

MOTION FILED

OCT 13 1964

---

In The  
**Supreme Court of the United States**

October Term, 1964

---

No. 17, Original

---

STATE OF NEBRASKA, PLAINTIFF,

V.

STATE OF IOWA, DEFENDANT.

ROY M. HARROP, INTERVENOR

---

**MOTION FOR LEAVE TO FILE PETITION OF  
INTERVENTION, STATEMENT IN SUPPORT  
OF MOTION AND PETITION OF  
INTERVENTION.**

---

ROY M. HARROP, Atty.-At-Law

1822 Emmet Street,  
Omaha, Nebraska  
Member of the Bar, Supreme  
Court of the United States,  
State of Nebraska  
State of Iowa

WALTER A. NIELSEN, Atty.-At-Law

4832 Farnam Street,  
Omaha, Nebraska, 68132  
Member of the Bar,  
State of Nebraska,  
Federal Court, District of Nebraska  
*Counsel for Intervenor*



## **INDEX**

### **Subject Index**

	Page
Motion for Leave to File Petition of Intervention, Statement in Support of Motion .....	1
Certificate of Mailing .....	4
Statement of Case of Intervenor .....	4
Petition of Intervention .....	9
Certificate of Service .....	15
Appendix A .....	16
Appendix B .....	20

### **Cases Cited**

New Jersey v. New York, 345 U. S. 369 .....	1, 10
Schroeder v. Freeland, 188 Fed. 2d 517 (CCA 8th Dist. 1951) .....	8

### **Constitution Cited**

Article III, Section 2, Clause 2, of the Constitution of the United States .....	2, 9
Article IV, Section 1, of the Constitution of the United States .....	2, 6, 7
Article XIV, Section 1 of the Constitution of the United States .....	6, 7

### **Statutes Cited**

28 U. S. C., Sec. 1251 (a) (1) (1948) .....	2, 9
Title 28, Section 1738 United States Code, Chapter 330 United States Statutes at Large (1943) .....	2, 6
Section 22-194 of the Revised Statutes of the State of Nebraska, 1943 .....	2
Section 3 of the Iowa-Nebraska Boundary Compact of 1943 .....	2, 5, 6, 7, 8, 10, 11, 12



**In The  
Supreme Court of the United States**

**October Term, 1964**

---

**No. 17, Original**

---

STATE OF NEBRASKA, PLAINTIFF,

V.

STATE OF IOWA, DEFENDANT.

ROY M. HARROP, INTERVENOR

---

**MOTION FOR LEAVE TO FILE PETITION  
OF INTERVENTION, STATEMENT IN  
SUPPORT OF MOTION.**

---

1.

COMES now the intervenor, Roy M. Harrop, Et Al., and moves the Court for leave to file his Petition of Intervention in the case directed hereto.

2.

That intervenor has such a compelling interest (*New Jersey v. New York*, 345 U. S. 369) not represented by the State of Nebraska in that he was impleaded with John Schroeder, as one of the Appellants in the October Term 1961 Case designated in the files of the United

States Supreme Court as No. 357, which by reference is made a part hereof as fully as if set out verbatim, to-wit:

JOHN SCHROEDER, Et Al., APPELLANTS,

V.

HOMESTEAD CORPORATION, APPELLANTS,

Impleaded with

MARGARET A. WILLIAMS, Et Al., APPELLEES.

APPEAL FROM THE SUPREME COURT OF  
NEBRASKA.

3.

Intervenor further shows to the Court that this action is brought under the authority of Article III, Section 2, Clause 2, of the Constitution of the United States; and 28 U. S. C., Sec. 1251 (a) (1) (1948) Sec. 1257 (2); and Article IV, Section 1; Article XIV, Section 1 of the Constitution of the United States; and the Iowa-Nebraska Boundary Compact of 1943, approved by the Congress of the United States, Title 28, Section 1738 United States Code, Chapter 330 United States Statutes at Large (1943); Section 22-194 of the Revised Statutes of the State of Nebraska, 1943.

4.

