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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1964.

NO. 18 ORIGINAL

STATE OF ILLINOIS,

Plaintiff,

vs.

STATE OF MISSOURI,

Defendant.

AMENDED COMPLAINT

WILLIAM G. CLARK,

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Of Counsel.

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The State of Illinois, by William G. Clark, its Attorney General, brings this suit in equity against the defendant, the State of Missouri, and for its cause of action states:

1. The jurisdiction of this Court is invoked under Article III, Section 2 of the Constitution of the United States.

2. At the time of its admission to statehood in 1818 the western boundary of the State of Illinois was established by an Act of Congress, 3 Stat. at Large 428-429, as the middle of the Mississippi River from its intersection with the northern boundary of the State of Illinois

and thence down the middle of the Mississippi River to its confluence with the Ohio River.

3. At the time of its admission to statehood in 1820 the eastern boundary of the State of Missouri was established by an Act of Congress, 3 Stat. at Large 545, as the middle of the Mississippi River from its intersection with the northern boundary of the State of Missouri then southerly down the middle of said Mississippi River to Missouri's southern boundary at thirty-six degrees of north latitude.

4. Prior to April, 1881, the Kaskaskia River, flowing southwesterly across the State of Illinois, had its mouth and emptied into the Mississippi River at the city of Chester, Illinois.

5. Prior to April, 1881, the town of Kaskaskia, the original capital of the State of Illinois, was located in Illinois on the west bank of the Kaskaskia River approximately 8 miles northeast of the mouth of that river. The town of Kaskaskia was located on and was a part of an Illinois peninsula commonly referred to as the Kaskaskia area, bounded generally on the east by the Kaskaskia River and on the south and west by the Mississippi River. The Kaskaskia area with its center of the main channel river boundaries is outlined and designated on the attached scale drawing (Attachment "A") and is legally described as follows:

Commencing at the Southeasterly corner of Survey 243, Claim 288, thence North 20 degrees West along the prolongation of the East line of Surveys 243, 244, and 245, 4047 feet to a point on the present centerline of the Mississippi River; thence South 89 degrees, 11 minutes, 19 seconds West, 1415 feet along the centerline to a point; thence South 68 degrees, 45 minutes, 36 seconds West, 7001.09 feet

along the present centerline of the Mississippi River to a point of beginning, common to the present centerline and to the centerline of the Mississippi River in the year 1878; thence South 25 degrees, 01 minutes, 08 seconds East, 1212.41 feet along the centerline of the Mississippi River in the year 1878; thence South 1 degree, 43 minutes, 39 seconds West, 3326.40 feet along the centerline of the Mississippi River in the year 1878; thence South 14 degrees, 20 minutes, 36 seconds West, 3777.06 feet along the centerline of the Mississippi River in the year 1878; thence South 23 degrees, 37 minutes, 12 seconds West, 1918.17 feet along the centerline of the Mississippi River in the year 1878; thence South 37 degrees, 12 minutes, 49 seconds West, 4097.01 feet along the centerline of the Mississippi River in the year 1878; thence South 25 degrees, 35 minutes, 43 seconds West, 1298.27 feet along the centerline of the Mississippi River in the year 1878; thence South 10 degrees, 33 minutes, 01 seconds West, 1070.85 feet along the centerline of the Mississippi River in the year 1878; thence South 6 degrees, 37 minutes, 38 seconds East, 2536.65 feet along the centerline of the Mississippi River in the year 1878; thence South 29 degrees, 42 minutes, 25 seconds East, 5244.63 feet along the centerline of the Mississippi River in the year 1878; thence South 38 degrees, 33 minutes, 45 seconds East, 5019.64 feet along the centerline of the Mississippi River in the year 1878; thence South 44 degrees, 20 minutes, 48 seconds East, 3694.83 feet along the centerline of the Mississippi River in the year 1878; thence South 56 degrees, 07 minutes, 37 seconds East, 2991.13 feet along the centerline of the Mississippi River in the year 1878; thence South 64 degrees, 37 minutes, 10 seconds East, 2455.22 feet along the centerline of the Mississippi River in the year 1878; thence South 80 degrees, 31 minutes, 54 seconds East, 4319.22 feet along the centerline of the Mississippi River in the

