

SUPERIOR COURT. to C.C.FRESE.

In the Superior Court of the State of Washington for the County of Clarke.

Charles C. Trese, Plaintiff.

vs

Carl Francis Xavier Frese and Herman Xavier Frese, Defendants.  
minors,

FINDING AND DECREE.

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The above entitled cause coming on to be heard upon the report of the Referee, J.C. Waterman heretofore appointed herein, the plaintiff appearing by his counsel W. Byron Daniels, the defendants by their heretofore duly appointed Guardian Ad Litem M.F. Ellrich, Esq the Court having read and duly considered the said makes the following Finding of Facts.

I. That the plaintiff was a single and unmarried man untill the 20th day of May, A.D. 1871, Page 481 on which day he married Louisa Frese his wife and prior to the said marriage he acquired in his own right the title to three hundred and ninety six acres of land from the government of the United States in the County of Skamania State (Then Territory) of Washington and that he was on the said 20th day of May, A.D. 1871 legally married at Portland, Oregon, to the said Louisa whose maiden name was Louisa Harvey.

II. That three children were born as the fruits of said marriage as follows, Mary Loretta Frese who was born and died on the 28th day of March, 1872 (Carl Frances Xavier Frese) one of the defendants who was born on the 14th day of September, A.D. 1873, and Herman Xavier Frese the other of the Defendants who was born on the 21st day of March, A.D. 1876 and none others.

III. That the said wife Louisa Frese died intestate at Skamania County State of Washington on the 6th day of December A.D. 1888.

IV. That on or about the 4th day of March, A.D. 1884 the plaintiff sold and conveyed all of the said three hundred and ninety six acres of Land acquired by him aforesaid from the government of the United States in his own right for the sum of forty five hundred Dollars and thereafter out of the proceeds of said sale he purchased of <sup>Kinzey</sup> ~~Kinze~~ Marr the tract of Land Described in the complaint, as follows to-wit: Lot one (1) of Section three (3) Township one (1) North of Range six (6) East of W.M. and Lots two (2) and three (3) of Section thirty four (34), and the North East quarter of the South west quarter of said Section thirty four (34) in Township two (2) North of Range six (6) East of W.M. Containing in the aggregate 105.75/100 acres, and that the same was by the said Kinzey Marr conveyed in fee to the plaintiff on the 5th day of April, A.D. 1884 for the sum of one thousand Dollars which was by plaintiff paid out of the said proceeds of the sale of the ~~said~~ lands first wherein above referred to, but that the said conveyance did not upon its face and in terms purport to convey, to the plaintiff a separate Estate in the said lands, in Page 482 dependent of any interest of the said wife of Plaintiff.

V. That the plaintiff is in possession of said land purchased of said Marr and is entitled to the possession of the same, and that it is worth the sum of three Thousand Dollars at the present time.

VI. That the defendants are minors sons of the plaintiff and the said wife Louisa Frese and that they, have no interest or title whatsoever in said tract of 105.75/100 acres of land above described or in any part thereof whatsoever.

And the Court from the foregoing facts deduces the following:-

CONCLUSION OF LAW.