The declared intervenor, Roy M. Harrop, is the surviving joint tenant of the property described in the action above enumerated, and the solution of the matters therein stated at this time will at once dispose of all of the boundless and vexatious land disputes arising out of the *Stabilization of the Missouri River channel by the United States Corps of Engineers under the author-*

*ity of the Iowa-Nebraska Boundary Compact of 1943,  
approved by the Congress of the United States.*

5.

WHEREFORE, it is respectfully prayed that this Honorable Court grant this Motion for leave to file this Petition of Intervention.

ROY M. HARROP  
Attorney for Intervenor  
Member of the Bar,  
Supreme Court of the  
United States

WALTER A. NIELSEN  
Attorney for Intervenor  
Member of the Bar,  
State of Nebraska,  
Federal Court,  
District of Nebraska

## **CERTIFICATE OF MAILING**

### **PROOF OF SERVICE**

I, Walter A. Nielsen, one of the attorneys for Intervenor, hereby certify that on September 29, 1964, I served a copy of the foregoing Motion for leave to file a Petition of Intervention, by depositing same in the United States Post Office, with first class postage prepaid, addressed to:

HONORABLE EVAN L. HULTMAN, Attorney  
for Defendant,  
Attorney General of the State of Iowa  
State Capitol,  
Des Moines, Iowa,  
and

CLARENCE A. H. MEYER, Attorney  
for Plaintiff  
Attorney General,  
State of Nebraska,  
State Capitol Building,  
Lincoln, Nebraska.

WALTER A. NIELSEN  
One of the Attorneys for  
Intervenor.

---

## **STATEMENT OF CASE OF INTERVENOR**

### **1.**

Intervenor herein in support of his Motion declares that he has participated in considerable litigation concerning large tracts of property located in Harrison County, Iowa; that the District Court of Harrison County, Iowa, Case No. 18,376, rendered a declaratory



judgment on Dec. 30, 1952, quieting title to said land in John Schroeder, Et Al., said case namely referred to in the statement in the motion heretofore pleaded.

2.

1. The Declaratory Judgment of the State of Iowa above named was transcribed to the District Court of Washington County, Nebraska, in view of the fact that the action of the Corps of Engineers of the United States Army had altered the course of the Missouri River and placed a large portion of the lands in Washington County, Nebraska; that the Iowa-Nebraska Boundary Compact of 1943 ratified the titles to lands in the previous owners as transported to the Nebraska side of the River by the said action of the Corps of Engineers.

2. That the District Court of Washington County, Nebraska, under date of April 12, 1960, in Case No. 5648, Docket Q wherein the caption reads as follows:

“John Schroeder and Roy M. Harrop, Plaintiffs  
V.

HOMESTEAD CORPORATION, MARGARET A. WILLIAMS, A. C. SCHULMEISTER, County Treasurer of Harrison County, Iowa, HARRISON COUNTY, IOWA, and all persons unknown, claiming any right, title or interest in and to the following described real estate, to-wit: The SE $\frac{1}{4}$  and Lot Three (3) and Lot Four (4) of Section Seven (7), Township 79, Range 45 West of the 5th P. M., all in Harrison County, Iowa, as shown by the United States Survey at Washington, D. C. and as recorded in Harrison County, Iowa; and all the heirs, spouses, assigns, grantees, legatees, devisees, and beneficiaries of each and all of the above named defendants, Defendants.

WILLIAM W. FREELAND, Intervenor.”

rendered judgment denying the ownership in the said John Schroeder, Et Al., the petitioner herein being a party in said action, and as a result deprived the said intervenor of the said Iowa lands under the Iowa-Nebraska Boundary Compact of 1943; and said Court thereby committed prejudicial error and perpetrated a fraud in violating intervenor's property rights when they took intervenor's land in violation of the Declaratory Judgment and Decree entered in Case No. 18,376 of the District Court of Harrison County, Iowa (1952) which was Res Adjudicata and Stare Decisis to the World; and the court denied full faith and credit under Section 3 of the Iowa-Nebraska Boundary Compact of 1943, which was ratified by Congress, and in violation of Article 4, Section 1, also Article 14, Section 1 of the Constitution of the United States took intervenor's property without due process of law and denied the intervenor equal protection of the law, and also in violation of Title 28, U. S. C. 1738, Title 43 U. S. C., Sec. 751-752, by use of a fictitious, fraudulent, overlapping metes and bounds private survey, made by Stuart A. Smith, Surveyor for defendants Ned Tyson, Et. Al., which was superimposed over the original government survey, contradicting and collaterally attacking the original government survey of Twp. 79 N. R. 45 West of the 5th P. M., Harrison County, Iowa; on lands owned by the intervenor, Et. Al., claiming the same to be a Tax Lot 1 in Sec. 7, Twp. 19 North, R. 12 East of the 6th P. M., intervenor alleges no such land exists within the territorial jurisdiction of the Nebraska courts in the State of Nebraska; and the Court committed prejudicial error in admitting this fictitious, fraudulent survey in evidence, (over the objection of this intervenor) and we ask this Court to take judicial notice thereof and rule thereon

