highway, and heard all persons interested, and any and all reasons for or against the laying out the same, and being of opinion that such laying out was necessary and proper, and that the public interest would be promoted thereby, we granted the prayer of said petitioners and determined to lay out said road, and caused a survey thereof to be made according to the report and plat herewith

accompanying, the description of which as so laid out is as follows, to-wit: Beginning

a point in a public cartway in said Town known as the August Brahe Cartway, the same being at the North west corner of the North East quarter of Section No eight (8) Township one hundred and fourteen (114) Range No twenty four (24) West; thence running South on the North and South quarter line of said Section No eight (8) said Town and Range two hundred and thirty one (231) rods, thence Southwesterly about seventeen (17) rods to the creek, the same being a point ten (10) rods west of the East line of the South west quarter of said Section No eight (8) said Town and Range, thence Southerly twenty one (21) rods to a point nine (9) rods west of said East line of the South west quarter of said Section eight (8), thence Southeastly twenty eight (28) rods to a point one (1) rod west of said East line of the South west quarter of said Section No eight (8), thence South to the South boundary line of said Section No eight (8) said Town and Range, and then and there terminating said public cartway at a point in the public highway running East and West along the section line between Sections No eight (8) and seventeen (17) said Town and Range, one (1) rod west of the South quarter post of said Section No eight (8) said Town and Range. The above route being the center line of said public cartway.

It is Therefore Ordered and Determined, That a road be, and the same is hereby laid out and established according to the description last aforesaid, and the report and plat herewith accompanying which is hereby made a part of this Order, and it is declared to be a public highway Two rods wide the said description above given being the center of said road.

Given under our hands this 12th day of May 1908

John H. Johnson
Walter W. Wanger
John Olson Bratt } Supervisors.

FINAL ROAD ORDER OF TOWN BOARD

Filed this 19th day of May
A. D. 1905

A. G. Johnson
Town Clerk

The within Road Order, together with the Award of Damages, was recorded by me the day of 1905, in the Road Record Book of the Township, and then sent by me to the County Auditor, to be filed and preserved by him.

Town Clerk

Office of County Auditor,

County of Minn.

Filed this day of 1905, at o'clock M., in this office.

County Auditor.

Within five days after date of within order Town Board shall make its Award of Damages and file all papers pertaining to the road with the Town Clerk. If an appeal has been taken, the Town Clerk must not then, if an appeal has been taken, take the order is confirmed on appeal. But if no appeal is taken, or if on appeal this order is confirmed, it, together with the award, must be recorded and then transmitted to the County Auditor, to be filed and preserved by him.

372300

Appeto 641

(542)

OWNERSHIP AND DESCRIPTION OF LANDS AS GIVEN IN THE PETITION

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE
<i>John L. Mellgren</i>	<i>E 1/2 of NW 1/4</i>	8	114	24
<i>Johanna Johnson & Swante Vrangquist</i>	<i>N 1/2 of NE 1/4</i>	8	114	24
<i>Christina Mellgren</i> <i>orly Christin Miller</i> <i>Miller</i>	<i>E 1/2 of SE 1/4</i>	8	114	24
<i>Johanna Johnson & A. P. Felt</i>	<i>NW 1/4 of SE 1/4</i>	8	114	24

The names of the Petitioners, the places where, and the time when copies of the Supervisors' Order or Notice of Hearing were posted; and the names of persons served with the Supervisors' Order or Notice, and how served, are as follows, viz:

NAMES OF PETITIONERS	SUPERVISORS' ORDER OR NOTICE, WHEN AND WHERE POSTED	SUPERVISORS' ORDER AND NOTICE, ON WHOM SERVED	HOW SERVED
<i>John A. Olson</i>	<i>Patrick Conlin</i>	<i>Copies were posted on the 30th day of Apr. 1908, as follows</i>	<i>By giving him personally a copy</i>
<i>Alfred Lund</i>	<i>Jacob Holsten</i>	<i>One on a guide board along side of the public road at or near the West Union Church</i>	<i>By giving him personally a copy</i>
<i>C. P. Johnson</i>	<i>Thomas Corcoran</i>	<i>One copy on a board on a guide board post along side of the public road near the East Union store and one at the front door of the Town Hall in San Francisco Town.</i>	<i>By giving him personally a copy</i>
<i>A. F. Johnson</i>	<i>A. B. Hurtig</i>		<i>By giving him personally a copy</i>
<i>P. Felt</i>	<i>C. W. Hillstrom</i>		<i>By giving him personally a copy</i>
<i>L. Lundborg</i>	<i>James Corcoran</i>		<i>By giving him personally a copy</i>
<i>P. Johnson</i>	<i>Stephen Smith</i>		<i>By giving him personally a copy</i>
<i>John Nelson</i>	<i>Swan Hallquist</i>		<i>By giving him personally a copy</i>
<i>W. L. Sandquist</i>	<i>John N. Johnson</i>		<i>By giving him personally a copy</i>
<i>John Norman</i>	<i>Henry C. Adamson</i>		<i>By giving him personally a copy</i>
<i>John Flodin</i>	<i>Andrew Scott</i>		<i>By giving him personally a copy</i>
<i>John Almquist</i>	<i>A. G. Olson</i>		<i>By giving him personally a copy</i>
<i>Staf Johnson</i>	<i>A. Friberg</i>		<i>By giving him personally a copy</i>
<i>John A. Lundgren</i>	<i>Hans Johnson</i>		<i>By giving him personally a copy</i>
<i>C. J. Hurtig</i>			<i>By giving him personally a copy</i>

