

State of Minnesota,
County of Hennepin.

District Court,
Fourth Judicial District.

State of Minnesota, ex rel
Lyndon A. Smith, Attorney
General, Plaintiff,

against

The Village of Hills and Dales;
E.P. De Haven; J.R. Johnson; John
Campbell; John H. Reem; E.P. Leland;
H.S. Holcomb; George W. Webster;
F.W. Ralke; Christopher H. Cordell
and Archie Tullock, Respondents.

Judgment and Decree

March 1st, 1915.

The above entitled action came on for trial before the Court on the 27th day of February A.D. 1915, and the Court after hearing the evidence adduced at said trial and being fully advised in the premises, did, on the 1st day of March A.D. 1915, duly make and file its findings and order for judgment herein.

Now, pursuant to said order and on motion of Messrs. Brooks & Jamison, attorneys for Plaintiff, it is hereby adjudged and decreed that the attempted incorporation of the respondent, the so-called Village of Hills and Dales, was and is wholly illegal, void and without authority of law; that no person is entitled to hold or exercise any office in said pretended village; that the respondent E.P. De Haven is not entitled to be or to act as its President; that the respondent E.P. Leland is not entitled to be or to act as its Clerk; that the respondent H.S. Holcomb is not entitled to be or act as its Treasurer; that neither of the respondents J.R. Johnson, John Campbell and John H. Reem is entitled to be or act as trustee of said village; that the respondent Archie Tullock is not entitled to be or to act as Assessor thereof; that the respondent George W. Webster is not entitled to be or to act as a Justice of Peace; that neither the respondent F.W. Ralke nor the respondent Christopher H. Cordell is entitled to be or to act as a Constable; that said pretended Village of Hills and Dales has wrongfully usurped the Franchises and privileges which it undertakes to exercise, and each of the other respondents has usurped the office which

he undertakes to exercise and hold; that the attempted incorporation of said pretended Village be and is in all things annulled and all acts done or attempted to be done by it as such be and are hereby in all things annulled, and that each of said other respondents be and is hereby ousted and excluded from the office which he so usurps and from all rights and privileges incident thereto or connected therewith.

By the Court:

P. S. Neilson
Clerk of District Court,

By B. K. Wasmuth
Deputy.

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

District Court,
Fourth Judicial District.

I, P. S. NEILSON, Clerk of the above named Court, do hereby certify that I have compared the paper... writing to which this certificate is attached with the original Judgment and Decree,

in the action therein entitled, as the same appear... of record and on file in the said Clerk's office, at the Court House in said Hennepin County, Minnesota, and find the same to be... true and correct copy... thereof, and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County, this 2nd.....day

of March..... A. D. 1915.



P. S. Neilson

Clerk of District Court.

By

C. W. Williamson

Deputy.

1371
No. 140914

**State of Minnesota,
COUNTY OF HENNEPIN**

**DISTRICT COURT,
FOURTH JUDICIAL DISTRICT**

State of Minnesota, ex rel

Lyndon A. Smith, Atty. Gen.,

Plaintiff

AGAINST

The Village of Hills and

Dales, et al.,

Defendants

~~Exemplified Copy~~

**Certified Copy of
Judgment and Decree.**

**STATE OF MINNESOTA,
DEPT OF STATE**

*Filed in the office of the
of State this 4th*

March 1915
Julius A. Schmalz
Secretary of State

We, the undersigned inspectors hereby certify and return that we have canvassed the ballots cast at an election held at the residence of H. S. Holcomb, in the Township of Excelsior, County of Hennepin, State of Minnesota, on the twenty-eighth (28th) day of November, 1914, the time and place specified in the election notice, to vote for or against Village incorporation under the General Statutes of 1913, and that the following votes were cast for and against said proposition as canvassed by us, to-wit:

There were cast "For incorporation, Yes" 43 Votes

There were cast "For incorporation, No" 19 Votes

x Archie Tullock
H. A. Baltuff
H. S. Holcomb
Inspectors

Archie Tullock, H. A. Baltuff, and H. S. Holcomb, being duly sworn, did say each for himself that the statements herein contained in the foregoing certificate and return made by them are true.

x Archie Tullock
H. A. Baltuff
H. S. Holcomb

Subscribed and sworn to before me
this 4 day of Dec 1914.

