

Hickey Family

# The Cottage on Lake Minnetonka

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by Georgetta Hickey

Winston Churchill is credited with saying, "Those who fail to learn from history are doomed to repeat it." Often our study of family history and the stories of our ancestors provide unanticipated life lessons. If we pay attention to the details, we can benefit from the missteps of earlier generations.

In 2007, my husband Bill saw an obituary in the *Minneapolis Star Tribune* for his deceased father's cousin, George Hickey. By that time, I'd done enough family history research to know George was the last-surviving Hickey of his generation. I later accompanied Bill to the funeral home visitation; when he introduced himself to George's daughter, her first words were, "Oh, it was your father who got the cottage on Lake Minnetonka that my dad was supposed to inherit!"



(Uncle) William Hickey and (Nephew) William V. Hickey with a string of fish from Lake Minnetonka

This comment didn't come as a complete surprise. When I'd started to research Hickey family history, I'd found a carbon copy of the "Last Will and Testament of William Hickey."<sup>1</sup> I'd been puzzled by one of its clauses. Based on the funeral home comment, strong feelings remained, despite the passage of more than 60 years and the deaths of everyone directly involved.

## The Family of Patrick and Julia Hickey

The author of the will, William Hickey, was born 17 November 1866 in rural Ramsey County<sup>2</sup>, the seventh of nine children of Patrick Hickey and Julia (Ryan) Hickey.<sup>3</sup> William's next-older siblings were twins Patrick and Julia, born 25 January 1865<sup>4</sup> and named after their parents. William and Patrick and their sister Julia would play major roles in the story of the Lake Minnetonka cottage.

Their parents were born in Ireland - Patrick in County Tipperary and Julia in County Limerick.<sup>5</sup> The paths of Patrick Hickey and Julia Ryan crossed in Rock County, Wisconsin, where they married on 13 April 1856.<sup>6</sup> Shortly thereafter, Patrick and Julia moved to Ramsey County, Minnesota, and their first child was born there in 1857.<sup>7</sup> The 1870 and 1880 censuses show Patrick and Julia living in Vivian Township, Waseca County, Minnesota.<sup>8</sup> Patrick was a farmer, and Julia cared for their growing family. Patrick Hickey died in Vivian Township of heart disease at 64 years of age on 19 February 1884 and

was buried in St. Mary's Cemetery in Waseca County.<sup>9</sup>

An entry in the *Waseca Radical* reports Julia and her family moving to Minneapolis about four years later:

"The Hickey family, of Vivian, came in from that town Friday and left for Minneapolis Saturday. They expect to make that place their future home. They have lived long in Vivian, and it must seem like going from home for Mrs. Hickey, but the young people are eager to encounter the world, and think they can do better elsewhere which we trust and hope they can."<sup>10</sup>

The 1890 Minneapolis City Directory recorded "Julia Hickey (widow Patrick)" living at 705 N. 5<sup>th</sup> with seven children, including William and Patrick and "Miss Julia."<sup>11</sup> The two oldest Hickey daughters, Mary and

Margaret, had already married and left home before the family's move to Minneapolis.<sup>12</sup>

Julia and her unmarried seven children, ranging in age from 29 to 40, were still living together in Minneapolis in 1900.<sup>13</sup> By that time, son Patrick was a Minneapolis fireman, which would be his career for 32 years.<sup>14</sup>

Patrick married Catherine Quinn in Minneapolis on 25 September 1906,<sup>15</sup> and they had two children: William Victor, born 8 November 1907,<sup>16</sup> and Julia Rose, born 21 October 1909.<sup>17</sup> William Victor would become the father of my husband, William Patrick. There would be three generations with members bearing the names 'William Hickey' and 'Julia Hickey,' just to keep things challenging for subsequent researchers of the Hickey family's history!