on this matter which was overlooked by the Supreme Court of Nebraska in its opinion of June 3, 1963, and vacate and modify said decision in favor of this intervenor; and intervenor alleges that this is sufficient to require a hearing on this matter, which has never been ruled on, as the Nebraska courts lacked jurisdiction over the subject matter and denied the intervenor equal protection of the laws and due process of law in violation of Article 14, Section 1 of the Constitution of the United States and denied full faith and credit to Section 3 of the Iowa-Nebraska Boundary Compact of 1943.

3. Upon the rendition of judgment by the District Court of Washington County, Nebraska (Case No. 5648), John Schroeder, Et Al., to include Roy M. Harrop, Intervenor herein, appealed the said judgment to the Supreme Court of Nebraska, contending in said appeal that the said District Court of Washington County, Nebraska had failed to give full faith and credit to the laws, judgments and decrees of the sister state as required under Article 4, Section 1 of the Constitution of the United States; The Supreme Court of Nebraska, upon the presentation of the full brief and transcribed judgment as required under the Rules of the Supreme Court of the State of Nebraska, with the necessary brief filed therein, and rehearing asked thereon, the said Supreme Court of Nebraska affirmed the judgment of the District Court of Washington County, Nebraska, thereby failing to give full faith and credit under the Iowa-Nebraska Boundary Compact of 1943, and further the said Supreme Court of Nebraska thereupon deprived the intervenor herein, Et Al., of their Iowa property without due process of law and equal protection of the law, in violation of Article 14, Section 1 of the Constitution of the United States. See

also *Schroeder v. Freeland*, 188 Fed. 2d 517 (CCA 8th Dist. 1951) in which this Court held the land was not in Nebraska and reversed and dismissed said case and upheld the sovereignty of the State of Iowa, relating to Section 3 of the Iowa-Nebraska Boundary Compact of 1943; which was overlooked by the Nebraska Court in its Opinion of June 3, 1963.

See Appendix A for judgment of the Supreme Court of Nebraska in the appeal cited under Case No. 5648.

3.

4. It is respectfully requested that the Motion for leave to file the Petition of Intervention should be granted, and the Court rule thereon.

**In The  
Supreme Court of the United States**

**October Term, 1964**

---

**No. 17, Original**

---

**STATE OF NEBRASKA, PLAINTIFF,**

**V.**

**STATE OF IOWA, DEFENDANT.**

**ROY M. HARROP, INTERVENOR**

---

**PETITION OF INTERVENTION**

Intervenor herein, Roy M. Harrop, a citizen of the United States and resident of State of Nebraska, brings this Petition of Intervention on behalf of himself and others and for his cause of action states as follows:

**I.**

The original jurisdiction of this Court is involved under Article III, Section 2, Clause 2 of the Constitution of the United States and 28 U. S. C., Sec. 1251 (a) (1) (1948).

**II.**

Intervenor asserts that he and all others similarly situated have such a compelling interest that they are

necessary parties in the action herein brought by the State of Nebraska against the State of Iowa, as amply stated, (see *New Jersey v. New York*, 34 U. S. 369) wherein it is shown that the State of Pennsylvania filed their statement of interest for the relief to be granted and thereafter became an active party in the proceedings under a special master's report.

### III.

The State of Nebraska by its Attorney General has filed the original petition herein on behalf of certain individual property owners located in Nebraska, asserting this right as the only means available to the people of Nebraska to be defended from the activities and interference of the public officials of the State of Iowa and has stated and enumerated certain cases with particularity.

