



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

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3142  
No. 6.

# DISTRICT COURT

CARVER COUNTY, MINNESOTA

In the Matter of the location of a  
Judicial road running into and along  
the line dividing the counties of  
Carver & Stebbins in said State.  
Plaintiff vs. Defendant

J. C. Irwin

Att. for Plaintiff

Defendant's Atty.

Date of Entry February 13<sup>th</sup> 1909

Register of Actions D Page 560

Term Tried March 1909

Judgment for

Amount of Judgment. \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

State of Minnesota

District Court

County of Carver

Eighth Judicial District

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In the matter of the location  
of a Judicial Road running  
into and along the line divid  
ing the Counties of Carver and  
Sibley in said State  
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The above entitled matter being on the calendar for hearing at the March 1909 General Term of this Court in and for Carver County Minnesota, and the same having come on to be heard in its order thereon, upon the report of the report of the Commissioners duly appointed by this Court to lay out said road, and for an order of this Court confirming the report of the Commissioners as so made to this Court. An order having been made in said matter on the 8th day of ~~xxx~~ December 1908 whereby John J. Mohre, Peter Kleven Jr and Wm. H. Weibeler were appointed as Commissioners to so lay out and locate said road according to the prayer of the petition, and it appearing now here, that said Commissioners duly met on the 18th day of January ~~1908~~ 1909 at the hour of eleven o'clock in the forenoon at the house of Ellen Sherlock in the Town of Faxon Sibley County Minnesota, that being the time and the place appointed by said order for said Commissioners to meet, and that they then and there took the oath required by law, and that they then and there by a proper order duly made and signed by them appointed S.F. Mullin County Surveyor of Sibley County Minnesota as surveyor, and John Sherlock as axman, and M.J. McMahon and Ben Crisman as chainmen on said survey of said road, and that they each took the oath required by law, and that thereupon said Commissioners proceeded to view said proposed road and caused a survey thereof to be made, and to lay out said road and that afterwards ~~xx~~ <sup>they</sup> did adjourn their said meeting until Febry 11th 1909 at the office of F.C. Irwin in Belle Plaine Minn. at which time and place they did proceed to assess the damages and ascertain the amount each land owner was entitled to receive by reason of the laying out of said road, and that they were not able to obtain any releases for damages, and that said com



missioners proceeded with said assessment of damages and after the completion thereof having made report of all their doings to this Court, and having filed their said report with the plat of said road as by them laid out, with the Clerk of this Court, and having caused duplicate plats thereof to be made, and said report of said Commissioners coming now on for hearing and confirmation, and it appearing to the Court that said Commissioners have in all things duly performed and fulfilled the requirements of the law and having fully discharged their duties as such commissioners, and having laid out said road, and assessed and determined the damages therefor and the expenses thereof as far as they could, and said report having so been filed in the office of the Clerk of this Court. Now therefore it is hereby ordered that the report of said Commissioners in the above entitled matter, and now on file in the office of the Clerk of this Court at Chaska Minn, be and the same is hereby in all things confirmed, and said road be and the same is hereby laid out and established as in such report and plat shown, as follows, A Public road four rods wide, the center line of which is described as follows.

Commencing at a point in the center of a public highway where said highway crosses the north section line of Section No Twenty ~~Five~~ Three (23) Township one hundred and fourteen (114) Range No Twenty five (25) Sibley County Minnesota, said point being at the north quarter post of said Section No Twenty three (23) aforesaid, being Station one on the plat, thence running east by course and distance as follows, east twenty four (24) ~~xxxxx~~ chains on the line dividing the Counties of Carver and Sibley in said State, to station No 2 marked by post and stone, thence north 78 degrees east one (1) chain and nineteen (19) links to a point two rods north of a large elm tree standing on the north west corner of John K Donovans grove, at station No 3 and there set post and stone, ( said offset being made to avoid said grove ) thence south 88 degrees east five chains, and five (5) links to said County line at station No 4, and there set a stone and post, thence east on said line between said Counties of Carver and Sibley Ten (10) chains to station No five (5), the same being the north east corner of said Section No ~~T~~.



corner of said Section No Twenty three (23), the same being marked by a stone monument, thence east on said line between said Counties, forty (40) chains and sixteen (16) links to the north ~~east~~ quarter post of Section No Twenty four (24) Town 114 Range 25, thence east on said line between said Counties, forty (40) chains, and sixteen (16) links to the south east corner of Section No Thirteen (13) Township 114 Range No 25, said corner being marked by a stone monument, the same being at a point of intersection with the public highway running north and south along the east line of the Towns of Faxon in Sibley County and Hancock in Carver County, in said State, where said public highway crosses said line and then and there terminating said ~~highway~~ road in said public highway.

It is further ordered that the schedule of damages and expenses incurred and as assessed and determined by said Commissioners as in their report so set out be and the same is hereby allowed and confirmed as follows.

Patrick Donovan, the west one hundred (100) acres of the north east quarter of Section No Twenty three (23) Town 114 Range 25, the sum of one hundred and sixty dollars (\$160.)

To John K Donovan the east sixty (60) acres of the north east quarter of Section No Twenty three (23) Town 114 Range 25 the sum of One hundred and fourteen dollars (\$114.)

To Mathew Hoy, the north west quarter of the north west quarter of Section Twenty four (24) Town 114 Range 25 the sum of Ninety four Dollars (\$94.)

To Ellen Sherlock, the north east quarter of the north west quarter, and the north west quarter of the north east quarter of Section No Twenty four (24) Town 114 Range 25 the sum of Fifty dollars (\$50.)

To Thomas Newell, the west half of the east half of the north east quarter of Section No Twenty four (24) Town 114 Range 25, the sum of Thirty five dollars (\$35.)

To Mary Whalen the east half of the east half of the north east quarter of Section No Twenty four (24) Town 114 Range 25, the sum of Thirty five dollars (\$35.)

All the above described lands being in Sibley County Minnesota  
To Patrick Donovan, the south half of the south east quarter of Section  
fourteen (14) Town 114 Range 25 the sum of Two hundred and forty five  
Dollars (\$245.)

To Mathew Hoy the southwest quarter of the south west quarter of Sec  
tion No Thirteen (13) ~~RANGE~~ Town 114 Range 25 the sum of Ninety four  
Dollars (\$94.)

To James Duffy, ( and G.R.Moloney ) the south east quarter of the south  
west quarter of Section No Thirteen (13) and the south half of the  
south east quarter of Section 13 Township 114 Range 25, the sum of  
Two hundred and fifty dollars (\$250.)

All the last above described land being in Carver County Minnesota.  
That the total amount of damages assessed to lands in Sibley County  
Minnesota, is Four hundred and ninety two dollars (\$492.)

The total amount of damages assessed to lands in Carver County Minne  
sota is the sum of Five hundred and eighty nine dollars (\$589.)

That the total expenses as reported by said Commissioners ~~ix~~ are as  
follows.

John J Mohr Commissioner	3	days & 58 miles travel	\$2.
Peter Kleven Jr "	3	" & 28 miles travel	\$13.64
W.H.Weibeler "	3	" & 12 miles travel	11.24
S.F.Mullin Surveyor	3	" & 18 miles travel	9.96
S.F.Mullin "	3	Plats	13.44
John Sherlock Axman	2	days & 4 miles travel	6.00
M.J.McMahon Chainman	2	days & 20 miles travel	4.32
Ben Crissman "	2	days & 10 miles travel	5.60
		Total expense reported	4.80
			\$69.00

Ordered further that the fees of the Clerk of the District Court and  
also the Register of Deeds in both the Counties of Carver and Sibley  
for filing papers, reports plats &c and copies thereof be added to and  
included in the expenses, and the same are hereby confirmed and ~~ix~~  
allowed.



Ordered further that the bill of G.A.Buck Publisher of the Sibley County Independent a weekly newspaper published in Sibley County Minn., amounting to the sum of \$ 21.60 for printing the notice of presentation of the petition in this matter be allowed and the same is hereby allowed as part of the expense herein, and also that the bill of H.D.Meyer Publisher of the Journal Review a weekly newspaper published in Carver County Minnesota, for publishing the notice of presentation of said Petition to the Court in this matter and amounting to the sum of \$ 14.90 be allowed and the same is hereby allowed as a part of the expense herein.