Mother/grandmother Julia Hickey died in Minneapolis on 9 July 1908 at the age of 83 years<sup>18</sup> and was buried beside her husband in St Mary's Cemetery near Waseca.<sup>19</sup>

The 1910 census shows four Hickey siblings - James (age 49), Julia (age 45), William (age 43), and Michael (age 39) - living together at 1516 North Lyndale.<sup>20</sup> William was employed as a Minneapolis policeman, which would be his career for over 20 years.<sup>21</sup>

By 1920, the youngest brother (Michael), also now working as a fireman, had married and established



his own household next door at 1518 North Lyndale.<sup>22</sup> However, his place in the 1516 Lyndale household had been taken by 53-year old Anna O'Neil, a sister of the Hickey siblings.<sup>23</sup> Anna's husband had died in 1919.<sup>24</sup>

The oldest Hickey brother, James, who'd worked as a janitor at the state capitol in St. Paul, died 1 July 1921 from Progressive Bulbar Palsy (PBP),<sup>25</sup> a disease similar to Lou Gehrig's disease (ALS).

The 1930 census finds William, Julia and Annie still living together at 1516 North Lyndale.<sup>26</sup> William was still a Minneapolis policeman; Julia was working in a private home as a housekeeper. Annie was not shown as employed outside the home in either the 1920 or 1930 census.

### The Cottage in Tonka Bay

In July 1931, siblings William and Julia Hickey purchased a seasonal cottage in the village of Tonka Bay on Lake Minnetonka, where they spent time in the summer. They continued to maintain a principal residence in Minneapolis. They owned both their Minneapolis homestead and their Tonka Bay lake home as joint tenants with right of survivorship.<sup>27</sup>

Many family photographs were taken at the cottage.<sup>28</sup> Enough photos exist to identify many of the subjects. In a photo marked "Mtka - 1939," William and Julia are pictured with brother Patrick, his wife Catherine and their son William (Victor), apparently on a hot summer day. In another summer photo, "Uncle Bill" and the nephew named after him are pictured with a string of fish. Another photo, taken in a cooler season, shows "Uncle Bill" standing near the cottage with nephew William V. and his wife, Violet, who were married in 1937.<sup>29</sup> Violet's diaries, maintained from 1931-1938, show frequent trips to Lake Minnetonka to visit William V.'s aunt and uncle.<sup>30</sup>

"Aunt Julia" was diagnosed with spindle cell sarcoma of the elbow in late 1941,<sup>31</sup> and doctors removed her left arm. Records of St Mary's Cemetery in south Minneapolis indicate her arm was buried there in July, 1942.<sup>32</sup> However, surgery apparently did not stop the disease, and sarcoma was listed as the cause of her death, at age 77, on 10 February 1943.<sup>33</sup>

Family lore holds that "Uncle Bill" gave his nephew Bill a choice between inheriting the Minneapolis residence or the Lake Minnetonka cottage, and young Bill chose the latter. On 20 April 1943, the senior William Hickey prepared an "affidavit of survivorship,"<sup>34</sup> including a certified copy of Julia's death certificate, to terminate her joint tenancy in their real estate. A month later, on 20 May 1943, William transferred the lake cottage to Camilla P. Axelson,<sup>35</sup> who was likely a stenographer for the law firm,<sup>36</sup> for "one dollar and other valuable

considerations." On the same date, she transferred the property back to "William Hickey and William V. Hickey, Uncle and Nephew," as joint tenants.<sup>37</sup> Camilla was, in effect, a strawperson in the transaction, acting as a conduit for transferring the property to joint tenancy.

A strawperson is an individual to whom property is conveyed in order to facilitate a more complicated legal transaction. Under common law, property owners cannot transfer their own property to themselves, which complicates creating a joint tenancy with another party. The original owner therefore conveys the property to a strawperson (often a lawyer or the lawyer's secretary), who in turn creates a second deed conveying property back to the original owner and the desired new joint tenant(s).<sup>38</sup>

In July 1946, "Uncle Bill" was diagnosed with cancer of the esophagus.<sup>39</sup> "Considering the uncertainty of this frail and transitory life," William made his last will and testament on 16 September 1946.<sup>40</sup> A typed, three-page, carbon-copy of this will was found with other Hickey family documents and photographs. The will was witnessed by Frances S. Harrison and Geo. P. Madison. In it, William specified that his estate should be divided evenly among his 15 nieces and nephews, whom he named in Articles 2 through 6.

