

JUN 25 1965

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN F. DAVIS, CLERK

OCTOBER TERM, A.D. 1964.

No. 18 Original.

STATE OF ILLINOIS,
Plaintiff,

vs.

STATE OF MISSOURI
Defendant.

MOTION TO MAKE COMPLAINT MORE
DEFINITE AND CERTAIN.

NORMAN H. ANDERSON
Attorney General of Missouri

HOWARD L. McFADDEN
Assistant Attorney General
Supreme Court Building
Jefferson City, Missouri

STANLEY M. ROSENBLUM
818 Olive Street
St. Louis, Missouri
Attorneys for Defendant.

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**MOTION TO MAKE COMPLAINT MORE
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The State of Missouri, by Norman H. Anderson, its Attorney-General, in response to the complaint heretofore filed against it by the State of Illinois, respectfully moves that the Court order plaintiff to make its complaint more definite and certain in the following particulars, and on the following grounds:

(1) In paragraph 5 of the Complaint, plaintiff should be required to designate and describe with particularity the tract of land referred to by plaintiff as the "Kaskaskia area", which is apparently the area concerning which plaintiff alleges some dispute exists. Plaintiff has described this

area merely as having been "bounded generally on the east by the Kaskaskia River and on the south and west by the Mississippi River." However, so far as this defendant has been able to ascertain, the Mississippi River was constantly changing, both in regard to its bed and its channel, both before and after April, 1881, and it is therefore impossible for this defendant to ascertain exactly what plaintiff asserts to be the boundaries of the so-called "Kaskaskia area". Defendant submits that, in order for a proper responsive pleading to be prepared, the "Kaskaskia area" should be precisely defined, either by specific legal description or by an attached map (with appropriate coordinates) outlining the land claimed to be the "Kaskaskia area".

(2) In paragraph 10 of the complaint, plaintiff alleges generally that defendant claims sovereignty "over Illinois land," but no details are set forth as to the location or amount of land thus "claimed". It is submitted that this land, as the real subject of the alleged dispute, should also be defined with precision, either by exact legal description or an attached map, as suggested in paragraph (1) hereinabove.

(3) In the prayer of its Complaint, plaintiff asks that its sovereignty be established as to the "Kaskaskia area" in accordance with the "interstate boundary immediately prior to the flood of April, 1881". Again, this description is too vague and uncertain to permit defendant to properly prepare its answer, and it is submitted that such "interstate-boundary" be precisely defined by legal description or attached map.

(4) As further grounds for this motion, defendant states that at present it is not certain whether or not any dispute actually exists; and, depending on the description furnished pursuant to this motion, much (if not all) of the area allegedly

in question may be found not subject to any present claim of sovereignty by this defendant. It is thus possible that this entire lawsuit (the costs to the respective parties, the invocation of this Court's jurisdiction, the appointment of a master and the charge upon this Court's time) may be obviated if plaintiff will only allege its claim with a degree of particularity sufficient so that defendants can in good faith plead with respect to the area thought to be involved.

WHEREFORE, defendant prays that plaintiff be ordered to make more definite and certain its complaint heretofore filed, in conformance with the suggestions herein contained.

Respectfully submitted,

NORMAN H. ANDERSON
Attorney General of Missouri

HOWARD L. McFADDEN
Assistant Attorney General
Supreme Court Building
Jefferson City, Missouri

STANLEY M. ROSENBLUM
818 Olive Street
St. Louis, Missouri
Attorneys for Defendant.