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Ordered further that the County of Sibley in said Eighth Judicial District of said State pay all damages assessed and determined by said Commissioners in the matter of right of way for said road, taken in Sibley County Minn. amounting to the sum of Four hundred and ninety two dollars, and also that said Sibley County pay the following items of the expense incurred in this matter as follows, J.J.Mohre Commissioner, \$13.64, S.F.Mullin Surveyor \$19.44 G.A.Buck publishing notice \$ 21.60 M.J.McMahon Chairman \$5.60, Ben Crissman chairman \$4.80 and

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and also the Clerk of Court and Register of Deeds fees of said Sibley County, if any. and that the County of Carver pay all damages assessed and determined by said Commissioners for right of way for said road taken in Carver County Minn amounting to the sum of Five hundred and Eighty nine Dollars and also that said Carver County pay the following items of expenses incurred therein, to wit, Peter Kleven Commissioner \$11.24 W.H.Weibeler Commissioner \$9.96 John Sherlock Axman \$4.32 H.D.Meyer publishing notice \$ 14.90, and also the Clerk of Courts fees and Register of Deeds fees of said Carver County in this matter if any. *Chase of Courts fees for entering action and making certified copies for Auditors & Town Clerks \$17.05.*

Ordered further that the Clerk of the District Court of Carver County furnish to the County Auditors of Carver and Sibley Counties a certified copy of the report of the Commissioners herein, with a certified copy of this order confirming same attached thereto, within ten days after filing thereof

Ordered further that the County Commissioners of each County of said Counties of Carver and Sibley shall without delay at their next meeting after filing said report in the office of the County Auditor of each of said Counties, provide for the payment of and pay each of the person entitled thereto, and as herein directed, the expenses incurred in this matter, and as shown by this order and by said report, as allotted to each County, and that each Board of County Commissioners of said above named Counties shall as soon as the damages are ascertained and as herein provided, and allowed for right of way for said road, make provision for the payment thereof to each party allowed the same, and the amount each is allowed and payable by each County. Ordered further that said road as herein described and according to the route specified, be and the same is hereby established and declared to be a public highway, and that the same shall be opened for public use by the several towns through which said road passes, and that said road be so opened to public travel within 90 days after the proper order is filed with each Town Clerk of said several towns. Ordered further that the Clerk of this Court also furnish to the Clerk of the township of Faxon Sibley County Minn., and of Hancock Carver County Minn. a certified copy of this order within thirty days after the filing thereof.

Dated at Chaska Minn March 2nd 1909

P. W. Morrison  
Judge District Court



Dist Court - 8th Dist  
County of Carver

In the matter of the  
location of a Judicial  
Road running into  
and along the line  
dividing the Counties  
of Carver and Le Sueur in  
this State

Order Confirming  
Report of Commissioners

CARVER COUNTY,  
FILED

MAR 2 1909

H. O. Humphreys, Clerk

(560)

4 of these

State of Minnesota

District Court

County of Carver

Eighth Judicial District

-----  
In the matter of the location  
of a Judicial Road running  
into and along the line divid-  
ing the Counties of Carver and  
Sibley in said State  
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To the Hon P.W.Morrison Judge of the above named Court

We John J Mohr, Peter Kleven and W.H.Weibeler the Com-  
missioners appointed by said Court in the above entitled matter, un-  
der and by virtue of the order of appointment therein, bearing date the  
8th day of December 1908, to lay out and establish a new public road  
as above designated, running into and along the line of the Counties  
of Carver and Sibley in the Eighth Judicial District of said State,  
do hereby report as ~~follows~~ follows.

1st That we met on the 18th day of January 1909 at the hour of elev-  
en o'clock A.M. at the house of Ellen Sherlock in the Town of Faxon  
Sibley County Minnesota, that being the time and place designated  
in said order of appointment.

2d That we on that day and at said time took and subscribed the oath  
required by law, and which oath is herewith returned.

3d That we then and there by an order in writing appointed S.F.Mullin  
County Surveyor of Sibley County Minn, as surveyor and John Sherlock  
as axman and M.J.McMahon and Ben Crisman as chainmen, and they each  
took the oath required by law, and which appointment and oath are  
herewith returned.

~~That~~ 4th That we did then proceed to lay out and establish said road  
and cause a survey thereof to be made in pursuance of said order.

5th That the same as so surveyed and established is as follows.

Commencing at a point in the center of a public highway where said  
highway crosses the north section line of Section No Twenty three (23)  
Township one hundred and fourteen (114) Range Twenty five (25) Sib-  
ley County Minnesota, said point being at the north quarter post of  
said section No 23 aforesaid, being Station No 1, then <sup>ce</sup> running east



by course and distance as follows, east twenty four (24) chains on the line dividing the Counties of Carver and Sibley in said State, to Station No 2, marked by post and stone, thence north 78 degrees east one (1) chain and nineteen (19) links to a point two rods north of a large elm tree standing on the north west corner of John K Donovans (and set post and stone) grove at station No 3, (said off set being made to avoid said grove) thence south 88 degrees east five (5) chains and five (5) links to said county line at station No four (4) and set a post and stone thence east on said line between said counties of Carver and sibley ten (10) chains to station No five (5), the same being the north east corner of <sup>said</sup> Section No 23, the same being marked by stone mounument, thence east on said line between said counties, forty (40) chains and sixteen (16) links to the north quarter post of Section No twenty four (24) Town 114 Range 25, then east on said line between said counties forty (40) chains and sixteen (16) links to the south east corner of Section No thirteen (13) Township 114 Range twenty five (25) ( said corner being marked by stone monument) the same being at a point of intersection with the public highway running north and south along the east lines of the towns of Faxon in Sibley County and Hancock in Carver County, in said State where said public highway crosses said line and then and there terminating said ~~highway~~ road in said highway.

6th That we caused to be set stakes and stones at each station except where the same was marked by a srone monument, and said stones and stakes were so set at each angle of said road, and that we caused a plat of said road to be made triplicate, one copy of which is hereto attached and made a part hereof.

7th That we met and conferred with as many of the land owners over which said road runs as was possible to see as to the damages sustained, and that we did appraise and determine the damages of each land owner and each parcel of land, by reason of the laying out of said road, and that we did award damages to be paid to each as follows.

Patrick Donovan the west ~~xxxxxxx~~ one hundred (100) acres of the north east quarter of Section 23 Town 114 Range 25, the sum of One Hundred & Sixty four Dollars (\$164)

To John K Donovan the east sixty (60) acres of the north east quarter of Section 23 Town 114 Range 25 the sum of one hundred & fourteen Dollars.

To Mathew Hoy the north west quarter of the north west quarter of Section 24 Town 114 Range 25 the sum of Twenty four Dollars.

To Ellen Sherlock, the north east quarter of the north west quarter and the north west quarter of the north east quarter of Section 24 Town 114 Range 25 the sum of Fifty Dollars.

~~Thomas~~ Newell the west half of the east half of the north east quarter Section 24 Town 114 Range 25 the sum of Thirty five Dollars.

To Mary Whalen the east half of the east half of the north east quarter of Section 24 Town 114 Range 25 the sum of Thirty five Dollars.

All the above described lands being in Sibley County Minnesota.

~~xxxxxxx~~

To Patrick Donovan the south half of the south east quarter of Section 14 Town 114 Range 25 the sum of Two Hundred & forty five Dollars.

To Mathew Hoy the south west quarter of the south west quarter of Section 13 Town 114 Range 25 the sum of Twenty four Dollars.

To James Duffy (and G.R. Moloney) the south east quarter of the south west quarter, Sec 13 and the south half of the south east quarter of Sec 13 Township 114 Range 25 the sum of Two Hundred & Fifty Dollars

*The last above lands being in Carver County*  
 In assessing the above damages we took into consideration the benefits, if any to the land owners, and the removal of fences and



the number of acres of land taken and the value thereof, and the value of the farm without the road and with the road.

9th We did not succeed in getting any releases of damages.

10th That the following is accurate account of the expenses incurred in and by the laying out of the said road, and in the surveying thereof, except the Clerk of Courts fees, the Register of Deeds fees and the the printing of the notices of presentation in each county

John J Mohr Commissioner	3 days at \$3. per day -----	9.00
	58 Miles travel at 8cts per mile---	4.64
Peter Kleven Commissioner	3 Days at \$3 per day -----	9.00
	48 Miles travel at 8cts -----	3.84
	days	
Wm H Weibeler Commissioner	3 Miles at \$3 per day -----	9.00
	12 miles travel at 8cts -----	.96
S.F. Mullin Surveyor	3 days at \$4 per day -----	12.00
	18 miles travel at 8 cts -----	1.44
	3 plats of road at \$2 each -----	6.00
John Sherlock Axman	2 days at \$2 per day -----	4.00
	4 miles travel at 8cts -----	.32
M.J. McMahon Chainman	2 days at \$2 per day -----	4.00
	20 miles travel at 8cts -----	1.60
Ben Crisman Chainman	2 days at \$2 per day -----	4.00
	10 miles travel at 8cts -----	.80

