

Kansas Vs. Missouri

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Court : US Supreme Court

Decided On : 1944

Appeal No. : 322 U.S. 654

Appellant : Kansas

Respondent : Missouri

Judgement :

Kansas v. Missouri - 322 U.S. 654 (1944)

U.S. Supreme Court Kansas v. Missouri, 322 U.S. 654 (1944)

Kansas v. Missouri

No. 9, original

Opinion, @ante,@ p. 213

Decree entered June 5, 1944

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DECREE

This cause having been submitted upon the pleadings, evidence and exhibits, after arguments by counsel, and upon the Master's Report, and the Court having

duly considered same and being sufficiently advised,

It is Ordered, Adjudged and Decreed that the boundary line between the States of Kansas and Missouri, which extends from the intersection of the Missouri River with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, be and it is hereby established as the middle line of the main navigable channel of said Missouri River as said river flowed at the time of the filing of Complainant's Bill of Complaint herein, throughout the entire course of said river from its intersection with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, with the exception of such deviations and departures from the course of said Missouri River, as it then flowed, as are covered by and provided for in the written stipulations between the parties and are incorporated in the description of said entire boundary hereinafter set forth.

The boundary line hereinbefore mentioned and hereby established is more particularly described as follows, to-wit:

Beginning with the fortieth parallel of north latitude, the same being the boundary between the Kansas and the Nebraska (at its intersection with the Missouri River), thence down the course or channel of the said Missouri River to a place therein opposite which the left bank thereof is a point 15.50 chains West and 9.75 chains South of the Northwest corner of Section Fourteen,

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Township One-South, Range Nineteen-East, Doniphan County, Kansas.

Thence departing upon and from the left bank (at a point 15.50 chs. south of the N.W. Corner of Sec. 14, T. 1 S., R. 19 E., Doniphan County, Kansas) of the present course or channel of the said Missouri River and running North forty degrees 33' E. for a distance of 34.33 chs.;

Thence North 7300' E. for a distance of 20.89 chs.;

Thence North 7230' E. for a distance of 21.30 chs.;

Thence North 7340' E. for a distance of 5.22 chs. (the same being a point 14.44 chs. S. of the S.W. Corner of Sec. 26, T. 60 N., R. 39 W., Holt County, Missouri).;

Thence N. 7340' E. for a distance of 8.59 chs.;

Thence N. 7445' E. for a distance of 10.01 chs.;

Thence N. 7215' E. for a distance of 12.09 chs.;

Thence N. 7700' E. for a distance of 1.32 chs. (the same being a point 36.24 chs. N. of the N.W. corner of Sec. 13, T. 1 S., R. 19 E., Doniphan County, Kansas);

Thence N. 7345' E. for a distance of 6.99 chs. (the same being a point 3.57 chs. S. of the quarter section corner on the S. side of Sec. 26, T. 60 N., R. 39 W., Holt County, Missouri);

Thence N. 7345' E. for a distance of 33.35 chs. (the same being a point 7.75 chs. N. of the center of Sec. 12, T. 1 S., R. 19 E., Doniphan County, Kansas);

Thence S. 8500' E. for a distance of 40.20 chs.;

Thence S. 8330' E. for a distance of 8.00 chs. (the same being a point 38.66 chs. S. of the center of Sec. 25, T. 60 N., R. 39 W., Holt County, Missouri);

Thence S. 8330' E. for a distance of 4.95 chs.;

Thence S. 8245' E. for a distance of 11.01 chs.;

Thence S. 8030' E. for a distance of 9.91 chs.;

Thence S. 8000' E. for a distance of 8.95 chs.;

Thence S. 4600' E. for a distance of 8.67 chs.;

Thence S. 4230' E. for a distance of 10.45 chs.;

Thence S. 3800' E. for a distance of 10.98 chs.

Thence S. 4030' E. for a distance of 9.99 chs.;

Thence S. 3800' E. for a distance of 9.89 chs. (the same being to the center of the road);

Thence S. 1800' E. for a distance of 12.57 chs.;

Thence S. 1426' E. for a distance of 13.72 chs.;

Thence S. 830' W. for a distance of 11.74 chs. (the same being a point 40.52 chs. W. of the S.E. Corner of Sec. 31, T. 60 N., R. 38 W., Holt County, Missouri);

Thence S. 830' W. for a distance of 5.60 chs.;

Thence S. 1230' W. for a distance of 12.22 chs.;

Thence S. 1930' W. for a distance of 8.98 chs.;