Then the mystery clause appears. Article 7 states, "In addition to the gift, devise, and bequest in Article 6 hereof, I give, devise and bequeath to George Hickey, my beloved nephew<sup>41</sup>, an undivided one-half interest in and to the following described real property in the Village of Tonka Bay..."

Attached to the copy of the will was a page entitled "Description of Contents of Safe Deposit Box,"<sup>42</sup> listing \$1,000 bank accounts established in July 1946 "in trust" for several of his (favorite?) nieces and nephews, as well as citing the original warranty deeds for William and Julia's real property in Minneapolis (dated 1935) and Tonka Bay (dated 1931).

William died a few months later on 14 January 1947 at age 80.<sup>43</sup> The executor of his will, Attorney Joseph Pinger, paid medical and funeral expenses, sold the Minneapolis residence (for \$7,500), liquidated various investments, and duly divided the proceeds among William's 15 nieces and nephews according to the terms of the will.<sup>44</sup> The six nieces and nephews who were recipients of the \$1,000 (plus interest) bank accounts received \$1,594.76 each; the remaining nine heirs received \$587.20.

However, in his final report for the estate, Attorney Pinger did not address the half-interest in the lake cottage William willed to nephew George Pinger, noting only that the deceased had "further provided for the distribution of real property in the Village of Tonka

Bay... which property was not included in the inventory filed herein."<sup>45</sup> What did that mean?

The May 1943 deed had placed the Tonka Bay property in joint tenancy, which involves a "right of survivorship." This means when one owner dies, the property passes by operation of law to the surviving owner, who receives sole ownership of the asset. What a will says is irrelevant.<sup>46</sup> The cottage on Lake Minnetonka was excluded from "Uncle Bill's" estate because it passed to his nephew Bill immediately upon the elder William's death.

Attorney Pinger's final report included a computation of the amount of state inheritance taxes due from the heirs receiving more than \$1,000<sup>47</sup>. George Hickey paid no inheritance tax and apparently received only \$587.20 when the estate was closed. "Uncle Bill" had not included George when he set up the special \$1,000 bank accounts. In lieu of the extra cash, had "Uncle Bill" decided to give nephew George a half-interest in the lake cottage?

In willing half the Lake Minnetonka property to George, it appears "Uncle Bill" did not fully understand the implications of his 1943 deed granting joint tenancy to nephew Bill. Did serious health problems affect his memory or judgment? Did he believe he'd given nephew Bill just the half-interest that had belonged to the deceased "Aunt Julia"? Did "Uncle Bill" really think his nephews George and Bill should co-own the property?

It's certainly possible George had become closer to "Uncle Bill" as a young adult, while Bill and Violet were busy with their young children. George was about 10 years younger than his cousin Bill.<sup>48</sup> George was 29 years old when his uncle died; Bill was 39. George did not marry until 1951,<sup>49</sup> so he likely had more free time to spend with his uncle during the years 1943-1947. We can only conjecture about who was "Uncle Bill's" favorite nephew at the time he was drawing up his will.

Had "Uncle Bill" failed to get adequate legal advice when creating his last will and testament? Perhaps more information about the witnesses to the will would shed light on the situation. The 1946 Minneapolis city directory showed witness Frances S. Harrison as office secretary for Harrison Services. The business, owned by Norman B. Harrison, provided publishing services.<sup>50</sup> One could reasonably assume Frances, as office secretary, was a good typist. The second witness, George P. Madison, worked as an accountant for the Chas. H. Preston accounting firm in downtown Minneapolis.<sup>51</sup>

During the last months before his death, William resided at the Andrews Hotel, located at the corner of Fourth Street and Hennepin.<sup>52</sup> The Chas. H. Preston accounting firm maintained its offices at 12 South 6<sup>th</sup> Street<sup>53</sup>, only two blocks away. William may have walked there for

assistance in preparing his will.