State of Minnesota, County of Carver Town of San Francisco SS.

Whereas, A road was laid out on the 12th day of May 1908, by us, the Supervisors of the said Town of San Francisco on the petition of Twenty nine legal voters who own real estate or who occupy real estate under the homestead or pre-emption laws of the United States, or under contract from the State of Minnesota, within ^{two (2)} ~~three (3)~~ miles of said road, which said road

is set forth and described in the foregoing Supervisors' Order, made by us, and

Whereas, A part of the damages sustained by reason of the laying out said road has been ascertained by the agreement of the owners of the lands through which said road passes, with us, ~~and a part of the owners of the said lands have in writing released all claims to damages~~, but not being able to agree with the owners of the following described lands, claiming damages by reason of said road passing through, ~~and the owners of some of the said lands being unknown~~, we have assessed the damages to each of such individual claimants with whom we could not agree, and awarded damages to the owners of such lands through which such road passes ~~as are unknown~~, at what we deemed just and right; taking into account and estimating the benefits the road will confer on the claimants and owners, as well as the disadvantages. We have assessed and awarded damages as follows:

(Persons lawfully occupying United States or State land, considered the owners thereof for purposes hereof.)

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE	DAMAGES
<u>John L. Mellgren</u>	<u>E 1/2 of NW 1/4</u>	<u>8</u>	<u>114</u>	<u>24</u>	<u>\$100⁰⁰</u>
<u>Christina Mellgren</u> <u>formerly Christina Miller</u> <u>or Mullen</u>	<u>E 1/2 of SE 1/4</u>	<u>8</u>	<u>114</u>	<u>24</u>	<u>\$200⁰⁰</u>

With the following ^{named} land owners a written agreement was made for damages as follows

<u>Johanna Johnson</u> <u>Swante Wanguist</u>	<u>NE 1/2 of NE 1/4</u>	<u>8</u>	<u>114</u>	<u>24</u>	<u>\$50⁰⁰</u>
<u>Johanna Johnson</u> <u>L.P. Felt</u>	<u>NW 1/4 of SE 1/4</u>	<u>8</u>	<u>114</u>	<u>24</u>	<u>\$100⁰⁰</u>

And in case of the following lands and claimants for damages, we estimate that the advantages and benefits said road will confer on them are equal to all damages sustained by them by reason of laying out said road, to-wit:

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE
-----------------	----------------------	---------	------	-------

Given under our hands this 12th day of May 1908

Robert H. Johnson
Swante Wanguist
John Olson Pratt } Supervisors.

State of Minnesota,
County of Carver. SS.

To the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, and to Peter A. Johnson, Esq., Chairman of the Board of Supervisors of said Town:

Whereas you, the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, by order bearing date the 12th day of May A. D. 1908 and purporting to have been filed in the office of the Town Clerk of said Town on the 12th day of May A. D. 1908, decided and determined to lay out and establish a certain cartway and laid out and established a cartway described as follows, viz: beginning at a point in a public cartway in said town known as the August Brahee cartway, the same being at the Northwest corner of the Northeast quarter of Section No. Eight (8), Township One Hundred Fourteen (114), Range No. Twenty Four (24) West, thence running south on the north and south quarter line of said Section No. Eight (8), said Township and Range, Two Hundred Thirty-One (231) rods, thence southwesterly about Seventeen (17) rods to the Creek, the same being a point Ten (10) rods west of the east line of the Southwest quarter of said Section No. Eight (8), said Township and Range, thence southerly Twenty-One (21) rods to a point Nine (9) rods west of said east line of the Southwest quarter of said Section No. Eight (8), thence southeasterly Twenty-Eight (28) rods to a point One (1) rod west of the said east line of the Southwest quarter of said Section No. Eight (8), ^{thence} south to the south boundary line of said Section No. Eight (8), said Township and Range and then and there terminating said public cartway at a point in the public highway running east and west along the south line between Sections Nos. Eight (8) and Seventeen (17), said Township and Range, One (1) rod west of the south quarter post of said Section No. Eight (8), said Township and Range. The above road being the center line of said cartway.