### IV.

Intervenor herein on behalf of himself and all others similarly situated asserts that the action of the State of Nebraska does not aid him or others in his class; on the contrary the State of Iowa asserts a right to defend the lands situated within its boundaries; however, the intentions of the State of Iowa are to usurp the titles to the lands stated in the instant case, owned by Schroeder, Et. Al., to include intervenor under Case No. 357 heretofore filed in the Supreme Court of the United States in the October 1961 term.

### V.

Intervenor alleges that Section 3 of the Iowa-Nebraska Boundary Compact of 1943 as ratified by the Nebraska Legislature which provides: ["Section 3.

Titles, mortgages and other liens good in Iowa shall be good in Nebraska as to any lands Iowa may cede to Nebraska and any pending suits or actions concerning said lands may be prosecuted to final judgment in Iowa and such judgments shall be accorded full force and effect in Nebraska.”] And is applicable in intervenor’s case of *Schroeder, Et Al.*, Case No. 18,376 of the District Court of Harrison County, Iowa, as shown by Appendix B—attached hereto and made a part hereof, that portion applicable and necessary hereto being the judgment and decree of the District Judge of Harrison County, Iowa, filed December 30, 1952.

## VI.

The jurisdiction of the Supreme Court of the United States in boundary disputes between states and individuals is exclusive and original and the jurisdiction of the Supreme Court of the United States in actions to construe property rights of citizens in a boundary compact is exclusive and original.

### NOW THEREFORE INTERVENOR PRAYS:

That the Supreme Court of the United States rule that the avulsion of lands by the artifices of the Corps of Engineers of the United States Army in establishing the stabilized channel of the Missouri River (March 29, 1940) shown in the Alluvial Plain Map, Appendix A, *Schroeder, Et Al. v. Margaret A. Williams, Et Al.*, Appellees, No. 357, October Term 1961, United States Supreme Court be stated to apply equally to the State of Iowa and the State of Nebraska so that the ownership of lands on either side of the River shall not accrue on the principle or theory of accretion;

That the Court rule and restate that the title to alluvial deposits by avulsion belongs to the riparian owners along either side of the Missouri River, rather than to the State as claimed by the State of Iowa;

That the Court order the cessation of the constant warfare between the States of Iowa and Nebraska and all other states and individuals similarly situated, so that a definite rule of law shall be a mandate to all of the Courts of the United States.

That a special master be appointed by this Court to take evidence to the extent deemed necessary and report to this Court as to whether the lands involved in the intervenor's case referred to herein above, and were a part of the State of Iowa were Iowa lands ceded to Nebraska under the Iowa-Nebraska Boundary Compact of 1943 and upon taking such report that the Court find that neither the State of Iowa or State of Nebraska acquired any claim of ownership or title to such lands.

That all matters of issue between these two states and this intervenor, pertinent to said Iowa-Nebraska Compact of 1943, may be heard and determined in such manner as the Court may direct and that all proper inquiries may be had, and decrees and orders entered.

That the Court may retain jurisdiction of this matter, to make such further orders as may be necessary to enforce its decrees; and that Intervenor may have such other and further relief as to which in equity and good conscience it may be entitled.

Intervenor further respectfully prays that he finally have a day in Court which has been previously, in all



his efforts, denied him and prays that for all of the above and foregoing reasons that the opinion and decision of the trial court of District Court of Washington County, Nebraska of April 12, 1960) (See Appendix A attached hereto and made a part hereof), which is void for want of jurisdiction of the subject matter as shown on its face in the caption of the case which shows the real estate is not a part of Nebraska domain but within the State of Iowa, be reversed and vacated and set aside and the opinion of the Nebraska Supreme Court of March 3, 1961 be vacated for the same reason.

Intervenor respectfully submits that a hearing in the matter should be granted, the points suggested discussed and settled, the litigation finally ended and the legal property rights of intervenor preserved, and that intervenor have attorney fees and costs incurred.