All of which is respectfully submitted

Dated Febr'y 11<sup>th</sup> 1909

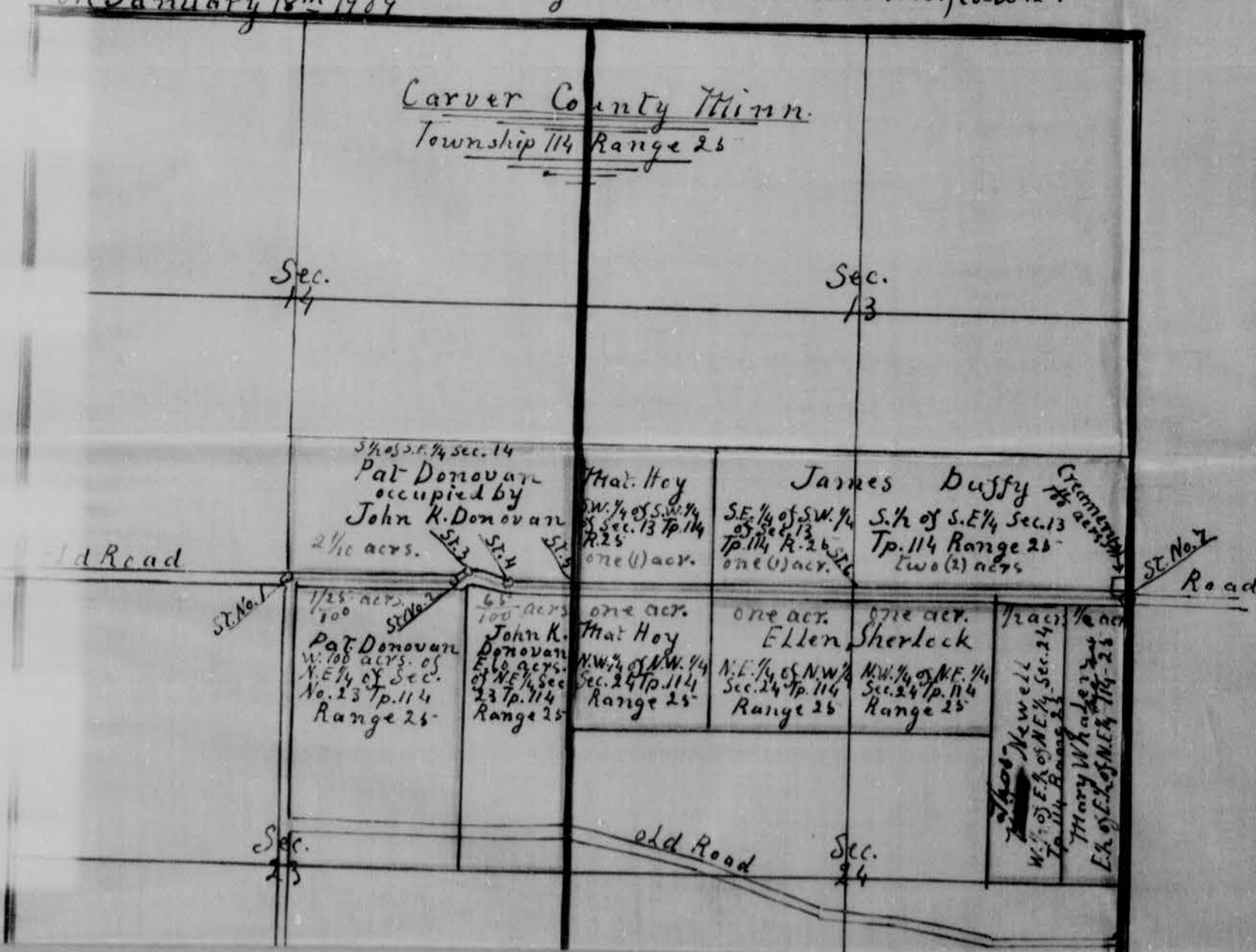
*John J Mohr*  
*Peter Kleven*  
*W H Weibeler*  
Commissioners

\$69.00

Surveyor's Report and Plat  
of Judicial Road

To the Honorable P. W. Morrison Judge of the District Court of the Eighth  
Judicial District in the State of Minnesota.

The undersigned having been employed by your committee to make a survey of a Judicial Road running into and along the line dividing the Counties of Carver and Sibley in said State would report that the following is a correct survey thereof as made by me under its directions, to-wit:





Sibley County Minn.  
Township 114 Range 25

Beginning at a point in the center of a public Highway where said Highway crosses the North section line of Section No. 23 Township No. one hundred and fourteen (114) Range twenty five (25) Sibley County, Minnesota. Said point being at the North quarter post of said Section No. 23 aforesaid St. No. 1

Thence running east by course and distance as follows, to-wit:

Magnetic Variation 9 degrees E.

No. of St. From St. 1	Course	Distance	Remarks
	East	24 chains	on the line dividing the Counties of Carver and Sibley in said State to St. No. 2 marked by post and stone.
2	N. 78° E.	1 chain 19 Links	to a point two rods North of large Elm tree standing on Northwest corner of John K. Donovan's grove St. No. 3 Set post and stone offset made to avoid said grove.
3	S. 88° E.	5 chains 5 Links	to said Town line again at St. No. 4 set post and stone
4	East	10 chains 00 "	on line between said counties to St. No. 5 being the N.E. corner of said section 23 found marked by stone monument
5	East	40 chains 16 Links	on the line between said counties to the N. 1/4 post of section 24 Tp. 114 R. 25 St. No. 6
6	East	40 chains 16 Links	on the line between said counties to the S.E. corner of section No. 13 Township 114 Range No. 25 at St. No. 7 found said corner marked by stone monument with numbers 13 and 18 chiseled in top
7	Ending		Point of intersection with the public highway running north and south along the east lines of the Towns of Tacon in Sibley county and Hancock in Carver County, in said State where said public highway crosses said line then and there terminating Red figures show number of acres taken from each tract

The above plat is a true and correct plat of said road according to survey  
Dated at Washington Lake this 27<sup>th</sup> day of Jan. 1909.

W E  
S

S. F. MILLER  
Surveyor.

40 80 120 160 200  
Scale one inch equals 80 Rds

Dist Court 8th Dist-  
County of Carver

In the matter of the  
location of a Judicial  
Road running into and  
along the land dividing  
the Counties of Carver  
and Liberty at said  
State

Report of Commissioners

CARVER COUNTY,  
FILED

FEB 13 1909.

H.O. Muehlberg, Clerk.

(360)

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State of Minnesota

District Court

County of Carver

Eighth Judicial District

In the matter of the location  
of a Judicial Road running  
into and along the line dividing  
the Counties of Carver and  
Sibley in said State

8th

Whereas on this ~~22nd~~ day of December 1908 there was presented to this Court at a General term of said Court held at the Court House in the City of Henderson in Sibley County in said Eighth Judicial District, a petition and notice of presentation thereof, praying for the establishment of a judicial road running upon the line between the County of Carver and the County of Sibley in said Eighth Judicial district of Minnesota, and which said notice of presentation of said petition provided for the presenting the same to this Court upon this 8th day of December 1908 at ten o'clock in the forenoon of said day or as soon thereafter as Counsel could be heard, and which said petition for said judicial road was signed by ~~signed~~ by twenty four legal voters and tax payers of the said County of Carver and by Fifteen legal voters and tax payers of said County of Sibley all in said Eighth Judicial District.

Which said petition describes the starting point, route and termination of said proposed road, as follows." Beginning at a point in the center of the public highway, where said highway crosses the north section line of Section No Twenty three (23) Township one hundred and fourteen (114) Range No Twenty five (25) Sibley County Minnesota, said point being the north quarter post of said section No Twenty three (23) afore said, thence running due east on the line dividing the Counties of Carver and Sibley in said State, to a point of intersection with the public highway running north and south, along the east lines of the the towns of Faxon in Sibley County and Hancock in Carver County in said State, where said public highway crosses said line, and then and there terminating said proposed judicial road in said ~~1~~ public highway at the south east corner of Section thirteen (13) Township one hun-

dred and fourteen (114) Range No Twenty five (25) Carver County Minnesota.

And it appearing to the Court now here by due proof thereof, that said petition was signed by more than twenty voters and freeholders of said Counties as required by law, and it also appearing to the Court by due proof, that more than three weeks published notice of said petition and notice of presentation was had in each of said Counties, to wit, by publication thereof in the Sibley County Independent a weekly news paper printed and published at Henderson in said Sibley County Minnesota, the first of which publications thereof was on the ~~day~~ 2d day of October 1908 and was so published therein for four successive weeks before said date of hearing, and by publication thereof in the County of ~~Sibley~~ Carver by publication thereof in the the weekly news paper known as The Carver Journal Review printed and published at Carver ~~County~~ Carver County Minnesota, the first of which publications was on the 1st day of October 1908 and were so published for four successive issues of said paper and both publications being ended more than thirty days previous to said day of hearing, and it also appearing that both of said newspapers being legal publications, and it also appearing that three copies of said petition and notice of presentation thereof, were also posted in three public places in each of said Counties of Carver and Sibley in said State more than thirty days prior to said date of hearing, ~~xxxxxxx~~, and that all the conditions of the statute in such case provided have been complied with, and there being no opposition to the granting of the prayer of said petition, and being satisfied from the evidence that said proposed road is necessary and will be of public utility, and it further appearing that John Mohr, Henderson Minn. Peter Klevin of San Francisco  
Edwin & W.H. McCreer & Belle Plamun Minn  
are proper persons to act as Commissioners in the laying out of said proposed road.