Now Therefore, Notice is hereby given that I Andrew A. Wellborg, a tax payer and voter of said Town of San Francisco and of said County and State, feeling aggrieved by your order and determination in so laying out and establishing said cartway have appealed and do appeal from your said order so laying out and establishing said cartway to the District Court of the Eighth Judicial District of

said State of Minnesota in and for the County of Carver upon the grounds and for the reasons following, viz:

(1) For irregularities in the proceedings looking to the laying out of said cartway because of which the Supervisors were without jurisdiction to make the pretended order establishing the same.

(2) Because the Supervisors never acquired jurisdiction to order and establish said cartway.

(3) Because said cartway is not a public necessity or convenience and the interests of the public are not promoted by the laying out and establishing of the same.

This appeal is brought in relation to the laying out and establishing of said cartway, and is brought to reverse entirely the action and determination of said Supervisors in so laying out and establishing the same.

W. C. Cull

Attorney for Appellant.

Chaska, Minn.

Andrew A. Millberg
Appellant.

District Court
County of Carver.

Andrew A. Mellborg
Appellant

-vs-

The Supervisors of the Town
of San Francisco.

Notice of Appeal
ORIGINAL.

CARVER COUNTY,
FILED

OCT 13 1908
H. O. Muehlberg, Clerk.

(542)

W. C. Dill
Attorney for Appellant
Chaska, Minn.

To lay out and establish said public highway, appealed to this Court from the order and determination of said respondent. And whereas said appeal was brought to reverse entirely the decision of said respondent in so refusing to lay out and establish said highway upon the grounds among others, that said highway is a public necessity and convenience and ought to be laid out and established as so petitioned for.

And said appeal having been duly brought on for trial in its regular order upon the calendar at the General Term of this Court held at the Court House in the City of Chicago in said County and State in March A.D. 1883 before a jury duly empaneled and sworn. And said jury having by its verdict duly returned and filed found and determined that said proposed road would be of public benefit and utility, and reversed the action of said respondent, said Supervisor of said Town in refusing to lay out and establish the same.

Now, on motion of W.C. Odell, attorney for said appellant, it is ordered, adjudged, and determined that the order and determination of said respondent, the Supervisor of the Town of San Francisco, in refusing to lay out and establish a public highway as so prayed for by said appellant and others and described as follows, viz: Beginning at the point ^{where} the line between sections seven and eight of Township one hundred and fourteen, range twenty four, intersects the public highway, being at the corner of sections five, six, seven and

State of Minnesota
County of Carver

District Court
Eighth Judicial District

William Anderson Appellant -
vs.

The Supervisors of the Town of San-
Francisco in said County and State Respondent

Whereas the above named appellant William Anderson & others constituting the requisite number of legal voters duly qualified to petition therefor duly petitioned said respondent, the Supervisors of the Town of San Francisco in the County of Carver and State of Minnesota, to lay out & establish a public highway to be located wholly in said Town and described as follows, viz: Beginning at the point where the line between Sections Seven and Eight of Township One Hundred and fourteen, Range Twenty four, intersects the public highway, being at the corner of Sections five, six, seven and eight, running thence South upon said line between Sections seven and eight a distance of one mile, more or less, to a point where said line intersects the public highway, being at the corner of Sections seven, eight, seventeen and eighteen, its termination.

And whereas said respondent, said Supervisors of said Town of San Francisco, by their order and determination made on the 22nd day of October A.D. 1902 refused to lay out said Highway as so petitioned for and rejected said petition. And whereas said Appellant William Anderson feeling aggrieved by the order and determination of said respondent in so refusing

eight, running thence south upon said line
between sections seven and eight a dis-
tance of one mile, more or less, to a point where
said line intersects the public highway,
being at the corner of sections seven, eight,
seventeen & eighteen, its termination, be
and the same is in all things reversed, and that
said respondents proceed to lay out and es-
tablish said highway in accordance with
the statute in such case made and provided.

