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In The
Supreme Court of the United States
October Term, 1964

No. 174, Original

STATE OF NEBRASKA, PLAINTIFF,

v.

STATE OF IOWA, DEFENDANT.

**BRIEF OF THE STATE OF NEBRASKA IN SUPPORT
OF ITS MOTION FOR LEAVE TO FILE ORIGINAL
BILL OF COMPLAINT**

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I.

Basis of Original Jurisdiction

The Constitution of the United States, Article III, Section 2, Clause 2, provides:

“In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction.”

Title 28, U. S. C. Section 1251, provides:

- “(a) The Supreme Court shall have original and exclusive jurisdiction of:
- (1) All controversies between two or more States:”

II.

Determination of Boundaries Between States

This Court has repeatedly accepted original jurisdiction in matters involving disputes as to the location of the boundary between two States and the matter is so well settled that the jurisdictional question, if one can be said to exist, is seldom discussed in the Court's opinions. *Nebraska v. Iowa*, 143 U. S. 359, 12 S. Ct. 396, 36 L. Ed. 186 (1892); decree at 145 U. S. 519, 12 S. Ct. 976, 36 L. Ed. 798 (1892); *Indiana v. Kentucky*, 136 U. S. 479, 10 S. Ct. 1051, 34 L. Ed. 329 (1890); *Arkansas v. Tennessee*, 310 U. S. 563, 60 S. Ct. 1026, 84 L. Ed. 1362 (1940); *Michigan v. Wisconsin*, 270 U. S. 295, 46 S. Ct. 290, 70 L. Ed. 595 (1926).

III.

Acceptance of Cases Interpreting Compact

This Court accepted jurisdiction of *Georgia v. South Carolina*, 257 U. S. 516, 42 S. Ct. 173, 66 L. Ed. 347 (1922) involving an interpretation of the Beaufort convention establishing the boundary between those two States; *Massachusetts v. New York*, 271 U. S. 65, 46 S. Ct. 357, 70 L. Ed. 838 (1926) involving the Treaty of Hartford; and of *Kentucky v. Indiana*, 281 U. S. 163, 50 S. Ct. 275, 74 L. Ed. 784 (1930) involving interpretation of a contract between those States to build a bridge.

Respectfully submitted,

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PROOF OF SERVICE

I, Clarence A. H. Meyer, Attorney General of the State of Nebraska, and a member of the Bar of the Supreme Court of the United States, hereby certify that on July —, 1964, I served a copy of the foregoing Brief of the State of Nebraska in Support of Its Motion for Leave to File Original Bill of Complaint by depositing same in a United States Post Office, with first class postage prepaid, addressed to:

HONORABLE HAROLD E. HUGHES,
Governor of the State of Iowa
State Capitol
Des Moines, Iowa

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

such being their post office addresses.

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