

JUL 26 2001

NAT. REGISTER OF HISTORIC PLACES
OMB NATIONAL REGISTER SERVICE

NPS Form 10-900
(Rev. 10-90)

United States Department of the Interior
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM

951

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1. Name of Property

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historic name Cemetery Patent 110

other names/site number Bezion Cemetery; Secondine Cemetery; California Creek Cemetery; Delaware Cemetery

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2. Location

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street & number County Road 412, 3.25 miles north of intersection with US 60
not for publication N/A city or town Delaware vicinity X
state Oklahoma code OK county Nowata code 105 zip code 74027

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this X nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide X locally. (N/A See continuation sheet for additional comments.)

[Signature] July 23, 2001
Signature of certifying official Date

Oklahoma Historical Society, SHPO
State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official Date

State or Federal agency and bureau

4. National Park Service Certification

I, hereby certify that this property is:

- entered in the National Register Entered in the National Register 9.9.01
 See continuation sheet.
- determined eligible for the National Register _____
- See continuation sheet.
- determined not eligible for the National Register _____
- removed from the National Register _____
- other (explain): _____

Signature of Keeper Date of Action

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5. Classification

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Ownership of Property (Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property (Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

Contributing	Noncontributing	
<u>0</u>	<u>0</u>	buildings
<u>1</u>	<u>0</u>	sites
<u>0</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>1</u>	<u>0</u>	Total

Number of contributing resources previously listed in the National Register 0

Name of related multiple property listing (Enter "N/A" if property is not part of a multiple property listing.) N/A

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6. Function or Use

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Historic Functions (Enter categories from instructions)

Cat: FUNERARY Sub: cemetery

Current Functions (Enter categories from instructions)

Cat: FUNERARY Sub: cemetery

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7. Description

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Architectural Classification (Enter categories from instructions)

N/A

Materials (Enter categories from instructions)

foundation N/A

roof N/A

walls N/A

other _____

Narrative Description (Describe the historic and current condition of the property on one or more continuation sheets.)

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8. Statement of Significance
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Applicable National Register Criteria (Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations (Mark "X" in all the boxes that apply.)

- A owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or a grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance (Enter categories from instructions)

EXPLORATION/SETTLEMNT
ETHNIC HERITAGE: NATIVE AMERICAN

Period of Significance 1867-1940

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8. Statement of Significance (Continued)
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Significant Dates N/A

Significant Person (Complete if Criterion B is marked above)
N/A

Cultural Affiliation N/A

Architect/Builder N/A

Narrative Statement of Significance (Explain the significance of the property on one or more continuation sheets.)

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9. Major Bibliographical References
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(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

- Previous documentation on file (NPS)
 preliminary determination of individual listing (36 CFR 67) has been requested.
 previously listed in the National Register
 previously determined eligible by the National Register
 designated a National Historic Landmark
 recorded by Historic American Buildings Survey # _____
 recorded by Historic American Engineering Record # _____

- Primary Location of Additional Data
 State Historic Preservation Office
 Other State agency
 Federal agency
 Local government
 University
 Other

Name of repository: _____

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10. Geographical Data
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Acreage of Property 2

UTM References (Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing	Zone	Easting	Northing
1	<u>15</u>	<u>262130</u>	<u>4071630</u>	3	<u> </u>	<u> </u>
2	<u>N/A</u>	<u>See continuation sheet.</u>		4	<u> </u>	<u> </u>

Verbal Boundary Description (Describe the boundaries of the property on a continuation sheet.)

Boundary Justification (Explain why the boundaries were selected on a continuation sheet.)

=====
11. Form Prepared By
=====

name/title Edna L. and Claude L. Havens

organization _____ date 5/11/01

street & number 6641 SE Castle Court telephone (918) 333-3428

city or town Bartlesville state OK zip code 74006-9016

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Additional Documentation
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Submit the following items with the completed form:

Continuation Sheets

Maps

- A USGS map (7.5 or 15 minute series) indicating the property's location.
- A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items (Check with the SHPO or FPO for any additional items)

USDI/NPS NRHP Registration Form
Cemetery Patent 110
Nowata County, Oklahoma

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Property Owner
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(Complete this item at the request of the SHPO or FPO.)