Now therefore I the undersigned Judge of the District Court in and for the Eighth Judicial District of the State of Minnesota, at Henderson in said Sibley County Minnesota, on this 8th day of December 1908 do hereby



accept said petition for said proposed Judicial Road as described there  
in, for a public road in accordance with the prayer of the petition,  
and do hereby appoint the said

John J. Mohn, Peter Kevan Jr  
Ed W H Kubeer

residents of said Judicial District, as three Commissioners to locate  
and establish said judicial road in accordance with the prayer of the  
petition therefor, and they are hereby appointed as such commissioners  
for said purpose with all the powers and duties provided by law, and  
that said Commissioners shall with all expediency shall meet at such  
times and places as may be necessary and so proceed to layout and es  
tablish said road and that they make due report of their proceedings  
thereon, to this Court as provided by law.

Ordered further that said Commissioners hereby so appointed meet on  
the <sup>18th</sup> 18th day of January 1909 at the hour of 11 o'clock in  
the fore noon of said day, at the House Ellen Sherlock  
Section No 24 Town 14 R 25 in the Town of Faxon in the  
County of Sibley in said State and shall then take  
the oath provided by law and shall all such other things as may be nec  
essary to be in connection with the laying out and establishing said  
road.

Dated at Henderson Minn Dec 8th 1908

J. W. Morrison  
Judge District Court

Dist Court - 8th Dist,  
County of Carver

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In the matter of the  
location of a Judicial  
Road running into  
and along the line  
dividing the Counties  
of Carver and Le Sueur  
in said State

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Order appointing  
Commissioners of

CARVER COUNTY,  
FILED

FEB 13 1909

H. O. Muehlberg, Clerk.

(560)



State of Minnesota

District Court

County of Carver

Eighth Judicial District

In the matter of the location  
of a Judicial Road running  
into and along the line dividing  
the Counties of Carver and  
Sibley in said State.

~~XXXXXXXXXX~~

State of Minnesota

County of ~~SARRE~~ Sibley

ss

John J Mohr, Peter Klevin, and William

H Weibeler, being duly sworn ~~XXXX~~ says each for himself, that he is  
one of the Commissioners appointed by the Court to lay out and estab  
lish the above designated road.

That I will support the Constitution of the United States, the Consti  
tution of the State of Minnesota, and that I will faithfully and hon  
estly discharge and perform the duties as such Commissioner to the best  
of my understanding and ability, So help me God

Subscribed and sworn to before me

this 18th day of January 1909

*A J Lavin*

Notary Public, Scott County, Minn.  
My commission expires April 1, 1915

*John J Mohr  
H H Weibeler  
Peter Klevin*

State of Minnesota

District Court

County of Carver

Eighth Judicial District

In the matter of the location  
of a Judicial Road running  
into and along the line dividing  
the Counties of Carver and  
Sibley in said State

We the undersigned Commissioners appointed by the  
Court, for the purpose of laying out and establishing the above de-  
scribed road, and by virtue of the Statute in such case provided,  
and the authority is us vested, do hereby appoint S.F. Mullin County  
Surveyor of Sibley County Minn. Surveyor to make the survey of said  
road and the plat thereof. We do also hereby appoint \_\_\_\_\_

John Shulook as axman on said survey, and we do here  
by appoint W. J. McMahon Ben Crisman as chainmen on said  
survey to assist said surveyor therein.

Dated Jany 18th 1909

W. J. McMahon  
W. H. Webster  
Robert Levens  
Commissioners

State of Minnesota

County of ~~Sibley~~ Sibley ss S.F. Mullin being duly sworn says that  
he will honestly and faithfully discharge and perform all duties as  
surveyor of the foregoing designated road and that he will honestly  
and fairly make a true and correct survey thereof, to the best of his  
understanding and ability, So help me God

Subscribed and sworn to before me

this 18th day of January 1909

A. J. Lawrie

S. F. Mullin

Notary Public, Scott County, Minn.  
My commission expires April 11, 1915



State of Minnesota

County of Sibley ss John Sherlock being duly sworn says  
that he will honestly and faithfully discharge the duties of axman in  
making the survey of the above described road. So help me God

Subscribed and sworn to before me

this 18th day of January 1909

A J Jensen

John Sherlock

Notary Public, Scott County, Minn.  
My commission expires Apr. 11, 1915

1915

State of Minnesota

County of Sibley ss M. J. McMahon and Ben  
Crissman being duly sworn says each for himself that he will hon

estly and faithfully perform the duties of chainman in making the

survey of the above described road So help me God

Subscribed and sworn to before me

this 18th day of January 1909

A J Jensen

M. J. McMahon  
Ben Crissman

Notary Public, Scott County, Minn.  
My commission expires Apr. 11, 1915

1915

Dist Court - 8th Dist  
County of Carver

In the matter of the  
location of a Judicial  
Road along the line  
of Carver & Le Sueur  
Counties

Oaths &c

CARVER COUNTY,  
FILED

FEB 13 1909

H. O. Muehlberg, Clerk.

(560)



Carver, Minn., *Oct 30* 190*8*

**Mr.** *F. C. Irwin*

*Becker, Minn.*

**CARVER JOURNAL-REVIEW**

**BY**

**H. D. MEYER**

*To Publishing Office  
of Road Relation* \$ *1.00*

88  
4

CARVER COUNTY,  
FILED  
FEB 13 1909.  
*H.O. Muehlberg* Clerk:  
(560)



The County of Sibley, and  
The County of Carver

G. A. Buek

50

2

4. 8

Dec 23 To Publishing Notice Judicial  
Road Petition Sibley and  
Carver Counties  
12 folios, 4 weeks.

~~\$~~ 2,60

is hereto attached, will be presented to the Honorable F. W. Morrison, Judge of the District Court in and for the Eighth Judicial District of said State, at the court room in the City of St. Paul, at the court house of said State, on Tuesday, the 8th day of December, 1908, at the hour of ten o'clock in the forenoon of said day, or as soon thereafter as said day can be heard, said time being in and for said County of Sibley, then being held, for the hearing of said petition, the appointment of commissioners thereunder and for such further proceeding thereon as is in such Dated at Belle Plaine, Minn., September 19th, 1908.

F. C. IRWIN,  
 Attorney for Petitioners,  
 Belle Plaine, Minn.

STATE OF MINNESOTA, County of Carver, District Court, Eighth Judicial District.  
 In the matter of the location of a judicial road, running into and along the line dividing the Counties of Carver and Sibley in said State.  
 To the Honorable F. W. Morrison, Judge of said Court. The undersigned legal voters and taxpayers residing in the Counties of Carver and Sibley in said State, hereby respectfully petition said Court for the location and establishment of a judicial road, running into and along the line dividing the Counties of Carver and Sibley in said State of Minnesota, and described as follows: to-wit: Beginning at a point where said highway crosses the north section line of Section No. Twenty-three (23) township No. One Hundred and Fourteen (114) Range No. Twenty-five (25) Sibley County, Minnesota, said point being at the north quarter post of said Section No. Twenty-three (23) aforesaid running due east on the line dividing the Counties of Carver and Sibley in said State, to a point of intersection with the public highway running north and south, along the east lines of the Towns of Faxon in Sibley County and Hancock in Carver County. In said State were said public highway crosses said line, and then and there terminating said proposed judicial road in said public highway at the southeast corner of Section No. Thirteen (13) Township 114 Range No. 25, Carver County, Minnesota. The owners of the lands of which said proposed judicial road will run, to-wit: Patrick Donovan,

petitioning the law making the change to a new form of taxation. But with this amendment various new forms of taxation could be imposed, notably an income tax, a tonnage tax on iron ore and a registry tax on mortgages. Under the present Constitution we can impose no tax on mortgages which would reach all mortgages alive, but would be valid under this amendment, while the Constitution requires all subjects of taxation to have a cash value. With the tax equalized throughout the State an income tax could be

State of Minnesota,

County of Sibley.

ss.

I,

*G. A. Buck*

do solemnly

swear (or affirm) that the within account, claim and demand is just and true; that the money therein charged for was actually paid for the purposes therein stated; that the property therein charged for was actually delivered and used for the purposes therein stated; and was of the value therein charged; that the services therein charged for were actually rendered and of the value therein charged; and that the fees and amounts charged therefor are such as are allowed by law; and that no part of such amount, claim or demand has been paid.

Subscribed and sworn to before me, this

13 day of *Nov* 1908

*G. A. Buck*  
Notary Public  
My Commission Expires May 31st 1909

No.

account against

Sibley County, Minn.

Nature of Claim

Amount, \$

Audited and Allowed at \$

190

Chairman Board of County Commissioners.

AUDITOR'S OFFICE,  
Sibley County, Minnesota.

CARVER COUNTY,

Filed this FILED

FEB 13 1909

Clerk.

Auditor.

(560)



DISTRICT COURT

*Eight* Judicial District  
County of *Carver*

*In the matter of the location  
of a judicial road running  
into and along the line  
dividing the counties  
of Carver & Sebec in  
said State*

NOTE OF ISSUE

*application to confirm the  
report of Commissioners*  
LAST PLEADING SERVED

190

*J. C. Inman*

Attorney for Plaintiff

*Attorney for Defendant*

Attorney for Defendant

Will the Clerk please file this Note of  
Issue, and enter the cause on the Calendar  
for the *March* A. D. 190*7*  
*April* Term of this Court.