N. B. O'Connor
Notary Public, Hennepin County, Minn.
My commission expires _____

My Commission Expires
April 15, 1915

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TO THE

[Handwritten signature]

STATE OF MINNESOTA:
COUNTY OF HENNEPIN: ^{SS}

On this 6th day of November, 1914, before me, a Notary of Public in and for said County and State, personally appeared Archie Tullock, who being by me first duly sworn, did depose and say that on the 6th day of November, 1914, he posted true and correct copies of the Petition for Incorporation of the "Village of Hills And Dales" and notice of election, the originals of which are on file in the Office of the County Auditor in and for said County, and copies of which said petition and notice are hereto attached.

One at Vine Hill Station

And one at Bulletin Board Christmas Lake Station

And one at Meadville Station

All of which are within the territory described in said petition and three of the most public places therein.

Archie Tullock

Subscribed and sworn to before
me this 6th day of
November, 1914.

McFell
Notary Public Hennepin County

My commission expires Feb. 14-1918

FILED

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L. PERICKSON, MASTER
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NOTICE.

TO THE VOTERS RESIDING WITHIN THE TOWN OF
GRAND IN THE FOREGOING MANNER:

YOU ARE HEREBY NOTICED THAT ON THE BOTH DATES OF
NOVEMBER, 1914, BETWEEN THE HOURS OF 6:00 A. M.
AND 9:00 P. M. AT A CERTAIN BUILDING HEREIN AS
THE RESOLUTION OF H. C. FORDS WILL BE MADE AN
ELECTION TO DETERMINE WHETHER OR NOT THE TOWN SHALL
BE INCORPORATED IN THE FOREGOING MANNER SHALL INCORPORATE
THE TOWN AS THE "TOWN OF GRAND AND DALLAS".

IN WITNESS WHEREOF

ATTEST: AS. P. BRIDGEMAN,
COUNTY AUDITOR.

BOARD OF COMMISSIONERS,
COUNTY OF GRAND.

BY: *W. C. Chapman*
CLERK.

BY: *W. C. Carlson*
CLERK.

STATE OF MINNESOTA.)
COUNTY OF HENNEPIN.) ss.

In the Matter of the Incorporation of
Certain Territory in the County of Hen-
nepin, State of Minnesota, into a village) P E T I T I O N .
to be Known as the "Village of Hills and)
Dales.")

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF HENNEPIN, STATE OF MINNESOTA:

The Undersigned, your Petitioners, being duly qual-
ified electors of the aforesaid County of Hennepin, State of
Minnesota, and now residing within the borders of the lands
and territory hereinafter described, respectfully petition
and state, as follows: to-wit,

That each of the undersigned Petitioners is an
elector in the said County of Hennepin and State of Minnesota,
and resides upon the lands hereinafter described; said Peti-
tioners desire to incorporate said lands into a Village to be
known under the corporate name of the Village of Hills and
Dales; and that said territory when incorporated constitute
and election district.

That a large portion of the lands hereinafter des-
cribed, and so to be included in said incorporation, have been
platted into lots and blocks, and the plats thereof have been
duly and legally certified to in accordance with the Laws of
the State of Minnesota, and said plats have been duly filed
in the Office of the Register of Deeds in and for said Henne-
pin County, said State, wherein said lands lie.

That a part of said lands hereinafter described and
which have been platted are situate in Sections 25, 26 and
25, in the Township hereinafter mentioned, wherein all of the
lands to be included in said incorporation lies.

That said platted parcels of said described lands are called Solberg's Point, Meadville Park, Covington, Bennett's Addition to Covington, Endsley's Minnetonka Addition, Pond & Slafter's Addition to Fairview, Fairview, East Fairview, Vine Hill, Vine Hill Heights, Burr Oaks, Maple Heights, Partridge Heights and Christmas Lake Orchard Home Lots; and your Petitioners respectfully refer to the said Plats on file in said Register of Deed's Office, and the description of lands mentioned in said plats, and to any other plats, than those named aforesaid, located within the territory proposed to be incorporated as aforesaid, for a further and full description thereof.

Your Petitioners further state that all the remaining lands within said territory to be incorporated, and not platted, are adjacent to said platted lands and lie so near and in such close proximity thereto as to be suburban to said platted lands, and in their character have a unity of interest with said platted portion in the maintenance of the Village Government therein.