Respectfully submitted,

ROY M. HARROP, Et AL., Intervenor

By ROY M. HARROP, Attorney  
1822 Emmet Street,  
Omaha, Nebr.  
Member of Bar, Supreme Court  
of the United States

WALTER A. NIELSEN,  
4832 Farnam Street  
Omaha, Nebraska 68132  
Member of Nebraska Bar  
Federal Courts of Nebraska  
*Attorneys for Intervenor*

STATE OF NEBRASKA )  
                                  ) SS  
COUNTY OF DOUGLAS)

I, Roy M. Harrop, being first duly sworn on oath depose and say that I am one of the attorneys for the Intervenor in the above entitled action and I have personal knowledge of the facts alleged in the foregoing petition and that the statements contained in the petition are true and correct as I verily believe.

ROY M. HARROP

---

SUBSCRIBED in my presence and sworn to before me, by the said Roy M. Harrop, this 6th day of October, 1964.

WALTER A. NIELSEN  
Notary Public

SEAL

### **CERTIFICATE OF SERVICE**

I, Walter A. Nielsen, one of the attorneys for the intervenor, in this action, hereby certify that on October \_\_\_\_ 1964, I served a copy of the foregoing Motion for Leave to File a Petition of Intervention and the Petition of Intervention and the appendices attached thereto by depositing same in a United States Post Office, with first class postage prepaid, addressed to:

HONORABLE EVAN L. HULTMAN  
Attorney General of the State of Iowa  
Attorney for the State of Iowa, Defendant  
State Capitol  
Des Moines, Iowa.

HONORABLE CLARENCE A. H. MEYER,  
Attorney General of Nebraska  
Attorney for the State of Nebraska, Plaintiff  
State Capitol  
Lincoln, Nebraska.

such being their post office addresses.

WALTER A. NIELSEN,  
4832 Farnam Street,  
Omaha, Nebraska. 68132  
One of the Attorneys  
for Intervenor.

**APPENDIX A**  
**IN THE DISTRICT COURT OF WASHINGTON**  
**COUNTY, NEBRASKA**

Doc. Q                      Page 302

Case No. 5648

**JOHN SCHROEDER and ROY M. HARROP,**  
**PLAINTIFFS,**

**vs.**

**HOMESTEAD CORPORATION, MARGARET A. WILLIAMS, A. C. SCHULMEISTER, County Treasurer of Harrison County Iowa, HARRISON COUNTY IOWA, and all persons unknown, claiming any right, title or interest in and to the following described real estate, to-wit: The SE $\frac{1}{4}$  and Lot Three (3) and Lot Four (4) of Section Seven (7), Township 79, Range 45 West of the 5th P.M., all in Harrison County, Iowa, as shown by the United States Survey at Washington, D.C., and as recorded in Harrison County, Iowa; and all the heirs, spouses, assigns, grantees, legatees, devisees, and beneficiaries of each and all of the above named defendants, DEFENDANTS.**

**WILLIAM W. FREELAND, INTERVENOR.**

**DECREE AND JUDGMENT**

This matter came on for trial upon the issues made by the pleadings filed by the various parties commencing September 23, 1958, and continued thereafter on eight separate days agreed upon by the various parties, their counsel and the Court, until all the evidence had been presented by all of the parties; the plaintiffs John Schroeder, Roy M. Harrop, and the designated defendant Homestead Corporation and its successor American Cooperative Company, being represented by their attorneys, Roy M. Harrop, William L. Walker and Earl

Ludlam; the intervenor William W. Freeland being represented by his attorney, W. A. Day; the defendants, Earl Bylund and Flossie Bylund, husband and wife, by their attorney, Roy I. Anderson; and the defendants, Margaret A. Williams, John D. Cady and Elaine E. Cady, husband and wife, and Ned Tyson and Irma Tyson, husband and wife, and James Olson, Sr., by their attorney, Reed O'Hanlon, Sr.

On the first day of the trial the Court requested the County Surveyor of Washington County, Nebraska, Stewart A. Smith, to transport him to and upon all of the real estate involved in this action, and being accompanied by the respective counsel for the parties, thereupon went upon and inspected all of the land involved.