year 1878; thence North, 80 degrees, 19 minutes, 17 seconds East, 2315.74 feet along the centerline of the Mississippi River in the year 1878; thence North 70 degrees, 45 minutes, 03 seconds East, 3333.17 feet along the centerline of the Mississippi River in the year 1878; thence North 64 degrees, 14 minutes, 15 seconds East, 2769.60 feet long the centerline of the Mississippi River in the year 1878; thence North 48 degrees, 58 minutes, 54 seconds East, 5491.92 feet along the centerline of the Mississippi River in the year 1878; thence North 43 degrees, 46 minutes, 48 seconds East, 6005.64 feet along the Mississippi River in the year 1878; thence North 52 degrees, 10 minutes, 09 seconds East, 2320.97 feet along the Mississippi River in the year 1878; thence North 79 degrees, 33 minutes, 02 seconds East, 903.96 feet along the centerline of the Mississippi River in the year 1878; thence South 71 degrees, 52 minutes, 40 seconds East, 1185.91 feet along the centerline of the Mississippi River in the year 1878 to a point common with the present centerline of the Mississippi River; thence North 57 degrees, 24 minutes, 28 seconds West, 3457.64 feet along the present centerline of the Mississippi River; thence North 51 degrees, 51 minutes, 17 seconds West, 4995.28 feet along the present centerline of the Mississippi River, thence North 29 degrees, 17 minutes, 37 seconds West, 7043.89 feet along the present centerline of the Mississippi River; thence North 33 degrees, 56 minutes, 25 seconds West, 7497.65 feet along the present centerline of the Mississippi River; thence North 48 degrees, 20 minutes, 13 seconds West, 3065.66 feet along the present centerline of the Mississippi River, thence North 68 degrees, 15 minutes, 04 seconds West, 2922.76 feet along the present centerline of the Mississippi River; thence South 89 degrees, 11 minutes, 19 seconds West, 2894.06 feet along the present centerline of the Mississippi River, thence South 68 degrees, 45 minutes, 36 seconds West, 7001.09 feet along the present

centerline of the Mississippi River to the said common point of beginning. Containing 17,485 acres more or less.

6. Prior to April, 1881, at or near the site of the town of Kaskaskia, the Mississippi River in its southerly flow followed a channel which turned sharply west-by-south-westerly, thence southerly and back east-by-southeasterly toward the town of Chester, Illinois, causing an ox-bow geographical formation. The center of the main channel of the Mississippi River as it existed prior to April, 1881 is indicated on the attached scale drawing (Attachment "A") by the use of a dotted line.

7. In April of 1881, the course of the Mississippi River suddenly, in a matter of days, changed and the river flooded over the neck of the ox-bow or the narrow sector of the Kaskaskia Peninsula where the town of Kaskaskia stood. The Mississippi River overflowed the Illinois river bank, flooded away the town of Kaskaskia, and assumed as its new river bed or channel the channel of the Kaskaskia River from the point of the breach to what had been the mouth of the Kaskaskia River at the former point of its confluence with the Mississippi River at or near the town of Chester. The Kaskaskia area, once an Illinois peninsula, became an island.

8. Since the flood of 1881, the old or abandoned bed of the Mississippi River [the center of the main channel of which is designated by the dotted line on Attachment "A" and is legally described in paragraph 5 above] has been generally unused for navigation and has virtually dried up. The Mississippi River has at all times since the 1881 flood followed the original channel of the Kaskaskia River from the point of the breach of the Kaskaskia River to its former mouth.

9. At no time since the flood of 1881 have the States of Illinois or Missouri been able to agree relative to the Kaskaskia area as to the boundary between the two states. Controversies have arisen and presently exist between the two states and their respective counties, Randolph County, Illinois, and Ste. Genevieve County, Missouri, relative to the sovereignty and the incidents thereof, such as taxation and law enforcement jurisdiction, with respect to this area.

10. The State of Missouri, concurrent with the State of Illinois, has since 1881 claimed sovereignty over the above (paragraph 5) legally described Kaskaskia area, Illinois land, which prior to the flood of 1881 was and presently is east of the middle or center of the main channel of the pre-1881 Mississippi River.

11. The claims and action of the defendant State of Missouri have caused and will continue to cause irreparable injury to the plaintiff State of Illinois, for which there is no adequate remedy at law.

WHEREFORE, Plaintiff prays:

A. That a decree be entered establishing sovereignty of the State of Illinois over the Kaskaskia area as it existed according to the interstate boundary immediately prior to the flood of April 1881, which boundary is indicated on the attached scale drawing (Attachment "A") and is legally described in paragraph 5 above; declaring that the State of Illinois is the sovereign entitled to exercise the incidents of sovereignty over said land; adjudging that the defendant, State of Missouri, have no sovereign right or interest in or to said land or any part thereof.

B. For such other and further relief as this Court may deem proper and necessary.

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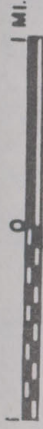
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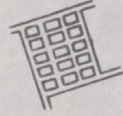
SCALE



N

K A S K A S K I A

PRESENT
MISSISSIPPI RIVER



KASKASKIA
(Existing)

ACREAGE OF
KASKASKIA ISLAND $\pm 17,485$

Pre-1881
MISSISSIPPI RIVER