By The Court

H. D. Muehlberg
Clerk

Appl to Ex A

State of Minnesota, County of Barber Town of San Francisco SS:

Whereas, Upon the petition of Twentieth Ave legal voters who own real estate or who occupy real estate under the homestead or pre-emption laws of the United States, or under contract from the State of Minnesota, within two (2) miles

of the road proposed in said petition to be laid out; which said petition was filed with the Town Clerk previous to the time of posting copies thereof, and copies of said petition having been first duly posted up in three of the most public places of said Town, at least twenty days before any action was had in relation thereto, proof of which posting was duly shown to us by affidavit; which said proposed new road is set forth and described in said petition as follows, viz: Beginning

at the point where the line between Sections 7th and 8th of Township No 114 Range 24 intersects the public highway, being at the corner of sections 5, 6, 7th and 8th running thence south upon said line between said Sections 7th and 8th a distance of one mile, more or less, to a point where said line between said Sections 7th and 8th intersects the public highway, being at the corner of sections 7, 8, 17th and 18, is termination; the line between said Sections 7th and 8th to be the center line of said highway

And Whereas, Upon receiving said petition, we did, within ⁴⁰ days thereafter, make out a notice and fix therein a time and place at which we would meet and decide upon such application, to-wit: On the 22nd day of October A. D. 1902 at the North end of the proposed road.

using copies of such notice to be posted in three public places in said Town, at least ten days previous to such meeting; and having met such time and place as above named in said notice, and being satisfied that the applicant had, at least ten days previous to said time, caused said notice of time and place of hearing to be given to all the occupants of the land through which such highway might pass, by serving the same personally or by copy left at the usual place of abode of each of said occupants, proof of which was shown by affidavit, we proceeded to examine personally such highway, and heard any and all reasons for or against the laying out of

the same, and being of opinion that such laying out was necessary and proper, and that the public interest would be promoted thereby, we granted the prayer of said petitioners, and determined not to lay out said road, and caused a survey thereof to be made according to the report and plat herewith accompanying, the description of which as so is as follows, to-wit: Beginning

which denial was taken appeal from and judgement rendered as follows:

It is Therefore Ordered and Determined, That a road be, and the same is hereby laid out and established according to the description last aforesaid, and the report and plat herewith accompanying, which is hereby made a part of this Order, and it is declared to be a public highway four rods wide, the said description above given being the center of said road.

Given under our hands, this 16th day of June A. D. 1904

John H. Olson
A. H. Johnson
Augusta Johnson } Supervisors.

Award of Damages.

Apples Exp Co

State of Minnesota, County of *Carver* Town of *San Francisco* SS:

Whereas, A road was laid out on the *16th* day of *June* A. D. 190*4*, by us, the Supervisors of the said Town of *San Francisco* on the petition of *24* legal voters who own real estate or who occupy real estate under the homestead or pre-emption laws of the United States, or under contract from the State of Minnesota, within two (2) miles*

of said road, which said road is set forth and described in the foregoing Supervisors' Order, made by us, and,

Whereas, A part of the damages sustained by reason of the laying out said road has been ascertained by the agreement of the owners of the lands through which said road passes, with us, and a part of the owners of the said lands have in writing released all claims to damages; but not being able to agree with the owners of the following described lands, claiming damages by reason of said highway passing through, and the owners of some of the said lands being unknown, we have assessed the damages to each of such individual claimants with whom we could not agree, and awarded damages to the owners of such lands through which such highway passes as are unknown, at what we deemed just and right; taking into account and estimating the advantages and benefits the road will confer on the claimants and owners, as well as the disadvantages. We have assessed and awarded damages as follows:

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE	DAMAGES
<i>John B. Johnson</i>	<i>SE 1/4 of NW 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>	<i>95.00</i>
" " "	<i>NE 1/4 of NW 1/4</i>	<i>7</i>	<i>114</i>	<i>24</i>	<i>70.00</i>
" " "	<i>Cattle way for above described land</i>				<i>70.00</i>
	<i>Total - - -</i>				<i>\$165.00</i>
<i>August Tengblad</i>	<i>NE 1/4 of SE 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>	<i>\$90.00</i>

And in case of the following lands and claimants for damages, we estimate that the advantages and benefits said road will confer on them are equal to all damages sustained by them by reason of laying out said road, to wit:

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE	DAMAGES
<i>Anderson</i>	<i>SE 1/4 of NE 1/4</i>	<i>7</i>	<i>114</i>	<i>24</i>	
	<i>SW 1/4 of NE 1/4</i>	<i>8</i>	<i>114</i>	<i>24</i>	

Given under our hands, this *16th* day of *June* A. D. 190*4*

John B. Johnson
John H. Johnson
August Johnson } Supervisors.

Filed this 14th day of March

Town Clerk.

Town Clerk

County of Minn.