name Board of County Commissioners, Nowata County

street & number 229 North Maple, County Commissioners Office

telephone _____ city or town Nowata state OK zip code 74048

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Cemetery Patent 110
name of property
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county and State

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SUMMARY

Cemetery Patent 110 (more commonly known as Bezion cemetery) is a rectangular plot of land, 264' by 330', located on the east side of County Road 412, also known as California Creek Road. The cemetery is west of California Creek on a fairly flat piece of ground on the edge of the prairie. The surrounding terrain is rolling prairie land. There are a number of native trees in the cemetery, which is laid out in rows. The cemetery is covered with native prairie grasses that are mowed periodically. The markers consist of headstones and footstones of various materials, laid out in rows facing east/west.

Cemetery Patent 110 was created by an act of Congress from unallotted land of the Cherokee Tribe of Indians. A patent cemetery is public land set aside for the burial of American Indians. These lands were never part of any allotment.

An Act of Congress approved in June, 1913 (38 Stat. L, 77-96) transferred ownership of the patent cemeteries from the Cherokee Nation to the State of Oklahoma and the Nowata County Commissioners. For an unknown reason, this document was not recorded in the Nowata County Courthouse records. Ownership of Cemetery Patent 110 was finally established 28 August, 2000.

The period of significance for the cemetery runs from its establishment in 1867 to 1940, the period of most activity in the cemetery. There have been occasional burials since that time, but for the most part the cemetery reflects the late 19th and early 20th century period.

DESCRIPTION

Cemetery Patent 110 is rectangular in shape, measuring 264 feet by 330 feet. The entrance is located on County Road 412, California Creek Road, which runs north and south along the west side of the cemetery. A barbed wire fence with oil field pipe corner posts surrounds the cemetery.

The cemetery features native grasses and introduced flowers. There are also several trees - cedar, oak, and hackberry. Most of these appear to be volunteer growth, but at the center of the cemetery are two giant cedars, probably planted near the end of the 19th century. There are also two large cedars near the northwest corner. Hackberries and oaks are clustered about the

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periphery of the cemetery.

Iris, peonies, and rose bushes have been planted on individual graves. Tiger lilies grow uncontrolled near the center of the cemetery, near the two stately cedars. The bulk of the cemetery is covered in native grasses and is mowed on occasion by the Nowata County District 2 Commissioner.

There is no known plat or record of all of those buried in the cemetery. While the stones are laid out in a linear fashion, facing east/west, there is seemingly no established pattern. Most graves are grouped together by families with individual gravesites scattered throughout the cemetery. When the cemetery was to be turned over to the state by the Cherokee Nation in 1914, there were an estimated 300 burials. This indicates most of the burials occurred between 1867 and 1914. A 1970 census of the cemetery and later research has identified only a total of 174 burials. Only 18 burials have occurred since 1941, with most of those being in the 1940s and 1950s.

The grave markers for Cemetery Patent 110 reflect the styles and types popular during the life of the cemetery. Limestone and granite markers dominate, with some sandstone and concrete markers as well. Many of the older graves also display footstones. Most of the markers have been carved by professionals. There are also many that are made from concrete, some being blank and some inscribed with various amounts of information. A number of graves are marked with stones with no identification.

Markings on the headstones is typical for grave markers of their period. Standard themes - open bibles, doves, praying hands - mark many of the stones. There are a few that exhibit carvings that are more associated with tribal icons and themes, including one badly eroded stone that includes both Indian designs and lettering.

The orientation of the stones is typical for most Christian burials. The stones face west, while the bodies within the graves face east. This is contrary to the original custom of the Delaware tribe, which traditionally buried their dead with the head at the east, facing west. This is a tradition shared with the Quapaw and Osage tribes. Only two extant stones in the cemetery follow this tradition, the markers for Alfred and Willie Secondine, who died in 1892 and 1893, respectively. It is not known how many of the unmarked, earlier graves had burials in the traditional Delaware method.

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ALTERATIONS

The cemetery is surrounded by a barbed wire fence. Although newer, this fence replaces one that was originally installed in the early 1930s to keep cattle from despoiling the graves. Over the years, fill dirt was brought in to level some ground. This aided in mowing, but also covered traces of unmarked burials. Since 2000, a wood and iron sign reading "BEZION" was erected near the front of the cemetery and a couple of modern headstones were purchased to replace broken or missing stones on some graves. Still, Cemetery Patent 110 retains a high degree of integrity and reflects the historic appearance of the period of significance.