Thence S. 2500' W. for a distance of 15.50 chs. (the same being a point 52.98 chs. W. and 1.24 chs. S. of the E. quarter corner of Sec. 6, T. 59 N., R. 38 W., Holt County, Missouri, which point also is 68.80 chs. E. of and 0.47 chs. S. of the corner to Sections 13, 18, 19, 24 in T. 1 S., Rs. 19 and 20 E., Doniphan County, Kansas);

Thence S. 3645' W. for a distance of 21.00 chs.;

Thence S. 2830' W. for a distance of 18.50 chs.;

Thence S. 3815' W. for a distance of 36.30 chs. to the left bank of the Missouri River, at which latter point the said boundary returns to the left bank of the present course or channel of the said Missouri River, and from there down the course or channel of the said Missouri River to the place therein where the said Missouri River intersects the W. line of Sec. 28, T. 59 N., R. 38 W., Holt County, Missouri.;

Thence from the place where the Missouri River intersects the W. line of Sec. 28, T. 59 N., R. 38 W., Holt County, Missouri, on down the course or channel of the said Missouri River, and with the middle line of the main navigable channel of said Missouri River as the same flowed on the 27th day of May, 1940, through the section of said river known as Forbes Bend, in a general Easterly and southeasterly direction downstream to the lower end of Forbes Bend to a point in the present course or channel

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of said Missouri River opposite which the left bank of said river intersects the N. and S. center section line of Sec. 1, T. 58 N., R. 38 W., in Holt County, Missouri, and then beginning at said point in the present course or channel of the said Missouri River opposite which point the left bank of the said Missouri River intersects the North and South center section line of Sec. 1, T. 58 N., R. 38 W., in Holt County, Missouri, and thence proceeding down the course or channel of the said Missouri River to the place therein opposite which the left bank of said Missouri River is a point 2216 feet West and 2096 feet South of the N.E. corner of the N.W. quarter Sec. 22, T. 2 S., R. 21 E. in Doniphan County, Kansas;

Thence departing upon and from the left bank (at a point 2216 feet West and 2096 feet South of the N.E. corner of the N.W. quarter of Sec. 22, T. 2 S., R. 21 E. in Doniphan County, Kansas) of the present course or channel of the said Missouri River and running thence N. 1913' E., 2200 feet;

Thence N. 4630' E., 4312 feet;

Thence N. 2940' E., 5104 feet;

Thence N. 3545' E., 3432 feet;

Thence N. 4410' E., 660 feet to a point 1298 feet W. of the N.W. corner of Sec. 12, T. 2 S., R. 21 E. in Doniphan County, Kansas;

Thence in a Northeasterly direction for a distance of 1868 feet to a point on the West line of Sec. 1, T. 2 S., R. 21 E., in Doniphan County, Kansas, which latter

point on said West line of said Sec. 1 is 1350 feet North of the S.W. corner of said Sec. 1.;

Thence N. 6000' E., 1188 feet;

Thence N. 6625' E., 1960 feet to a point 820 feet South of the S.W. corner of Sec. 24, T. 59 N., R. 37 W. in Holt County, Missouri.;

Thence N. 8505' E. 2618 feet to a point 534.6 feet South of the S. quarter corner of Sec. 24, T. 59 N., R. 37 W. in Holt County, Missouri.;

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Thence S. 7800' E., 2409 feet;

Thence S. 6000' E., 2323 feet;

Thence S. 4330' E., 2748 feet to the left bank of the Missouri River (the same being a point 561 feet upstream from U.S. River Marker numbered 482) at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River.;

Thence down the course or channel of the said Missouri River to the place therein opposite which the right bank thereof intersects the south line of Sec. 10, T. 5 S., R. 21 E. in Doniphan County, Kansas;

Thence departing upon and from the right bank of said Missouri River and running thence W. upon the S. line of said Sec. 10, T. 5 S., R. 21 E. in Doniphan County, Kansas, to the S.W. corner of said Sec. 10.;

Thence N. on the W. line of said Sec. 10 for a distance of 1322 feet;

Thence N. 1825' W., 1122 feet;

Thence N. 6153' W., 793 feet;

Thence S. 8821' W. 3434 feet to the W. line of Ogden land.;

Thence S. 8940' W., 1783 feet on the S. line of the Koch land.;

Thence S. 1003' W., 309 feet;

Thence S. 4336' E., 196 feet (along center of road);

Thence S. 2430' W., 504 feet;

Thence S. 2700' W., 282 feet (to top of levee);

Thence S. 3230' W., 360 feet (across ditch);

Thence S. 3534' W., 245 feet;

Thence S. 3418' W., 809 feet;

Thence S. 3025' W., 132 feet;

Thence S. 1413' W., 1254 feet, to a point (marked by an old fence corner post) on the N. line of Atchison County, Kansas, which point is 1571 feet E. of the present E. bank of Independence Creek.;