Filed this.....day of

190... at ... o'clock ... M., in this office

County Auditor

The Town Clerk must not record this order within thirty days after filing, and not then, if an appeal has been taken, until the order is confirmed on appeal. But if no appeal is taken, or if on appeal this order is confirmed, it, together with the award, must be recorded and then transmitted to the County Auditor, before April 1, 1883. Chapter 29, as amended, General Laws 1883, Chapter 169, allows "eight local voters who are freeholders and residents of the town within three miles of the road" to sign the petition. When such persons sign the petition it must be so stated on the blank line left for that purpose after the "in the following blank" Supervisors' Board Order and the "Award of Damages."

Entered according to Act of Congress in the year 1880, by

In the office of the Librarian of Congress at Washington

WALTER S. BOOTH & SON, TOWNSHIP AND LAW BLANK PUBLISHERS, MINNEAPOLIS, MINN.

9-120-3000

9-80-3000
Alpha Box 14

OWNERS OF LANDS

OWNERS OF LANDS	DESCRIPTION OF LANDS	SECTION	TOWN	RANGE
J. S. Anderson	N ¹ / ₂ of NW ¹ / ₄ of NW ¹ / ₄	8	114	24
John G. Johnson	S ¹ / ₂ of NW ¹ / ₄ of N.W. ¹ / ₄	8	114	24
Ern Anderson	SE ¹ / ₄ of NE ¹ / ₄	7	114	24
"	SW ¹ / ₄ of NW ¹ / ₄	8	114	24
Emine Sandberg	E ¹ / ₂ of NE ¹ / ₄ of SE ¹ / ₄	7	114	24
August Tingblad	N ¹ / ₂ of SW ¹ / ₄	8	114	24
August Larson	SE ¹ / ₄ of SE ¹ / ₄	7	114	24
John G. Johnson	NE ¹ / ₄ of NE ¹ / ₄	7	114	24

The names of the Petitioners, the places where, and the time when the copies of the Petition and of the Supervisors' Notice of Hearing were posted; and the names of persons served with the Supervisors' Notice, and how served (personally or "by copy"), are as follows, viz:

NAMES OF PETITIONERS	PETITION AND NOTICES, WHEN AND WHERE POSTED	SUPERVISORS' NOTICE, ON WHOM SERVED	HOW SERVED
Wm. Anderson			
Alfred Sandberg			
August Larson			
Mary Nelson			
J. S. Anderson			
H. Anderson	✓		
L. J. Anderson	✓		
H. A. Lundberg			
A. S. Anderson			
Fane Johnson			
A. P. Kilt	✓		
Aug. Brahae			
H. Tranquist	✓		
J. L. Mellgren			
J. C. Huskabe			
H. C. Mellberg			
H. E. Flodin			
Jacob Norman			
J. C. Sandquist	✓		
John W. Nelson	✓		
H. Olmquist			

State of Minnesota,
County of Carver.

District Court.
County of Carver.

-----0-----
ANDREW MELLBORG, APPELLANT,
against

THE SUPERVISORS OF THE
TOWN OF SAN FRANCISCO,
RESPONDENTS.

-----0-----
We, the Jury ^{impaneled} ~~empaneled~~ and sworn in the above entitled
action find a verdict in favor of the APPELLANT, Andrew
Mellborg, and that the order of the Board of Supervisors of
the Town of San Francisco dated and filed May 12, 1908, es-
tablishing the cartway in said Town described in the Notice
of Appeal herein should be in all things reversed.

William Maw Jr.
Foreman.

Dated at Chaska, Minnesota, this 14th
day of October, 1908.

State of Minnesota
County of Carver,

Andrew Melberg
— vs — app't
Town of Lake Park
Respondt

Verdict

CARVER COUNTY,
FILED
OCT 14 1908
H. O. Muehlberg, Clerk

(542)

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Andrew A. Mellborg

Appr
Plaintiff

No.

Against

List of Jurors.

The Supervisors of the Town
of San Francisco, Resp.
Defendant

Attorneys Mark Here

NAMES

REMARKS

D1

1 ~~Wm. Buschken~~2 ~~Thos. Kowalke~~3 ~~Andrew Edborg~~4 ~~Joe. Jeurissant~~

D2

5 ~~Ed. Thuseman~~6 ~~Wm. Allmann~~7 ~~John Kellgren~~8 ~~Fred Morbuis~~9 ~~Hilton Nystrom~~10 ~~Joseph Sticke~~11 ~~Joseph Knott~~12 ~~P. A. Willem~~13 ~~Lvin Nelson~~14 ~~William Man~~15 ~~Frank Kerber~~16 ~~E. W. Johnson~~17 ~~John A. Anderson~~18 ~~J. A. Hurter~~19 ~~Frank Fabel~~

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A1

No. _____

STATE OF MINNESOTA,

County of _____

DISTRICT COURT.