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SUMMARY

Cemetery Patent 110 is significant for its association with the Delaware Tribe of Indians, their final removal to Indian Territory, and their adoption by the Cherokee Nation. The cemetery came into being not long after the Delaware Tribe moved from its former lands in Kansas into its newly acquired lands in the Cherokee Nation. One of the few Patent Cemeteries left that remains almost exclusively used by Native Americans, the cemetery tells an important story in the relocation and acculturation of the Delaware Tribe. Cemetery Patent 110 is thus eligible for the National Register of Historic Places under Criterion A, and as a cemetery of special significance in the Delaware lands, is eligible under Criteria Consideration d.

HISTORICAL BACKGROUND

The Delaware Tribe of Indians had its ancestral home in lands in the eastern United States in what is now New Jersey, New York, Pennsylvania, and Delaware. In their own language, they are referred to as the Lenape or Lenni-Lenape, meaning original men or people. They were called the Delaware by English colonials who encountered them first. The English recognized the importance of the tribe among the other Algonquian-speaking tribes. Among other tribes, the Delaware were often referred to as "Grandfather," known for their wisdom and wise council.(1)

The Delaware Tribe and the colonists lived peacefully in close relation to each other for many years, until the ever-expanding colonies began to intrude on the tribal lands. Treaties between the Delaware and associated tribes and the English began in 1742, with the agreement that the tribe would move westward, to the basin of the Susquehanna River. This move satisfied the land-greedy colonials for a short time. Then in 1751, the Delaware moved west of the Alleghenies at the invitation of the Huron tribe. They settled in Ohio, along the Muskingham River and along with them came Moravian Christian Missionaries.

As the American Revolution began to take shape, the Delaware Tribe tried to remain peaceful and neutral. They had begun to embrace the Christianity of the Missionaries and wished to live a peaceful life in their new lands. Fortunes

1 "Bluebloods Among the Redmen," *Daily Oklahoman*, Oklahoma City, 12 April, 1931.

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of war, though, dragged them into a treaty with the new United States. At Fort Pitt, in 1778, the Delaware Tribe and the United States signed their first treaty. It sought a peaceful coexistence between the United States and the Delaware Nation and encouraged other tribes to join with the Delaware and respect their leadership. The treaty encouraged a confederation of tribes and hinted at the eventual creation of a Delaware "state" with a representative in Congress. (2)

The United States, weak as it was, looked to tribes like the Delaware as allies who could watch the frontiers. As the US grew in power, these treaties were ignored and the hope for a Delaware state dwindled. The Tribe was forced to move again, not by the whites, but by tribes that were hostile to it and the US. They eventually moved west to Sandusky Bay, Ohio. Life there was hard, and conditions warranted another move. In 1789, the tribe began to break up, with some bands moving west and north and one band remaining in Ohio. One band moved to Canada and another moved west with the "Absentee Shawnee" to Missouri and Arkansas which were Spanish possessions at that time. (3)

The main band of the Delaware stayed on in Ohio before being forced slowly west, settling in parts of Indiana where they left many place names. It was there that the tribe began to mingle with the Munsee tribe prior to moving west of the Mississippi. By 1830, the Delaware left in Ohio and Indiana had split into two bands, one joining the Cherokee near Fort Gibson in Indian Territory and the other to lands around Eldorado, Kansas. Here, in Kansas, they were promised a home forever, although the woodland-dwelling tribe was somewhat disappointed to be located out on the open prairie.

The bulk of the Delaware tribe thus was located on reserved lands in Kansas, where they set up communities and created successful farms. Of course, the inevitable push of white settlers began to pressure the tribe and the federal government did little to stop the thieving, intimidation, and murder. By 1860, the tribe began active negotiations with the Cherokee Nation to acquire land in their territory. A delegation from the Delaware tribe met with Cherokee Chief John Ross in order to negotiate the purchase of "200 sections of land and to

² *Ibid.*

³ *Ibid.* By 1820, the band that associated with the Shawnee had ended up in Texas. The Delaware numbered about 700 and stayed on to play an important role in the formation of the Texas Republic and later the state of Texas.