Yours respectfully,

*J. C. Inman*

Attorney for *Plaintiff*

Filed 190

191-273000

(560)

CARVER COUNTY,  
FILED

FEB 13 1909

*N.O. Muehlberg*  
... Clerk



Indicade	Road matter	Chrs's fees
24		
96	fol @ 10¢	9.60
4	Certificates	1.00
		<u>10.60</u>
		4.00
	40 fol @ 10¢	50
2	Certificates	<u>4.50</u>

Notice of Presentation of Petition

Notice is hereby given that a petition for the location and establishment of a Judicial Road running into and along the line dividing the Counties of Carver and Sibley in the State of Minnesota, a true copy of which petition is hereto attached, will be presented to the Honorable P. W. Morrison, Judge of the District court in and for said Counties, in and for the Eighth Judicial District of said State, at the court room in the city of Henderson, in the county of Sibley in said State, on Tuesday, the 8th day of December 1908, at the hour of ten o'clock in the forenoon of said day, or as soon thereafter as council can be heard said time being at a general term of said District court in and for said county of Sibley, then being held for the hearing of said petition, the appointment of Commissioners thereunder, and for such further proceeding thereon as is in such provided by Statute.

Dated at Belle Plaine Minn. September 19th 1908.

F. C. Irwin  
Attorney for Petitioners  
Belle Plaine, Minn.  
District Court  
Eighth Judicial District  
State of Minnesota, County of Carver.

In the matter of the location of a Judicial Road, running into and along the line dividing the Counties of Carver and Sibley in said State.

To the Honorable P. W. Morrison, Judge of said court.

The undersigned legal voters residing in the Counties of Carver and Sibley in Minnesota, do hereby respectfully petition your court for the location and establishment of a Judicial Road running into and along the line dividing the counties of Carver and Sibley in said state of Minnesota, and described as follows, to wit, Beginning at a point on the south line of Section No. 14, Township No. 23, Range No. 14, and running due east on the line dividing the counties of Carver and Sibley in said state to the point of intersection with the highway running north and south on the east lines of the Township No. 23 in Sibley county Minnesota, and then terminating said proposed Judicial road in said public highway at the south east corner of Section thirteen (13) township No. 23, Carver County

Minnesota, and described as follows, to wit, Beginning at a point on the south line of Section No. 14, Township No. 23, Range No. 14, and running due east on the line dividing the counties of Carver and Sibley in said state to the point of intersection with the highway running north and south on the east lines of the Township No. 23 in Sibley county Minnesota, and then terminating said proposed Judicial road in said public highway at the south east corner of Section thirteen (13) township No. 23, Carver County

Minnesota, and described as follows, to wit, Beginning at a point on the south line of Section No. 14, Township No. 23, Range No. 14, and running due east on the line dividing the counties of Carver and Sibley in said state to the point of intersection with the highway running north and south on the east lines of the Township No. 23 in Sibley county Minnesota, and then terminating said proposed Judicial road in said public highway at the south east corner of Section thirteen (13) township No. 23, Carver County

Minnesota, and described as follows, to wit, Beginning at a point on the south line of Section No. 14, Township No. 23, Range No. 14, and running due east on the line dividing the counties of Carver and Sibley in said state to the point of intersection with the highway running north and south on the east lines of the Township No. 23 in Sibley county Minnesota, and then terminating said proposed Judicial road in said public highway at the south east corner of Section thirteen (13) township No. 23, Carver County

Dated September 19th 1908

Names	Names
Jas. Duffy	Thomas Newell
Patrick Conlin	M. Morrison
John A. Lundberg	J. M. Fahey
C. J. Hurtig	Thomas Fahey
Geo. W. Olson	Thomas Hayes
Wm. O'Day	Henry Miller
John Corcoran	James Wilson
John Olson Bratt	James T. Fahey
Chas. T. Ridd	Patrick Duffy
Stephen Smith	James Reiley
Wm. Hoben	Jeremiah Hayes
James Corcoran	Jno. Sherlock
Swan Halquist	Aaron Erickson
Richard Kelly	John N. Johnson
Jacob Holsten	August Johnson
James Walsh	A. G. Hurtig
Wm. Conlin	Math. Conlin
James Bailey	John Savage
Mike Buesgens	

STATE OF MINNESOTA, ss  
COUNTY OF CARVER,

Came personally before me N. Meyer and

being duly sworn, deposes and says that he now is and during all the time hereinafter mentioned has been manager and printer of the CARVER COUNTY JOURNAL, a weekly newspaper printed and published at Carver in said Carver county on Thursday of each week.

That he knows of his own knowledge that the printed notice of

Presentation of Petition, hereto attached

hereunto attached, cut from the columns of said newspaper, was inserted, printed and published in said newspaper once in each week for three successive weeks, and that all of said publications were made in the English language; that said notice was first inserted, printed and published in said newspaper on Thursday, the 1st day of October, 1908, and printed and published therein on each and every Thursday thereafter until and including Thursday, the 22nd day of October, 1908; and that during all the time aforesaid said newspaper was a collection of general and local news, comments and miscellaneous literary items, and regularly issued and published on Thursday of each week from a known office of publication, said office being equipped with the necessary material, presses, etc., and skilled workmen for producing the same, and has consisted of not less than four pages, of six columns or more to each page, each column not less than seventeen and three-fourths inches in length, and never made up wholly of patents, plates, and advertisements, or either or any of them, and has not been substantially a duplicate of any other newspaper, and has been regularly delivered each week to more than two hundred and forty paid subscribers, and that said newspaper, composed and consisting as above set forth, was printed and published in the English language weekly, and generally circulated in Carver county for more than one year next preceding the date of the first publication of said notice. That the publisher of said newspaper has filed with the county auditor of said Carver county an affidavit setting forth the facts required in Section 2, Chapter 33, of the laws of the State of Minnesota for the year 1893, and amendments thereto.

Subscribed and sworn to before me this 23rd day

of October 1908

A. W. Blauach  
Notary Public, Carver County, Minn.  
My commission expires Oct. 2, 1914.



CARVER COUNTY,  
FILED

FEB 13 1909  
*H.O. Muehlberg* Clerk.

(560)

PRESENTATION  
NOTICE OF ~~ANNOUNCEMENT~~ OF PETITION

Notice is hereby given that a petition for the location and establishment of a Judicial Road, running into and along the line dividing the Counties of Carver and Sibley in the State of Minnesota, a true copy of which petition is hereto attached, will be presented to the Honorable P.W. Morrison Judge of the District Court in and for said Counties, in and for the Eighth Judicial District of said State, at the Court room in the City of Henderson, in the County of Sibley in said State, on Tuesday, the 8th day of December 1908, at the hour of ten o'clock in the forenoon of said day, or as soon thereafter as Counsel can be heard, said time being at a general term of said District Court in and for said County of Sibley, then being held, for the hearing of said petition, the appointment of Commissioners thereunder, and for such further proceeding thereon as is in such provided by Statute.

Dated at Belle Plaine Minn September 2 19th 1908

*J.C. Irvine*  
\_\_\_\_\_  
Attorney for Petitioners

Belle Plaine Minn



State of Minnesota

District Court

County of Carver

Eighth Judicial District

In the matter of the location  
of a Judicial Road, running  
into and along the line divid-  
ing the Counties of Carver and  
Sibley in said State.

To the Honorable P.W. Morrison Judge of said Court.

The undersigned legal voters and tax payers residing in the Counties of Carver and Sibley in said State, hereby respectfully petition said Court for the location and establishment of a Judicial Road, running into and along the line dividing the Counties of Carver and Sibley in said State of Minnesota, and described as follows, to wit, Beginning at a point in the center of a public highway, where said highway crosses the north section line of Section No Twenty three (23) Township No One hundred and four teen (114) Range No Twenty five (25 Sibley County Minnesota, said point being ~~at~~ at the north quarter post of said Section No Twenty three (23) aforesaid, then running due east on the line dividing the Counties of Carver and Sibley in said State, to a point of intersection with the public highway running north and south, along the east lines of the Towns of Faxon in Sibley County and Hancock in Carver County, in said State, where said public highway crosses said line, and then and there terminat ing said proposed Judicial Road in said public highway at the south east corner of Section ~~xxx~~ No. Thirteen (13) Township 114 Range No 25, Carver County Minnesota.

The owners of the lands of which said proposed Judicial Road will run, are Mathew Hoey, Patrick Donovan, James Duffy and G.R. Moloney, Ellen Sherlock, Mary Whalen, John Donovan and Thomas Newell.

And your petitioners pray that you will proceed to lay out and establish said proposed Judicial Road and highway, and cause the same to be opened as provided by law.

Dated September 19th 1908

Names

Names

James Duffy  
Patrick Conlin  
John A. Sullivan  
Chas. A. Hirth

Thomas Newell  
W. Morrison  
John T. Hirth

Geo W. Oliver  
Genl Perry

John Corcoran

John Olson, head

Chas. F. Ridd

Stephen Smith  
W. H. Brown

Man of God  
James L. Ligon

Lucia Halaniz

Richard Kelly

John C. Johnson

August 20<sup>th</sup>

James H. H. H.