Plaintiff

Against

Defendant

JURY LIST.

CARVER COUNTY,
FILED

OCT 14 1908

H. O. Muehlberg, Clerk

PIONEER PRESS CO., ST. PAUL, MINN.

(542)

No. 3125

DISTRICT COURT,
CARVER COUNTY, MINN.

The Hamm Brewing Co.
Plaintiff.

vs.

S. O. Hallberg
Defendant.

W. J. Beck
Plaintiff's Attorney.

Defendant's Attorney.

Date of Entry May 27th 1908

Register of Actions "D" Page 543

Term Tried 19

Judgment for Plaintiff

Amount of Judgment \$ 221.90

Date of Judgment June 18th 1908

Judgment Book "D" Page 270

Default Judgment Book Page

Date of Docketing June 18th 1908

Docket "B" page 101

Herald Publishing Co., Chaska, Minn.

State of Minnesota,
COUNTY OF *Conner*

District Court,
8th JUDICIAL DISTRICT.

Theo. Hamm Brewing
Company / Plaintiff

J. O. Haccack, Defendant

Know all Men by these Presents, That

Theo. Hamm Brewing Company as principal, and
Joe King and Harry Wergens of
Madison, Wisconsin

as sureties, are held and firmly bound unto *J. O. Haccack*

in the sum of

Five Hundred

Dollars, lawful money

of the United States, to be paid unto the said *J. O. Haccack*

his

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 ad-
ministrators, firmly by these presents.

Sealed with our seals and dated this

25th day of *May*

A. D. ~~1898~~ *1908*.

The condition of this obligation is such that whereas the above named
Plaintiff has duly applied for a Writ of Attachment against the property of
said Defendant in this action, according to the statute in such case made and
provided;

or if said Writ shall be set aside or vacated,

Now, Therefore, If said Defendant recover judgment, If the Plaintiff
shall pay all costs that may be awarded to the Defendant and all damages
which *he* may sustain by reason of the attachment, not exceeding the penalty
of this Bond, then this obligation shall be void, otherwise to remain in full force.

In Testimony Whereof, We have hereunto set our hands and seals this

25th day of *May* A. D. ~~1898~~ *1908*.

Signed, Sealed and Delivered in Presence of

Moni. Ring

George Wergens

Theo. Hamm Brew. Co.

J. O. Haccack

J. O. Haccack

Harry Wergens

Harry Wergens

Seal

Seal

Seal

Seal

State of Minnesota,
County of Scott } ss.

On this 25th day of May A. D. 1908, before me, the
subscriber, a Notary Public in and for said County, personally appeared
J. George & Harry Morgan
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.

H. J. Peck Notary Public in
Com. Ex. June 23rd 1913.

State of Minnesota,
County of Scott } ss.

J. G. Ring & Harry Morgan
being duly sworn, say each for himself that he is one of the sureties above named;
that he is a resident and freeholder of the State of Minnesota, and worth the amount
of Five Thousand (\$5000.00) Dollars,
specified in the foregoing bond, above his debts and liabilities, and exclusive of his
property exempt from execution.

Subscribed and sworn to before me
this 25 day of May 1888
H. J. Peck + Harry Morgan
Notary Public in
Com. Ex. June 23rd 1913.

DISTRICT COURT,
5th Judicial District,
County of Carver
Mrs. Annie Brown
Comptroller
D. O. Hoecker

BOND IN ATTACHMENT
I hereby approve the within Bond
and the sureties thereon.

Res. O. Morrison
Judge of said Court
H. J. Peck
Plaintiff's Attorney.

CARVER COUNTY,
FILED

MAY 27 1908

H. C. Muehlenberg Clerk.
A. Allen Morgan Dep.

(543)

STATE OF MINNESOTA, } ss.
County of Carver }
of May 1908 at the ~~Town of~~ City of Chaska in the County
of Carver in said State, I served the within Summons & Complaint upon
the within named Defendant S. O. Halseth
by then and there handing to and leaving with him a true copy of said Summons & Complaint
SHERIFF'S FEES. Dated this 28th day of May 1908
Return, - \$ 1.00
Mileage, - 20
\$ 1.20 By _____ Deputy.
Sheriff Carver County, Minn.

State of Minnerota

County of Carver/ District Court.

Theo Hamm Brewing Company/Plaintiff.

vs.

S.O".Halleck/ Defendant.

The State of Minnesotato the above named defendant.