After the conclusion of the trial written arguments and briefs were submitted by the various counsel and the contents thereof and all of the testimony of the several witnesses and all of the exhibits produced by the several parties and received at the trial having been carefully considered, the Court now finds:

1. The Court finds generally against the plaintiffs John Schroeder and Roy M. Harrop and the designated defendant, Homestead Corporation, otherwise known as American Cooperative Company, a corporation, and for the several defendants, John Earl Bylund and Flossie Bylund, husband and wife; Margaret A. Williams; John D. Cady and Elaine E. Cady, husband and wife; Ned Tyson and Irma Tyson, husband and wife.

. . . . .

7. The Court specifically finds that the purported foreign judgment and decree of the District Court of

*Appendix*

Harrison County, Iowa, dated December 30, 1952, said decree being entered in Case No. 18376 of said Court, is void and of no force and effect for the reason that said District Court of Harrison County, Iowa, had no jurisdiction over the land involved in this action, *said land being then and for many years prior to any of the incidents set forth in the pleadings in said Iowa action non-existent in the State of Nebraska*, and this Court now finds that said decree of December 30, 1952, of the District Court of Harrison County, Iowa, and all other proceedings in said Court prior thereto and thereafter were totally void and of no force and effect, and this Court hereby finds that said purported judgment is invalid and void and therefore is not entitled to registration as a foreign judgment or to full faith and credit in this state as petitioned for in the petition filed by the plaintiff John Schroeder, January 6, 1956, to commence this action in this Court. This Court further finds that the application for Writ of Scire Facias for execution on registered judgment and decree filed by the plaintiffs John Schroeder and Roy M. Harrop accompanying and as a part of said original petition, all filed January 6, 1956, should be denied. (Emphasis ours).

. . . . .

NOW therefore, it is ordered, adjudged and decreed by the Court that the purported judgment of the District Court of Harrison County, Iowa, dated December 30, 1952, in Case No. 18376 of said Court, and all proceedings theretofore or thereafter in said cause be and the same hereby are adjudged to be void and of no effect or force and registration of the same as a foreign judgment as prayed for in the petition of the plaintiff John Schroeder originating this action, is denied.

It is further ordered, adjudged and decreed by the Court that the so-called praecipe and application for writ of scire facias for execution on registered judgment and decree filed herein by the plaintiffs John Schroeder and Roy M. Harrop January 6, 1956, be and the same hereby are denied.

. . . . .

It is further ordered, adjudged and decreed by the Court that any and all instruments now filed in the office of the County Clerk of Washington County, Nebraska, and recorded in the records of said office of said county concerning the title to real estate, which purport to show any right, interest, claim or title of or in the plaintiffs John Schroeder and Roy M. Harrop or the defendant Homestead Corporation, now known as American Cooperative Company, in or to any of the land particularly described hereinbefore and adjudged to be owned by any of the defendants Earl Bylund and Flossie Bylund, husband and wife, Margaret A. Williams, John D. Cady and Elaine E. Cady, husband and wife, or Ned Tyson and Irma Tyson, husband and wife, are hereby cancelled and removed of record.

It is further ordered, adjudged and decreed by the Court that the plaintiffs John Schroeder and Roy M. Harrop and the defendant Homestead Corporation, now known as American Cooperative Company, and each of them, are hereby forever barred and enjoined from asserting or attempting to assert any claim or right of possession or ownership or any title in or to all or any part of the several tracts of land hereinbefore described and adjudged to be owned by the said several defendants, Earl Bylund and Flossie Bylund, husband and wife, Margaret A. Williams, John D. Cady and Elaine

*Appendix*

E. Cady, husband and wife, or Ned Tyson and Irma Tyson, husband and wife.

It is further ordered, adjudged and decreed by the Court that each of the parties hereto shall pay their own costs incurred in this action.

Done at Blair in Washington County, Nebraska, this 12th day of April, 1960.

BY THE COURT:  
(s) Jackson B. Chase,  
DISTRICT JUDGE.

Filed April 12, 1960, at 11:45 A.M. by Irvilla M. Smith,  
Clerk of the District Court.

---

**APPENDIX B**

IN THE DISTRICT COURT OF THE STATE OF  
IOWA, IN AND FOR HARRISON COUNTY

No. 18376

JOHN SCHROEDER, Et. Al., PLAINTIFF,  
V.