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become citizens of the Cherokee Nation."(4)

The Civil War intervened in any planned moves. The Delaware Tribe aligned themselves with the Union and many Delaware men served with the Union army. However, the war was not kind to the tribe. Even siding with the winning side, the people suffered privations at home as the war brought strife to their doorsteps. The treatment of the tribes by the federal government, even the loyal tribes, after the war led to the Delaware actively seeking new lands in Indian Territory.

Increased pressure from white settlers eventually forced the tribe off of its Kansas lands, to seek refuge among the Cherokee. In 1866, the Lenni Lenape made their final move.

The Cherokee agreed to sell a strip of land east of the 96th meridian to the tribe. The initial purchase was from the "Kansas line at the 96th meridian, thence east 10 miles, south 30 miles, west 10 miles, thence north to the point of beginning."(5)

Individuals who were on the tribal roll as of 16 February, 1867 would be allowed to purchase 160 acres. The total purchase was 157,000 acres at a cost of \$1 per acre. At the time, there were 985 Delaware on the official roll.(6)

The tribal lands were located in the Cooweescoowee District of the Cherokee Nation, in what are now Washington and Nowata counties. The tribe settled primarily along the Verdigris and Caney rivers. The last of the independent Delaware Chiefs was Charles Journeycake. After moving, the tribal members were given citizenship in the Cherokee Nation, and an agreement allowed for the purchase of a "headright." This would allow the holder to participate in any funds or annuities, rights and immunities, the same as a native Cherokee. The cost was \$123.(7)

The Delaware tribe still retained most of its identity within the Cherokee Nation, but there was inevitably intermingling. The Dawes Commission counted

4 Untitled Article, *Cherokee Observer*, Tahlequah, Oklahoma, Vol. 2, February 1993. Found in Oklahoma Historical Society vertical files.

5 Legron, Grettelle, "The Story of the Delaware" Unpublished, Undated. OHS vertical files.

6 *Cherokee Observer*.

7 *Ibid*.

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only 197 full blood Delaware that had come from Kansas.

Charles Journeycake died in 1894, leaving behind a brief story of his tribe's trials and tribulations in 1886:

We have been broken up and moved six times; we have been despoiled of our property. We thought when we moved across the Missouri River and had paid for our homes in Kansas we were safe, but in a few years the white man wanted our country. We had good farms, built comfortable houses and big barns. We had schools for our children and churches where we listened to the same gospel the white man listens to. The white man came into our country from Missouri, and drove our cattle and horses away and if our people followed them they were killed. We try to forget these things, but we would not forget that the white man brought us the blessed gospel of Christ, the Christian's hope. This more than pays for all we have suffered. (8)

In their new home, the Delaware Tribe continued in the living activities that they had established in Kansas. They built barns and homes, churches, schools, and towns. They filled cemeteries with their dead. Life was not easy, and many infants and young mothers died untimely deaths. Eventually, the tribe became established and if not prosperous, at least stable. The Delaware Tribe of Indians remained citizens of the Cherokee Nation but retained official recognition by the US government until 1979, when at the request of the Cherokee Tribe, recognition was removed. The Bureau of Indian Affairs, upon further deliberation, restored recognition in 1996.

SIGNIFICANCE

Exploration/Settlement

When the Delaware Tribe purchased land in the Cooweescoowee district of the Cherokee Nation in 1867, there was little settlement in the area. The tribe settled in a dispersed pattern on their lands, with family groups often in close proximity to each other. There were few villages or "urban" areas; the settlement was primarily in unit block farms. The primary community was Alluwe, which started out as a small trading post. Soon additional stores, a

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church, and a school were erected, along with numerous homes. This was the home of Chief Charles Journeycake. Alluwe thrived, experiencing a boom in growth when oil was discovered nearby. Creation of Oologah Lake in 1950 inundated the town. The citizens moved to New Alluwe, just east of the original site. Creation of the lake also meant that a number of original Delaware Indian cemeteries had to be moved as well, including those that contained the graves of Charles Journeycake and other notable tribal leaders.(9)

There are few places left in the Delaware lands that represent the early move into what is now Oklahoma. Important properties related to the initial settlement in Oklahoma have deteriorated and disappeared. Settlements like Alluwe have disappeared under water or have experienced such change that they no longer convey their historical significance. Cemetery Patent 110 is the only remaining Patent Cemetery that retains its historic significance. With its earliest headstone dating to 1872 and the bulk of its burials between 1867 and 1915, Cemetery Patent 110 is one of the few untouched places that can be directly associated with the removal of the Delaware Tribe of Indians from Kansas to the Cherokee Nation.