According to the 1946 city directory, Leigh C. Harrison was one of the managing partners of the Preston CPA firm. The involvement of three individuals named Harrison probably wasn't a coincidence. Frances Harrison was Norman Harrison's daughter;<sup>54</sup> Leigh Harrison and Frances Harrison resided at the same address in 1946<sup>55</sup>. Someone in the Harrison family was likely known personally and trusted by "Uncle Bill." It appears Frances typed the will, including at least one carbon copy, and possibly George Madison (or another Chas. H. Preston accountant) gave William professional advice.

It seems clear "Uncle Bill" did his estate-planning in small pieces - first creating a joint tenancy deed on the cottage in 1943, then establishing the \$1,000 bank accounts for selected nieces and nephews in July 1946, then preparing his will in September 1946. There is no evidence an attorney or other estate/property law specialist looked at the whole picture to ensure the senior William's intentions were carried out.

Property law can be complicated, and it's not uncommon for people to misunderstand or misremember how their property is titled. Further, legal requirements vary by state. In Minnesota, however, properly-executed warranty deeds always have priority over wills.<sup>56</sup>

**DESCENDANTS OF PATRICK HICKEY AND  
JULIA RYAN HICKEY**

(Note: Includes only partial listing of 3rd generation)

1	Patrick Hickey	1819 - 1884
.....	+ Julia Ryan	1827 - 1908
.....2	Mary Josephine Hickey White	1857 - 1943
.....2	Margaret Hickey Kehoe	1858 - 1942
.....2	James Hickey	1860 - 1921
.....2	Honora "Annie" Hickey O'Neil	1862 - 1949
.....2	Julia Hickey	1865 - 1943
.....2	Patrick Hickey	1865 - 1940
.....+	Catherine Quinn	1873 - 1948
.....3	William Victor Hickey	1907 - 1981
.....3	Julia Rose Hickey	1909 - 1968
.....2	William Hickey	1866 - 1947
.....2	Ellen "Nell" Hickey Aubart	1869 - 1960
.....2	Michael Hickey	1871 - 1949
.....+	Alma Morin	1885 - 1973
.....3	Son	1913 - 1981
.....3	Daughter	1916 - 1987
.....3	George Bernard Hickey	1917 - 2007
.....3	Son	1923 - 1971

clusive. We'll never know what thought processes were or exactly how the will came to be prepared, nor can we document what transpired between cousins Bill and George after their uncle's death. However, the undeniable fact is the Lake Minnetonka property remained in William V. Hickey's

## Sources:

1. Typed carbon copy of will in the possession of the author.
2. Minnesota Certificate of Death, Hennepin County, 1947-18909, William Hickey.
3. Hickey family Bible in the possession of the author.
4. Minnesota Certificate of Death, Hennepin County, 1940-18319, Patrick Hickey; Minnesota Certificate of Death, Hennepin County, 1943-18617, Julia Hickey.
5. Minnesota Certificate of Death, Hennepin County, 1943-18617, Julia Hickey.
6. Pre-1907 Wisconsin Marriage Record, Rock County, Vol. no. 1, Page 27, Patrick Hickey and Julia Ryan.
7. Hickey family Bible, in the possession of the author; 1860 U.S. Census, Ramsey County, Minnesota, New Canada Township, page 276.
8. 1870 U.S. Census, Waseca County, Minnesota, Vivian Township, page 1; 1880 U.S. Census, Waseca County, Minnesota, Vivian Township, page 11.
9. Waseca County Death Register, Book A/25/39, pages 1 and 2; *Waseca Radical*, 27 February 1884, page 4; Transcription of Minnesota Cemeteries (www.Dalbydata.com), St. Mary's Cemetery, Waseca.
10. *Waseca Radical*, 16 May 1888, page 5.
11. 1890 *Davison's Minneapolis Directory*, pages 595-596.
12. Hickey family Bible in the possession of the author.
13. 1900 U.S. Census, Hennepin County, City of Minneapolis, Ward 5, page 28A.
14. Patrick Hickey obituary, "Deaths and Funerals", *Minneapolis Star*, 18 January 1940, p.14, col. 1.
15. Marriage License and Certificate, Patrick Hickey and Catherine Quinn, Hennepin County, Marriage Record book 116, page 426.
16. Minnesota Certificate of Birth, 1907-33727, "Babe" Hickey; Hickey family Bible in the possession of the author.
17. Minnesota Certificate of Birth, 1909-43952, "Babe" Hickey; Hickey family Bible in the possession of the author.
18. Minnesota Certificate of Death, Hennepin County, 1908-17150, Julia Hickey.
19. Transcription of Minnesota Cemeteries (www.Dalbydata.com), St. Mary's Cemetery, Waseca.
20. 1910 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 15A.
21. 1920 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 5B; 1930 Minneapolis City Directory, page 753; 1930 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 6A.
22. 1920 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 5B.
23. 1920 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 5B.
24. Minnesota Certificate of Death, Hennepin County, 1919-20432, John O'Neil.
25. Minnesota Certificate of Death, Hennepin County, 1921-18689, James Hickey.
26. 1930 U.S. Census, Hennepin County, City of Minneapolis, Ward 3, page 6A.

