

APR 13 1966

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.

ANSWER.

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ANSWER.

State of Missouri, defendant, by Norman H. Anderson, its Attorney General, for its answer to the Amended Complaint of plaintiff, states, to-wit:

(1) Defendant admits the allegations in paragraph 1 of plaintiff's Amended Complaint.

(2) Defendant admits the allegations in paragraph 2 of plaintiff's Amended Complaint.

(3) Defendant admits the allegations in paragraph 3 of plaintiff's Amended Complaint.

(4) Defendant admits that prior to April, 1881, the Kaskaskia River flowed southwesterly across the State of Illi-

nois and emptied into the Mississippi River, but is without information to affirm or deny the other allegations in paragraph 4 of the Amended Complaint and therefore denies same.

(5) Defendant admits that prior to April, 1881, the town of Kaskaskia was located on or near a part of an Illinois peninsula commonly referred to as the Kaskaskia area, and further admits that said Kaskaskia area was bounded generally on the east by the Kaskaskia River and on the south and west by the Mississippi River. Defendant has not as yet been able to conduct a precise survey of the area in question and to examine and evaluate the results thereof and to compare same with the legal description contained in paragraph 5 of plaintiff's Amended Complaint; defendant therefore states that it is without sufficient knowledge to either affirm or deny all of the remaining allegations in said paragraph 5 not specifically herein admitted, and defendant does therefore deny same.

(6) Defendant admits the general description of the Mississippi River as described in paragraph 6 of the Amended Complaint, but defendant is without sufficient information to affirm or deny that the main channel of said river is properly and accurately indicated on the drawing designated as Attachment A to the Amended Complaint, and must therefore deny same.

(7) Defendant admits that in April of 1881 a flood occurred in the vicinity of the town of Kaskaskia and admits that thereafter the Kaskaskia area became an island. Defendant denies each and every other allegation in paragraph 7 of the Amended Complaint, and specifically denies that the entire Mississippi River assumed "as its new river bed or channel" subsequent to said flood, the channel therein described, but defendant alleges that said Mississippi River

subsequent to said flood divided and assumed two separate river beds or channels, one of which was the same river bed or channel which existed prior to said flood.

(8) Defendant denies each and every allegation in paragraph 8 of the Amended Complaint.

(9) Defendant admits that, as a general matter, controversies have arisen between the two states relative to the boundary in the vicinity of the Kaskaskia area. Defendant, however, has never been advised by plaintiff as to what specific area, if any, is now being claimed by both states. Defendant further states that at no time, either past or present, has it ever claimed sovereignty over the entire Kaskaskia area or Kaskaskia island, but has at all times claimed only that area lying west of the southern-most channel of the Mississippi River, and those areas now under defendant's sovereignty which may have once been a part of the Kaskaskia peninsula or Kaskaskia island have been acquired by accretion and the gradual shifting of said southern-most channel, in accordance with well established principles long recognized by this Court.

(10) Defendant denies that it claims sovereignty over the entire Kaskaskia area, as alleged in paragraph 10 of the Amended Complaint, but states that it claims sovereignty over only those portions of said area which have accreted to defendant because of gradual changes and shifts in the southern-most channel of said Mississippi River.

(11) Defendant denies the allegations contained in paragraph 11 of said Amended Complaint.

WHEREFORE, defendant respectfully prays that plaintiff's Amended Complaint be dismissed, or in the alternative,

that a decree be rendered declaring that plaintiff does not have sovereignty over those portions of the area described in paragraph 5 of the Amended Complaint which have become a part of the State of Missouri by accretion.

Respectfully submitted,

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