ETHNIC HERITAGE/NATIVE AMERICAN

Cemetery Patent 110 is an important location in the lands of the Delaware Tribe of Indians. It was created by an act of Congress for the burial of American Indians, who were considered wards of the United States government. The patent was created in land originally owned by the Cherokee Nation, in an area that would become the property of the Delaware Tribe of Indians.

The Delaware Tribe of Indians ended up in the Cooweescoowee District of the Cherokee Nation after a number of upheavals and treks west from their original lands along the eastern seaboard. For over 120 years, the tribe had been on the move. Along the way, bands split off and there was a mingling with other tribes. Ever present were the Christian missionaries who successfully converted the tribe. By the time the tribe had settled in what they thought would be their permanent home in Kansas, they had adopted many of the traditions and ways of life of the white man. They still, however, retained a

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grip on their own culture and traditions, and were fiercely proud of their heritage as the "grandfather" tribe.

As in many cultures, there are special ceremonies associated with the burial of the dead and maintenance of graves. The Delaware Indians had a burial ritual that lasted several days. Traditionally, bodies were interred with the head at the east, facing west. There are, however, only two such graves identified in the cemetery. For the most part, the marked stones follow the Christian custom of having the bodies face the east.

Visitations to the cemetery could be special affairs. A reminiscence of the early part of the century:

"Granny Grace told me when she was young, families would come in their wagons on Decoration Day to clean the cemetery. They would bring fresh flowers, iris, roses, and peonies, usually in tin cans for the graves. Everyone would work all morning. They used scythes, rakes, and hoes. Someone usually burned the cemetery in the fall or early spring. Saw horse tables would be set up under the trees along the front of the cemetery. There always seemed to be a south breeze. Everyone brought food for the noon meal. She said she had ironed many a white table cloth with irons heated on a wood stove for the tables. The preacher would give a short sermon before they ate. After they ate, the children were allowed to play. The men and women would visit. Around chore time everyone went home."(10)

Cemeteries were an important site that tied the Delaware Tribe to its ancestors and traditions. As more and more "white" ways crept into their daily lives, gathering and remembering their ancestors became an important cultural activity.

Cemetery Patent 110, also known as the Bezion Cemetery, is the only original, untouched, unmoved patent cemetery in the Delaware tribal lands that has remained wholly Indian. The majority of the interments are of the Delaware tribe, but there are some Cherokee. The list of names of those buried in Cemetery Patent 110 includes many prominent Delaware families - Secondine, Armstrong, Bezion, Smith, Miller, Tonganoxie and many others.

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With the adoption of the Delaware Tribe by the Cherokee Nation, and the subsequent acculturation of the tribe into an increasingly white world, there are few places left that can be directly associated with the tribe during the years after their removal to Oklahoma. Cemetery Patent 110 is such a place. It also retains a high degree of integrity and accurately reflects its significance to the Delaware Tribe.

Cemetery Patent 110 is eligible for inclusion in the National Register of Historic places under Criterion A, for its significance as a representative of the period of the Delaware Tribe's removal to Oklahoma and for its close cultural association with the tribe. As a cemetery, it falls under Criteria Consideration D, but weighs its significance in terms of its age and cultural affiliation.

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VERBAL BOUNDARY DESCRIPTION

Beginning at a point twenty-six (26) chains north of the southwest corner of Section One (1), Township Twenty-six (26) North and Range Fifteen (15) east; thence north Four (4) chains; thence east Five (5) chains; thence south Four (4) chains; thence west Five chains (5) to the point of beginning, lying in Section One (1), Township Twenty-six (26) North and Range Fifteen (15) east of the Indian Base and Meridian containing Two (2) acres more or less.

BOUNDARY JUSTIFICATION

The boundary includes all of the property legally described as Cemetery Patent 110.