name, and his family enjoyed use of the cottage for many years.

Genealogical inquiries can take us only so far, and sometimes parts of the story must remain a mystery. But, attention to details, we can learn from the missteps of our ancestors.

27. Warranty deed no. 1795939, dated 20 April 1935, Hennepin County, Book 1363, page 471.
28. Photographs in the possession of the author.
29. Hickey family Bible in the possession of the author.
30. Violet Hickey's diaries in the possession of the author.
31. Minnesota Certificate of Death, Hennepin County, 1943-18617, Julia Hickey.
32. St Mary's Cemetery Burial Records, "Arm of Julia Hickey" buried 9 July 1942.
33. Minnesota Certificate of Death, Hennepin County, 1943-18617, Julia Hickey.
34. Affidavit of Survivorship, dated 20 April 1943, Miscellaneous Records Book 429, Page 84, Doc no. 2180496.
35. Warranty Deed, dated 20 May 1943, Book 1720, Page 638, Doc no. 2420534.
36. 1930 U.S. Census, Hennepin County, City of Minneapolis, Ward 8, page 17A. Camilla Axelson, age 30, was employed as a stenographer in an attorney's office.
37. Warranty Deed, dated 20 May 1943, Book 1746, Page 56, Doc no. 2420535.
38. Definition of "strawperson", from *Wikipedia, The Free Encyclopedia* (www.Wikipedia.org).
39. Minnesota Certificate of Death, Hennepin County, 1947-18909, William Hickey.
40. Copy of the will in the possession of the author.
41. George was a son of William's younger brother, Michael, as described in Article 6 of the will.
42. Copy of the will in the possession of the author.
43. Minnesota Certificate of Death, Hennepin County, 1947-18909, William Hickey.
44. Probate file of William Hickey, Hennepin County, File no. 067600.
45. Probate file of William Hickey, Hennepin County, File no. 067600.
46. Interview with Attorney Freya Ottem Hanson, 15 June 2011; interview notes retained by author.
47. Probate file of William Hickey, Hennepin County, File no. 067600.
48. Minnesota Certificate of Birth, Hennepin County, 1917-45669, unnamed baby, surname Hickey, mother's maiden name Morin.
49. Minnesota Official Marriage System (MOMS), Marriage of George Bernard Hickey and Lucille Julia Safranski, 1951 October 13, certificate 598 0101 (www.mncounty.com)
50. 1946 Minneapolis City Directory, page 524.
51. 1946 Minneapolis City Directory, page 1060.
52. Minnesota Certificate of Death, Hennepin County, 1947-18909, William Hickey.
53. 1946 Minneapolis City Directory, page 1060.
54. 1930 U.S. Census, Hennepin County, City of Minneapolis, Ward 8, page 3B.
55. 1946 Minneapolis City Directory, page 524.
56. Interview with Attorney Freya Ottem Hanson, 15 June 2011; interview notes retained by the author.