You are hereby summoned and required to answer the complaint of the plaintiff in the above entitled action, a copy of which complaint is hereto attached and herewith served upon you, and to serve a copy of your answer to said complaint, upon the subscriber at his office in the city of Shakopee Scott county Minnesota, within twenty days after the service of this summons upon you exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, the plaintiff will take judgment against you for the sum of \$210.00, and costs and disbursements of suit.

Dated May 25th. 1908.

H. J. Peck
Atty for Plaintiff

State of Minnesota,
County of Carver.

District Court.

Theo. Hamm Brg. Co., Plaintiff,
vs.
S. O. Halleck, Defendant.

The plaintiff for complaint in the above entitled action states and shows to the court. That the plaintiff now is and for five years last past has been a corporation duly created and organized under the laws of the State of Minnesota. That heretofore on the first day of August 1907 the said plaintiff leased and let to the said defendant lot six (6) in block (37) in the city of Chaska, Carver County, Minnesota for the term of one month at a time and from month to month thereafter at the agreed rent of \$30 per month payable monthly in advance on the first day of each month down to and including June 1st, 1908. That said lot 6 in block 37 is as per plat of said townsite on file in the office of the register of Deeds of said Carver County. That the said defendant on the first of August 1907 went into possession of said premises and the building thereon and has used and occupied the same all the time since under said lease and agreement to pay said rent as aforesaid. That said defendant although often requested has not paid said rent or any part thereof except the sum of \$90.00 and that there is now due and owing said plaintiff from said defendant the sum of \$210.00.

Wherefore plaintiff demands judgement against said defendant for the sum of \$210 and costs and disbursements of suit.

State of Minnesota,
County of Scott.

H. J. Peck
Attorney for Plaintiff
H. J. Peck being duly sworn says that

he is attorney for the above plaintiff, a corporation of said State that he knows the contents of the foregoing complaint and that the same is true to the best of his knowledge information and belief, and that the reason that said complaint is not verified by said plaintiff or one of its officers is that their absent from the county of Scott, the residence of said attorney.

Subscribe and sworn to before me
this 25th day of May, 1908.

H. J. Peck
NOTARY PUBLIC, residing in
Scott County, Minn.
My Commission expires March 6th 1914.

Dist. Court
Carver County
This Term Pt. 2
7.

S.O. Haines

Attorney & Counselor

Original

CARVER COUNTY,
FILED

JUN 18 1908

H.O. Muehlberg, Clerk.

(543)

H.J. Rich
Att. for P.O.

State of Minnesota

County of Carver/ District Court

Theo Hamm Brewing Company/Plaintiff.

vs.

S.O.Halleck/ Defendant.

State of Minnesota

County of Scott/ss/ H.J.Peck being duly sworn says that he is the atty.
for the plaintiff in the above entitled action, that more than twenty da
ys have elapsed since the service of the summons and complaint in the
above entitled action, upon the defendant, and that there has been no
appearance in said action on the part of the defendant in said action,
either by answer demurrer nor in any manner whatever.

Subscribed and sworn to this 17th.

day of June 1908, before me,

H. J. Peck.

James M. Hale
Notary Public Scott Co
my Commission
expires April 30, 1914

day of June 1908, before me.

Subscribed and sworn to this 17th.

either by answer returned nor in any manner whatever.

appearance in said action on the part of the defendant in said action.
above entitled action, upon the return of the summons and complaint
he have elapsed since the return of the summons and complaint
for the plaintiff in the above entitled action, that more than twenty
County of Carver, as H. J. Beck being duly sworn says that he is the
State of Minnesota
J. O. Hallgren, Defendant.
as.
Jesse H. Hallgren, County of Carver, Minnesota.
County of Carver, Minnesota.
State of Minnesota.

CARVER COUNTY.

FILED

JUN 18 1908

K. O. Muehlberg

(543)

State of Minnesota,

COUNTY OF *Scott*.

ss.

District Court,

Eighth Judicial District.

The Harmon Brewing Co. 1888.

AGAINST

S. O. Hacker

deft.

Affidavit of Disbursements.

PLAINTIFF COSTS AND DISBURSEMENTS.

Statute Costs,

2

Affidavits,

Sheriff's Fees,

Clerk's Fees to be added,

as provided by law

\$ 5.00

00

\$ 3.40

3.00

\$ 11.90

AMOUNT CLAIMED IN SUMMONS.

Principal,

Interest,

Total,

\$ 210.00

STATE OF MINNESOTA,

COUNTY OF *Scott*.

ss.

H. J. Beck

being first duly sworn, doth depose and say that he is *the Attorney of the Plaintiff* in the above entitled cause; that the foregoing is a true and correct statement of the costs and disbursements of said plaintiff in the above entitled proceeding, and that all of the items thereof have been actually and necessarily paid or incurred therein, by and on behalf of said Plaintiff.