L. A. Hurlig

William C. C.

with border

James Bailey

Im Savage

be Dues gens.



Dist Court 8th Dist  
County, Carver

In the matter of  
a Judicial Road  
along the line of  
Carver and Spring  
Counties

Petition

CARVER COUNTY,  
FILED  
FEB 13 1909  
H. O. Muehlberg, Clerk.  
(560)

F. G. Irwin,  
Attorney for Petitioner

NOTICE OF PRESENTATION OF PETITION.

Notice is hereby given that a petition for the location and establishment of a judicial road, running into and along the line dividing the Counties of Carver and Sibley in the State of Minnesota, a true copy of which petition is hereto attached, will be presented to the Honorable P. W. Morrison Judge of the District Court in and for said counties, in and for the Eighth Judicial District of said State, at the court room in the City of Henderson, in the County of Sibley in said State, on Tuesday, the 8th day of December, 1908, at the hour of ten o'clock in the forenoon of said day, or as soon thereafter as counsel can be heard, said time being at a general term of said District Court in and for said County of Sibley, then being held, for the hearing of said petition, the appointment of commissioners thereunder, and for such further proceeding thereon as is in such provided by statute.

Dated at Belle Plaine, Minn., September 19th, 1908.

F. C. IRWIN,  
Attorney for Petitioners,  
Belle Plaine, Minn.

STATE OF MINNESOTA, County of Carver, District Court, Eighth Judicial District.

In the matter of the location of a Judicial Road, running into and along the line dividing the Counties of Carver and Sibley in said State.

To the Honorable P. W. Morrison Judge of said Court. The undersigned legal voters and tax payers residing in the Counties of Carver and Sibley in said State, hereby respectfully petition said Court for the location and establishment of a judicial road, running into and along the line dividing the Counties of Carver and Sibley in said State of Minnesota, and described as follows, to-wit: Beginning at a point in the center of a public highway, where said highway crosses the north section line of Section No. Twenty-three (23) township No. One Hundred and Fourteen (114) Range No. Twenty-five (25) Sibley County, Minnesota, said point being at the north quarter post of said Section No. Twenty-three (23) aforesaid then running due east on the line dividing the Counties of Carver and Sibley in said State, to a point of intersection with the public highway running north and south, along the east lines of the Towns of Faxon in Sibley County and Hancock in Carver County, in said State, where said public highway crosses said line, and then and there terminating said proposed judicial road in said public highway at the southeast corner of Section No. Thirteen (13) Township 114 Range No. 25, Carver County, Minnesota.

The owners of the lands of which said proposed Judicial Road will run, are Mathew Hoey, Patrick Donovan, James Duffy and G. R. Moloney, Ellen Sherlock, Mary Whalen, John Donovan, and Thomas Newell.

And your petitioners pray that you will proceed to lay out and establish said proposed Judicial Road and highway, and cause the same to be opened as provided by law.

Dated September 19th, 1908.

NAMES.	
Jas. Duffy,	Mike Buesgens,
Patrick Conlin,	Thomas Newell,
John A. Lundberg,	M. Morrison,
C. J. Hurtig,	J. M. Fahey,
Geo. W. Olson,	Thomas Fahey,
Wm. O'Day,	Thomas Hayes,
John Coreoran,	Henry Miller,
John Olson, (Bratt)	James Wilson,
Chas. T. Ridd,	James T. Fahey,
Stephen Smith,	Patrick Duffy,
Wm. Hoban,	James Kelly,
James Coreoran,	Jeremiah Hayes,
Swan Halquist,	John Sherlock,
Richard Kelly,	Aaron Erickson,
Jacob Holsten,	John N. Johnson,
James Walsh,	August Johnson,
William Conlin,	A. G. Hurtig,
James Bailey,	Math. Conlin,
John Savage,	

STATE OF MINNESOTA, } ss.

County of Sibley.

G. A. Buck

of said County, being duly sworn deposes and says he is the printer and publisher of the **Sibley County Independent**, a weekly newspaper printed and published in the City of Henderson, in the County of Sibley and State of Minnesota, and knows the facts hereinafter stated, and that the

Notice of Presentation of Petition

of which the annexed is a printed copy taken from the paper in which it was published, was published in said newspaper, at least once in each

week, for (4) four successive weeks, on the day of each week in which said newspaper was published, viz:

October 2, 9, 16 and 23, 1908.

That each and all of said publications were made in the English language, and that said newspaper has been published weekly and generally circulated in the said County of Sibley, where the said

Notice of Presentation of Petition

is required to be published, for more than one year next preceding the date of the first publication thereof; that said newspaper consists of eight pages of six columns to each page, and that each column exceeds 17 3/4 inches in length, and that more than two hundred and forty (240) complete copies of said newspaper are printed, published and delivered to paying subscribers at each regular weekly issue thereof.

G. A. Buck.

24<sup>th</sup>

Subscribed and sworn to before me this day of

October

1908

John M. McGinn

Clerk of District Court

Sibley County, Minn.

Printer's Fees \$



FEB 13 1909  
 H.O. Muehlberg... Clerk.  
 (560)

FEB 13 1909  
 H.O. Muehlberg... Clerk.  
 (560)

State of Minnesota

County of Sibley ss G.A. Buck being duly sworn says that on the  
15th day of October 1908, he posted a copy of the annexed  
petition and notice at the front door of the court house in the City  
of Henderson Sibley County Minnesota, upon a bulliten board at said  
front door of said court house, said place being a public place

Subscribed and sworn to before me

this 16th day of November 1908

*G.A. Buck*  
Publisher

*W. A. Knight*

Notary Public

My Commission expires 3/15/11

NOTICE OF PRESENTATION OF  
PETITION.

Notice is hereby given that a peti-  
tion for the location and establishment  
of a judicial road, running into and  
along the line dividing the Counties of  
Carver and Sibley in the State of Min-  
nesota, a true copy of which petition  
is hereto attached, will be presented  
to the Honorable P. W. Morrison Judge  
of the District Court in and for said  
counties, in and for the Eighth Judi-  
cial District of said State, at the court  
room in the City of Henderson, in the  
County of Sibley in said State, on Tues-  
day, the 8th day of December, 1908, at  
the hour of ten o'clock in the forenoon  
of said day, or as soon thereafter as  
said day can be heard, said time being  
a general term of said District Court  
in and for said County of Sibley, then  
being held, for the hearing of said  
petition, the appointment of commis-  
sioners thereunder, and for such fur-  
ther proceedings thereon as is in such  
statute.

at Belle Plaine, Minn., Sep-  
tember 19, 1908.

F. C. IRWIN,  
Attorney for Petitioners,  
Belle Plaine, Minn.

STATE OF MINNESOTA, County of  
Sibley, District Court, Eighth Judi-  
cial District.

In the matter of the location of a  
judicial road, running into and along  
the line dividing the Counties of Car-  
ver and Sibley in said State.

Honorable P. W. Morrison  
said Court. The undersigned  
residents and tax payers residing in  
the Counties of Carver and Sibley in  
said State, hereby respectfully petition  
said Court for the location and estab-  
lishment of a judicial road, running  
into and along the line dividing the  
Counties of Carver and Sibley in said  
State of Minnesota, and described as  
follows, to-wit: Beginning at a point  
in the center of a public highway,  
where said highway crosses the north  
western line of Section No. Twenty-  
three (23) Township No. One Hundred  
and Fourteen (114) Range No. Twenty-  
three (23) Sibley County, Minnesota,

and being at the north quarter  
said Section No. Twenty-three  
said then running due east  
along the line dividing the Counties of  
Carver and Sibley in said State, to a  
point of intersection with the public  
highway running north and south, along  
the west lines of the Towns of Faxon  
in Sibley County and Hancock in Car-  
ver County, in said State, where said  
public highway crosses said line, and  
then and there terminating said pro-  
posed judicial road in said public high-  
way at the southeast corner of Section  
No. One (1) Township 114 Range  
No. 23 Carver County, Minnesota.

Members of the lands of which  
said proposed Judicial Road will run,  
are: Geo. Hoey, Patrick Donovan,  
John Duffy and G. R. Moloney, Ellen  
Mary Whalen, John Donovan,  
Thomas Newell.

Our petitioners pray that you  
will please to lay out and establish  
said proposed Judicial Road and high-  
way and cause the same to be opened  
and used by law.

September 19th, 1908.

NAMES,  
John A. Lundberg,  
C. J. Hurtig,  
Geo. W. Olson,  
Wm. O'Day,  
John Coreoran,  
John Olson (Bratt)  
Chas. T. Ridd,  
Stephen Smith,  
Wm. Hoban,  
James Coreoran,  
Swan Halquist,  
Richard Kelly,  
Jacob Holsten,  
James Walsh,  
William Coolin,  
James Batley,  
John Savage,

NAMES,  
Mike Baesgens,  
Thomas Newell,  
M. Morrison,  
J. M. Fahey,  
Thomas Fahey,  
Thomas Hayes,  
Henry Miller,  
James Wilson,  
James T. Fahey,  
Patrick Duffy,  
James Reilly,  
Jeremiah Hayes,  
John Sherlock,  
Aaron Erickson,  
John N. Johnson,  
August Johnson,  
A. G. Huthig,  
Matt. Cost



James Bailey,  
John Savage,  
M. C. Conner.