That the boundaries of the territory to be incorporated with their courses and distances and quantity of land according to the Government survey thereof, are as follows:

All of those tracts or parcels of land lying and being in the Town of Excelsior, County of Hennepin, and State of Minnesota, described

Commencing at the Northeast corner of Section Twenty-five (25) in Township One Hundred Seventeen (117), North of Range Twenty-three (23), West of the Fifth Principal Meridian; thence running West along the North line of said Section Twenty-five (25) to the Northwest corner of said Section Twenty-five (25), and the Southeast corner of Section Twenty-three

thence North along the East line of said Section Twenty-three (23) to the shore of Lake Minnetonka; (The last two mentioned courses being the South and West limits of the Village of Deephaven) thence running Southwesterly and Southerly along the shore of said Lake Minnetonka to the line between Sections Twenty-six (26) and Thirty-five (35) in said Township 117, North of Range 23 West, being the Township of Excelsior; thence East along the line between said Section Twenty-six (26) and Thirty-five (35) to the place of the quarter corner to said Sections; thence South along the quarter line of said Section Thirty-five (35) through the center of said Section Thirty-five (35) to the quarter corner of said Section Thirty-five (35) in the South line of said Section Thirty-five (35); thence East along the South line of said Section Thirty-five (35) and Section Thirty-six (36) in said Township to the Southeast corner of said Section Thirty-six (36), which said last mentioned line is the County line between the County of Carver and the County of Hennepin; thence North along the East line of said Section Thirty-six (36) and Section Twenty-five (25) aforesaid to the place of beginning, being the Northeast corner of said Section Twenty-five (25) and said last mentioned line being the Town line between the Township of Excelsior and the Township of Minnetonka.

That the map attached hereto of the territory to be incorporated in the proposed Village is a true and correct map of the lands which are hereinabove described, and which map is attached to said Petition and made a part thereof, the same as incorporated therein.

That the said lands above described and located within said territory to be incorporated, contains One Thousand Five Hundred Ninety and Three-tenths Acres according to the

Government survey.

That said territory so to be incorporated contains a resident population of the persons whose names appear upon the Census Sheet hereto attached, and that said persons actually reside within said territory, and which said Census was taken under the direction of your Petitioners between the 2nd day of October, 1914, and the 15th day of October, 1914.

That there is no newspaper now published in said territory so proposed to be incorporated as aforesaid.

That there is no United States Post Office within said territory.

That all of the above statements in the foregoing Petition contained are true.

WHEREFORE, your Petitioners pray your Honorable Board, to appoint a time and place, when and where the electors actually residing upon the lands within said territory to be incorporated, may vote for or against such incorporation, and that you appoint three (3) inspectors, residents of the territory proposed to be incorporated as a Village, who shall act as judges of said election, and perform such other duties as prescribed by Law.

Dated the Second day of October, 1914.

Archie Tullock	H. S. Holcomb	C. J. Fogelmark
H. A. Baltuff	G. E. Tharalson	Mick Schroeder
A. E. Nash	And. Tharalson	M. L. Cole
Geddes K. Nash	J. T. Kenny	H. W. Cole
E. P. DeHaven	Frank Meyer	Henry B. Avery
John Ernst	Frank H. Meyer	Geo. W. Webster
F. W. Balke	F. O. Fogglmark	S. M. Robinson
John H. Beern	Carl Fogelmark	Joseph Timmers.
Chas. Tullock	H. F. Broms	Willis Endsley
P. W. Endsley		

STATE OF MINNESOTA.)
COUNTY OF HENNEPIN.) ss

H. S. Halcomb, Archie Tullock and Geo. W. Webster each being first duly sworn, deposes and says that he is a resident and elector within the territory described in the foregoing Petition; that the Census therein referred to was accurately taken between the 2nd day of October, 1914, and the 15th day of October, 1914, and that the statements made in said Petition are true; that the description in the foregoing Petition of the territory to be incorporated is an exact description of the land which the Petitioners are asking to be included in and incorporated as the Village of Hills and Dales; and that the map attached to the Petition shows the lands to be incorporated and the boundaries thereof; and that the amount of land embraced therein is 1590.3 acres more or less according to the United States Government Survey thereof.

Archie Tullock.

H. S. Holcomb

Geo. W. Webster.

Subscribed and sworn to before
me this

N. C. O'Connor.
Notary Public, Hennepin Co., Minn.
My commission expires April 16, 1915.

1371,
Vic of Hub
x Sales

STATE OF MINNESOTA
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Filed for the use of
of State of Minn. 9
of 9.4
Julius Selin
Secretary of State.