HOMESTEAD CORPORATION, Et. Al., DEFENDANTS  
(And William W. Freeland, Intervenor)

JUDGMENT AND DECREE OF SUPPLEMENTAL  
RELIEF BASED ON DECLARATORY JUDGMENT

Now on this 30th day of December, 1952, it being during the November, 1952, Term of this District Court, Harrison County, Iowa . . .



*FINDINGS OF FACT*

1. That the Court has jurisdiction of the parties and of the subject matter herein.

2. That the said petition of the plaintiff for supplemental relief and amendment thereto is authorized by law.

3. That . . . the plaintiff John Schroeder, and his co-owner, Roy M. Harrop, were adjudged to be the absolute owners in fee simple of the following described real estate, to-wit:

The SE $\frac{1}{4}$  and Government Lots Three (3) and Four (4) in Section Seven (7) and the North Half ( $\frac{1}{2}$ ) of the Northeast Quarter ( $\frac{1}{4}$ ) of Section Seven (7), The Northwest Quarter of Section Eight (8), Government Lots Nos. 1 and 2, and the West Half ( $\frac{1}{2}$ ) Northwest Quarter ( $\frac{1}{4}$ ) Section 18, and the Northwest Quarter ( $\frac{1}{4}$ ) and the West Half ( $\frac{1}{2}$ ) of the Northeast Quarter ( $\frac{1}{4}$ ) of Section 20, and Government Lots Nos. 1 and 2, and the NE $\frac{1}{4}$  of Section 19, all in Twp. 79 North, Range 45 West of the Fifth (5th) P. M. in Harrison County, Iowa, as shown by the United States Survey, Washington D. C., and as recorded in Harrison County, Iowa.

And the following described lands, to-wit:

S $\frac{1}{2}$  of NE $\frac{1}{4}$  and Government Lots Nos. 1 and 2 in Section 7,

SW $\frac{1}{4}$  of Section 8,

E $\frac{1}{2}$  of the NE $\frac{1}{4}$  and SE $\frac{1}{4}$  and Government Lots Nos. 3 and 4, all in Section 18, and all of Section 17; all in Twp. 79 N. Range 45 West of the 5th P. M., Harrison County, Iowa, as shown by the United States Survey, Washington, D. C. and as recorded in Harrison County, Iowa.

*Appendix*

is owned by the Homestead Corporation, a South Dakota Corporation, as established by deed, judgment and decree of the District Court of Harrison County, Iowa, and the United States District Court, Southern District of Iowa, Western Division, said decree dated Oct. 6, 1937 which has never been appealed, modified, vacated or set aside, and the same is now res adjudicata by all persons claiming by, through or under the said intervenor, William W. Freeland, or Margaret A. Williams, and any of the defendants in the above entitled action who have not pleaded to the petition and amendment for supplemental relief . . .

IT IS THEREFORE ORDERED, ADJUDGED, DECREED AND DECLARED by the Court that, . . . . . William W. Freeland, intervenor, . . . and any person claiming by, through or under them be and they are hereby permanently enjoined from any molestation or interference on their part with the possession and occupancy of the plaintiff, John Schroeder, and his co-owner, Roy M. Harrop, of the above described real estate . . . .

IT IS FURTHER ORDERED, ADJUDGED, DECREED AND DECLARED by the Court that all lands lying West of the Stabilized Channel of the Missouri River established by the United States Army Engineers under the Iowa-Nebraska Boundary Compact of 1943, which includes the real estate above described, is now situated in Harrison County, Iowa, and contiguous to the State of Nebraska; and that said real estate has never been allocated by the legislature of Nebraska or placed within any county of the State of Nebraska, and the District Court of no county in Nebraska has jurisdiction over said real estate.

IT IS FURTHER ORDERED, ADJUDGED, DECREED AND DECLARED by the Court that this Court retain jurisdiction of the parties and of the subject matter herein to make any other orders, judgments or decrees that are proper and necessary in the premises.

IT IS FURTHER ORDERED, ADJUDGED, DECREED AND DECLARED by the Court that the costs of this hearing, in the sum of \$29.00, are taxed to the intervenor.

(signed) HAROLD E. DAVIDSON

Judge of the Fifteenth Judicial  
District of Iowa.