CARVER COUNTY,  
FILED

FEB 13 1909

*N. O. Muehlberg* Clerk.

(560)

State of Minnesota

County of Scott ss F.C.Irwin being duly sworn says that on the 22d day of October 1908 he posted one copy of the annexed petition on the front door of the Court House in the City of Cheska in the County of Carver Minnesota, said place of posting being a public place within said Carver County Minnesota

Subscribed and sworn to before me

this 12th day of November 1908

*F.C. Irwin*

*A.J. Irwin*

Notary Public, Scott County, Minn.  
My commission expires Apr. 11, 1915

1915-

RECEIVED  
NOTARY PUBLIC  
SCOTT COUNTY, MINN.  
NOV 13 1908



*W. L. ...*

*1/2*

CARVER COUNTY.  
FILED

FEB 13 1909

*H. O. Muehlberg* ... Clerk.

(360)

3143

No. 8.

# DISTRICT COURT

CARVER COUNTY, MINNESOTA

*Barnard Cope Mfg. Co.*  
Plaintiff

vs.

*G. Perbis*  
Defendant

*Henderson, Hunderlich, Norris & Henderson*  
Plaintiff's Atty.

*John J. Fahy*  
Defendant's Atty.

Date of Entry *Feb 26<sup>th</sup>* 190*9*

Register of Actions *D.* Page *561*

Term Tried *March* 190*9*

Judgment for *Plaintiff*

Amount of Judgment, \$ *79.68*

Date of Judgment *March 2<sup>nd</sup>* 190*9*

Judgment Book *D.* Page *289*

Default Judgment Book Page

Date of Docketing *March 2<sup>nd</sup>* 190*9*

*Check fees \$4.80*



State of Minnesota,  
County of Carver. ss

John J. Fahey, being first duly sworn, says that on the 4th day of January, 1909, he served the Notice of Change of Venue and Affidavit attached hereto upon Henderson, Wunderlich, Torks & Henderson, by placing a copy of said Notice of Change of Venue and Affidavit in an envelope and sealing the same and depositing the same with postage prepaid in the Post Office at Norwood, Minn., addressed to Henderson, Wunderlich, Torks & Henderson, Attorneys at Law, Office 13, 4th Street No., Minneapolis, Minn., which is the address of said Henderson, Wunderlich, Torks & Henderson; and that the place of residence of affiant is said Norwood, Minn., and the place of residence of the said Henderson, Wunderlich, Torks & Henderson is Minneapolis, Minn., and that there is a regular communication by mail between said Norwood, Minn., and said Minneapolis, Minn.

John J. Fahey

Subscribed and sworn to before me this 4th day of January, 1909.

A. C. Knaus  
Justice of the Peace, Carver Co. Minn.

STATE OF MINNESOTA,  
County of Hennepin,

IN DISTRICT COURT,  
Fourth Judicial District.

.....  
Barnard-Cope Mfg. Co., a Corporation, Plaintiff.

-vs-

G. Perbix, ..... Defendant.  
.....

To Henderson, Wunderlich, Works & Henderson, Esquires,  
Attorneys for the above named plaintiff,  
#13, 4th Street No., Minneapolis, Minn.

Sirs:-

YOU WILL PLEASE TAKE NOTICE, That the defendant above named does hereby demand that the venue and place of trial of the above entitled action be changed from the County of Hennepin, State of Minnesota, where said action is commenced and is now pending, to the County of Carver, State of Minnesota, wherein resides the said defendant, upon the ground that at the time of the commencement of said action the said defendant resided in said County of Carver, State of Minnesota, and has ever since and does now reside in said Carver County.

Said demand is based upon the Affidavit of the attorney of said defendant, hereto attached.

Dated this 2nd day of January, 1909.

John J. Fahren  
Attorney for defendant,  
Norwood, Minnesota.



STATE OF MINNESOTA,  
County of Hennepin,

IN DISTRICT COURT,  
Fourth Judicial District.

Barnard-Cope Mfg. Co., a corporation, Plaintiff.

-VS-

G. Perbix, Defendant.

State of Minnesota, :  
County of Carver. :  
SS

John J. Fahey, being first duly sworn, on oath deposes and says that he is the attorney for the defendant in the above entitled action. That at the time of the commencement of said action, and at the time of the service of said summons upon said defendant, and for a long time prior thereto, said defendant, was and still is a resident of the County of Carver, and State of Minnesota. That affiant knows of his own knowledge that during all the times aforesaid the defendant was and is a resident of said County of Carver, and State of Minnesota. That the summons herein was served upon said defendant on the 23rd day of December, 1908, and that the time for answering has not expired.

Subscribed and sworn to before me this 2nd day of January, A. D. 1909.

*W. C. Klauke*  
Justice of the Peace for Carver Co. Minn.

107573

Original

District Court  
Hemlock County

Barnard, Cope, Mfg Co.

vs.

G. Perbit

Notice of Change of  
Name and Affidavit

FILED

JAN 5 - 1909

A. E. ALLEN, Clerk,

By

*A. E. Allen*

CARVER COUNTY,

FILED

JAN 6 1909

*J. O. Muehlberg* Clerk,

(561)



State of Minnesota, } ss. District Court  
County of Carver, } Judicial District

Barnard-Gope Mfg. Co., a corporation,

Plaintiff,

-vs-

G. Perbix,

Defendant.

Law and fact

Sir : You Will Please to Take Notice, That the issue of  
in the above entitled action will be brought on for Trial at the next  
General Term of the District Court to be held in and for the County of Carver,  
at the Court House, in the City of Chaska in said County, on the 1st  
day of March 1909, at the opening of said Court on that day, or as soon thereafter as  
counsel can be heard.

Dated January, 13th, 1909.

Yours respectfully,

Hendersonk Wunderlich, Work & Henderson.

To John J. Fahoy,

Attorney for Plaintiff

Attorney for Defendant.

*Original*

DISTRICT COURT

Eighth Judicial District  
County of Carver,

Barnard-Cope Mfg. Co.,  
Plaintiff,

-VS-

G. Perblx,  
Defendant,

Notice of Trial

Due service of the within Notice is hereby  
admitted this 14th day of January  
1909, at Norman, Minn.

John J. Fahy  
Attorney for Defendant

Attorney for \_\_\_\_\_

1184001

CARVER COUNTY,  
FILED

FEB 26 1909  
H. O. Muehlberg Clerk.

(561)



State of Minnesota,  
County of Hennepin.

District COURT  
Fourth Judicial District

Barnard-Cope Mfg. Co., a corporation

Plaintiff

against

G. Perbix

Defendant

Summons.

**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 a copy of which is hereto attached and herewith served upon you, and to serve a copy of your answer to the said complaint on the subscribers at their office, rooms number 402-406 Northwestern Fire & Marine Insurance Building, 13 4th Street No., in the City of Minneapolis, in said County of Hennepin, within 20 days after the service of this Summons upon you, exclusive of the day of said service; and if you fail to answer the said complaint within the time aforesaid, the plaintiff in this action will take judgment against you for the sum of Fifty one and 19/100 Dollars (\$ 51.19 ) Dollars and interest thereon from and since the 6th day of September 1908 at the rate of six per cent per annum, together with the costs and disbursements herein.

Dated this 18th day of December 1908.

Henderson, Wunderlich, Works & Henderson.

Attorneys for Plaintiff.

Office 13 4th Street No., Minneapolis, Minn.

State of Minnesota,  
County of Hennepin.

District COURT  
Fourth Judicial District.

Barnard-Cope Mfg. Co., a corporation

Plaintiff

against

G. Perbix,

Defendant

Complaint.

Plaintiff for cause of action herein alleges:

That during the times herein named it was and now is a corporation duly organized and existing under the laws of the State of Minnesota.

That heretofore between the 17th day of June 1908 and the 6th day of September 1908, plaintiff sold and delivered to defendant certain goods, wares and merchandise all at the special instance and request of defendant; that said goods, wares & mdse. were of the agreed price and reasonable value of Fifty one and 19/100 Dollars (\$ 51.19 ) Dollars, which said sum defendant promised and agreed to pay. That Payment thereof was duly demanded on the 6 day of September 1908 but that neither the same nor any part thereof has been paid, except the sum of \$

Wherefore plaintiff demands judgment against the defendant for the sum of Fifty one & 19/100 Dollars (\$ 51.19 ) Dollars, with interest thereon from and since the 6 day of September 1908, at the rate of six per cent per annum, together with the costs and expenses of this action.

Dated this 18th day of December 1908.

Henderson, Wunderlich, Works & Henderson.

Attorneys for Plaintiff

Office 13 4th Street No., Minneapolis, Minn.