Subscribed and sworn to before me on this

18 day of *June*

J. B. Connolly

H. J. Beck

Notary Public in and for the State of Minnesota

I hereby certify that the costs and disbursements as above itemized were duly taxed this

18th

day of

June

A. D. *1908*

H. O. Muehlberg

Clerk District Court.

State of Minnesota,

In District Court, Scott County.

Thos. Hann. Pl. Civ.

S. G. Macomber
vs.

AFFIDAVIT OF DISBURSEMENTS
~~AND NO ANSWER.~~

Filed this *18th* day of

June A. D. *1908*
H. O. Muehlberg
Clerk District Court.

Attorney for Plaintiff,

Minn.

(343)

State of Minnesota

County of Carver/ District Court.

Theo Hamm Brewing Company/Plaintiff.

vs.

S.O.Halleck/ Defendant.

Forcible entry,

The above entitled cause came on upon the complaint, and summons and return of the sheriff and affidavit of no answer, and it appearing that there was no appearance on the part of the defendant, and that plaintiff is entitled to judgment against the defendant, Now therefore, upon motion of the attorney for the plaintiff, H.J. Peck, it is adjudged and determined and the judgment of the court is, that the plaintiff recover of and from the defendant the sum and amount of \$ 216.00 together with its costs and disbursements of suit, taxed at \$ 11.90 and that it have lawful process therefor.

By the Court.

H.O. Muehlberg
Clerk

Isaid process therefor.

costs and disbursements of suit, taxed at \$11.00 and that it have

the defendant the sum of \$11.00 together with its

and the amount of the costs, that the plaintiff recover of

of the attorney for the plaintiff, H. H. Beck, it is adjudged

is entitled to judgment against the defendant, now therefor, now

there was no case on the part of the defendant, and let plaintiff

return of the sheriff and officials of no answer, and it appearing that

The above entitled cause came on for the concluding, and answers and

C. O. Hallock / Defendant.

vs.

Theo Hamm Brewing Company / Plaintiff.

County of Carver / District Court.

State of Minnesota

Judgment

Theo. Hamm Brewing Co.

S. O. Hallock

Judgment Roll

CARVER COUNTY,

FILED

JUN 18 1908

H. O. Muehlberg

(543)

State of Minnesota,
County of Scott

DISTRICT COURT,

82

Judicial District

Thos. Ham-Meering
Company, Plaintiffs

S. O. Haacker, Defendant

State of Minnesota,
County of Scott

came before me personally, and being first duly sworn, says that he is

of the said

Plaintiff in the above entitled action, which is brought for the recovery of money, and a summons has been issued therein.

That a cause of action exists against the Defendant and in favor of said Plaintiff therein, and the amount of said Plaintiff's claim therein is the sum of two

hundred and ten

Dollars, and the ground thereof is as follows, that is to say: That on or about

on the 1st day of August 1907 the Plaintiff
leased and let to the Defendant Lot 6
in Block 37 in the City of Chaska upon
that land a file in the office of the
Register of Deeds of said County under
from month to month until June 1st
1908 at the agreed rent of \$30.00
per month payable in advance on
the first of each month thence to
June 1st 1908. That Defendant used in to
possession and use occupied the
same & the building thereon all the
time since. That this is due
the sum of \$300.00 that no part of
said rent has been paid except
the sum of \$96.00. That Defendant is
about to dispose of his property said
intent to delay and disregard his creditor
and thereby this Plaintiff

And said affiant deposes and says that Plaintiff is in danger of losing is said claim by reason of the facts aforesaid, unless a Writ of Attachment issue; and prays that such Writ of Attachment may be allowed and issued against the property of said Defendant therein, according to the statute in such case made and provided; and said affiant says that no previous application has been made therein for such order.

Subscribed and Sworn to before me, this

25th

day of

May

1908

H. J. Peak, Notary Public

com. Expires June 25 1913.

DISTRICT COURT

8th Judicial District,
County of *Barrow*

Jas. Hamer
Mining Company

J. O. Haller

✦ Affidavit for Attachment. ✦

TO THE CLERK OF SAID COURT:

On filing the within Affidavit and a Bond approved
by me in the within entitled cause, let a Writ of Attach-
ment issue as within prayed.

Dated this *27th* day of *May*, A. D. *1908*

C. O. Morrison
Judge of said Court.

FILED *May 27*, A. D. *1908*

H. O. Muehlberg
Clerk of said Court.

Arthur Meyer Dyer
H. J. Peck
Plaintiff's Attorney.

(543)