State of Minnesota }  
County of Hennepin. } ss.

*W. L. Davis* being duly sworn, says that he is *secretary of the peer corporation* in the foregoing within entitled action; that he knows the contents of the foregoing complaint, that the same is true of his own knowledge; except as to matters therein stated on information and belief, and as to such matters he believes it to be true, ~~that the same is true to the best of his knowledge, information and belief, and that the reason why this verification is not made by plaintiff is that said plaintiff~~ *absent from said Hennepin County, Minnesota, wherein resides this deponent.*

Subscribed and sworn to before me this

*22nd* day of *December* A. D. 190*8*

*W. L. Davis*

Notary Public, Hennepin County, Minn.

My Commission Expires July 6, 1914

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

*Fred Falk* being duly sworn, says that at *Home* in the County of *Carver* and State of Minnesota, on the *23d* day of *December* 190*8*, he served the above and foregoing Summons and Complaint upon *G. Perbix* the defendant therein named, by then and there handing to and leaving with *him* personally a true copy of each thereof, by leaving a true copy of each thereof at the house of defendant's usual abode with *a person of suitable age and discretion then resident therein* and that deponent knows the person named therein as the defendant therein

Subscribed and sworn to before me this

*23d* day of *December* A. D. 190*8*

NOTARIAL  
SEAL

*Fred Falk*

*John J. Fahey*

NOTARY PUBLIC, Carver Co., Minn.  
My Commission Expires April 8, 1912.

ORIGINAL

No. 31514

STATE OF MINNESOTA

County of Hennepin.

District COURT

Fourth Judicial District

Barnard Cope Mfg. Co.

Plaintiff

vs.

G. Perbix

Defendant

Summons and Complaint

CARVER COUNTY.

FILED

FEB 26 1909

*H. O. Marshall* Clerk.

HENDERSON, WUNDERLICH and HENDERSON,

ATTORNEYS FOR PLAINTIFF.

13 FOURTH STREET NO.

MINNEAPOLIS, MINN.

(561)



Form No. 61

*Court*  
**JURY**

2M-3-30-07

(NOTE - Write FIRM name in title. Write NAMES of both Plaintiff's and Defendant's Attorneys.)

No. ....

**District Court**  
*Carver*  
**HENNEPIN, COUNTY**

*Barnard Cope Mfg*  
*Co.* *Plaintiff*

AGAINST

*S. Perbix*

*Defendant*

**NOTE OF ISSUE**

HENDERSON, WUNDERLICH, WORKS & HENDERSON

Attorney for Plaintiff

*John J. Fahey*

Attorney for Defendant

Will the clerk please file this note of issue  
and enter the cause on the *Grand* Term  
Calendar of said Court for the *1st* day  
of *March* 190*9*

Yours, etc.,

*Henderson, Wunderlich, Works & Henderson*

Attorney for *Plaintiff*

LAST PLEADING SERVED

*January 5-1909*  
*(561)*

CARVER COUNTY,  
FILED.

FEB 26 1909

*H.O. Muehlberg* ... Clerk



STATE OF MINNESOTA, )  
COUNTY OF CARVER., ) ss.

DISTRICT COURT.  
Eighth Judicial District.

I HEREBY CERTIFY And return that I served the within Subpoena on the within named G. Perbix by reading said Subpoena to him in his presence, in County and State aforesaid, on this 27th, day of February, 1909.

*Sheriff's Fees, - - \$ 4.50*  
*2.00*  
*1.00*  
*7.50*

*G.A. Gatz*  
.....  
Sheriff of Carver CO., Minn.  
By *Henry H. Hines*  
Deputy Sheriff

340 WMS

STATE OF MINNESOTA,  
COUNTY OF CARVER,

DISTRICT COURT,  
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA,

To G. Perbix,

GREETING,

You are hereby commanded that laying aside all and singular your business and excuses you be and appear before the Judge of the District Court for the Eighth Judicial District, and County of Carver, at the Court House in said County on the 3<sup>rd</sup> day of March, 1909, at 10 o'clock in the forenoon then and there to give evidence in cause to be tried between Barnard Cope Mfg. Co., plaintiff, and G. Perbix, Defendant, on the part of the plaintiff, and have *you* then and there with you a certain bank check made by you to the Barnard Cope Mfg. Co., the above named plaintiff and being for the sum of Twenty-nine and 81/100 Dollars (\$29.81) also all your books of account containing any entries with reference to the dealings had between yourself and the above named plaintiff; also all duplicate invoices and bills; *in reference to said dealings* also all letters received by you from the said plaintiff together with all enclosures.

Hereof fail not on pain of the penalty that will fall thereon.

Witness the Honorable P. H. Morrison Judge  
of the District Court aforesaid, at Chaska, this  
27<sup>th</sup> day of February, A. D. 1909.

H. O. Muehlberg  
Clerk of the District Court.

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



day of February, A. D. 1909.

of the District Court at Cheyenne, this

John Sherman.

Heretofore, I am not on behalf of the benefit that will  
with all employees.

All letters received in and from the said Plaintiff together  
named Plaintiff; also all duplicate invoices and bills; also  
reference to the accounts had between yourself and the above  
also all your books of account containing any entries with  
being for the sum of twenty-five and 81/100 dollars (\$25.81)  
the Bernard Cope Mfg. Co., the above named Plaintiff and  
then and there with you a certain sum of stock made by you to  
benefit, defendant, on the part of the Plaintiff, and have  
be filed between Bernard Cope Mfg. Co., Plaintiff, and you.  
In the forenoon then and there to give evidence in case to  
said County on the 2nd day of March, 1909, at the  
trial District, and County of Cheyenne, at the Court  
before the Judge of the District Court for the  
and District Court business and examine you to the  
you are hereby commanded that you appear and  
GREETING.

To G. S. S. S.

County of Cheyenne,

Eleventh Judicial District.

District Court.

CARVER COUNTY  
FILED.

MAR 2 1909

H. O. Muehlberg, Clerk.

State of Minnesota } District Court  
County of Carter } ss 8th Judicial Dist.

Barnard Copeland & Co, a corporation  
vs. Pltff.  
J. Perdue Defdt.

### Stipulations

It is hereby stipulated by and between  
the parties by their attorneys herein, that  
judgment be entered in favor of the  
Plaintiff and against the Defendant.

as follows

Amount of asked for in complaint \$51.12

Interest .. .. . 1.57

Statutory costs 10.00

Five offoradits 1.25

Charges for filing fees 4.50

Sheriffs fees 7.70

Witness fees J. S. Davis 1 day attendance 20

twenty three miles at 6 cents per mile 1.38

Total costs and principle. \$79.08

And it is further stipulated that execution  
be stayed for 10 days from the date hereof.

Dated this 2nd day of March 1908.

Henderson W. Underhill, Clerk of Court  
atty for Pltff

John J. Pahey  
Atty for Defdt



Dist Court  
& Judicial Dist

Barnard & Peterson  
as a corporation  
vs

Perbit  
vs

Stipulation for  
Judgment

CARVER COUNTY,  
FILED

MAR 2 1909

H.C. Muehlberg, Clerk

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

DISTRICT COURT.

Eighth Judicial District.

Barnard Cope Manufacturing Co.

Plaintiff.

vs.

G. Perbix,

Defendant.

JUDGMENT.

The above entitled action <sup>being regularly</sup> ~~was docketed~~ on the calendar of the March 1909 General Term of Court, and upon the call of the calendar it was agreed and stipulated by and between the parties, that plaintiff herein have judgment herein against said defendant in the sum of Fifty-one and 19/100 Dollars, the amount asked for in complaint, together with costs and disbursements.

Now on motion of Henderson, Wunderlich, Works & Henderson, Attorney's for the plaintiff, It is hereby adjudged, that the plaintiff recover of said defendant the sum of Fifty-one and 19/100 Dollars together with Twenty-seven and 89/100 Dollars costs and disbursements, amounting in the whole to Seventy-nine and 08/100 Dollars, and that execution be stayed ten days from the date hereof.

Dated this 2nd day of March 1909.

By the Court,

N. O. Muehlberg  
Clerk District Court.



DISTRICT COURT,

County of *Carver*

*Barnard Cope Mfg. Co.*

*Plaintiff*

AGAINST

*L. Perbix,*

*Defendant.*

JUDGMENT ROLL.

Filed *Mar. 2<sup>nd</sup>* A. D. 190*9*

*H. O. Muehlberg*  
Clerk of the District Court.

No. 1071.

Given this 2nd day of March 1909.

By the Court.

the whole to seventy-nine and 08/100 dollars and that execution be stayed twenty-seven and 83/100 dollars costs and disbursements amounting in all to defendant the sum of fifty-one and 18/100 dollars together with recovery for the plaintiff. It is hereby adjudged that the plaintiff recover now on motion of defendant. Emphasis. Works a Henderson. Afford and disbursements.

10/100 dollars the amount asked for in complaint, together with costs and disbursements and interest on the sum of fifty-one and 18/100 dollars from the date of the filing of the complaint to the date of the judgment. It was