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Thence S. 0000' W., 500 feet;

Thence S. 0011' W., 750.65 feet;

Thence S. 1437' W., 749.35 feet;

Thence S. 1445' W., 800.00 feet;

Thence S. 1455' W., 1000.00 feet;

Thence S. 1514' W., 1200.00 feet;

Thence S. 1502' W., 1000.00 feet;

Thence S. 1448' W., 795.00 feet;

Thence N. 7146' E., 117.00 feet;

Thence N. 4820' E., 100.00 feet;

Thence N. 0052' W., 158.75 feet;

Thence N. 5336' E., 259.90 feet;

Thence N. 6228' E., 159.60 feet;

Thence N. 8516' E., 326.10 feet;

Thence S. 5706' E., 519.35 feet;

Thence S. 6326' E., 268.0 feet;

Thence N. 8619' E., 412.0 feet;

Thence S. 5746' E., 536.0 feet;

Thence N. 7146' E., 124.0 feet;

Thence N. 1234' W., 328.1 feet;

Thence N. 1623' E., 295.8 feet;

Thence N. 4017' E., 238.8 feet;

Thence N. 7129' E., 166.7 feet;

Thence S. 4813' E., 201.2 feet;

Thence N. 7421' E., 694.6 feet;

Thence N. 4151' E., 125.0 feet;

Thence N. 3347' E., 59.2 feet;

Thence N. 5755' E., 193.9 feet;

Thence S. 8703' E., 369.9 feet;

Thence N. 7539' E., 285.5 feet;

Thence N. 8036' E., 361.1 feet;

Thence S. 8223' E., 304.0 feet;

Thence S. 5900' E., 187.7 feet;

Thence S. 3454' E., 173.1 feet;

Thence S. 2454' E., 268.1 feet;

Thence S. 0546' E. 77.8 feet;

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Thence S. 3659' W., 338.7 feet;

Thence S. 6116' W., 252.4 feet;

Thence S. 6245' W., 313.3 feet;

Thence S. 1730' W., 296.5 feet;

Thence S. 1105' W., 167.2 feet;

Thence S. 0148' W., 460.6 feet;

Thence S. 2522' E., 250.1 feet;

Thence S. 7338' E., 277.4 feet;

Thence N. 3302' E., 151.0 feet;

Thence S. 7513' E., 329.5 feet;

Thence S. 0728' E., 126.1 feet;

Thence S. 2502' W., 244.5 feet;

Thence S. 4154' W., 215.7 feet;

Thence S. 8024' W., 251.4 feet;

Thence S. 6929' W., 210.1 feet;

Thence S. 6214' W., 495.0 feet;

Thence S. 5434' W., 386.2 feet;

Thence S. 1254' W. 443.1 feet;

Thence S. 6006' E., 263.3 feet;

Thence S. 0256' W., 283.3 feet;

Thence S. 8036' W., 136.4 feet;

Thence S. 6404' W., 192.8 feet;

Thence S. 6204' W., 236.8 feet;

Thence S. 5744' W., 342.2 feet;

Thence S. 6254' W., 293.0 feet;

Thence S. 7324' W., 230.0 feet;

Thence S. 6022' W., 267.4 feet;

Thence S. 4936' W., 344.1 feet;

Thence S. 4936' W., 200.0 feet;

Thence S. 4936' W., 71.4 feet (N.E. corner of St. Benedict's);

Thence S. 0012' W., 180.3 feet;

Thence S. 4446' W., 162.4 feet;

Thence S. 4233' W., 528.0 feet;

Thence S. 3510' W., 621.7 feet;

Thence S. 1259' W., 254.8 feet;

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Thence S. 1320' W., 240.2 feet;

Thence S. 2123' W., 382.8 feet;

Thence S. 1805' W., 343.9 feet;

Thence S. 2047' W., 198.0 feet;

Thence S. 1318' W., 264.0 feet;

Thence S. 0500' W., 264.0 feet;

Thence S. 1300' W., 326.0 feet;

Thence S. 1930' W., 330 feet;

Thence S. 2644' W., 208.6 feet;

Thence S. 0000' W., 126.1 feet;

Thence S. 0000' W., 495.0 feet;

Thence S. 0000' W., 495.0 feet, to a point upon the right bank of the said Missouri River at which latter point the said boundary returns upon the right bank of the said Missouri River to the present course or channel of the said Missouri River and running thence down the course or channel of the said Missouri River to the place

therein opposite which the left bank of the said Missouri River is 2898 feet E. and 2124 feet S. of the center of section 26, T. 54 N., R. 37 W. in Platte County, Missouri, thence departing upon and from the left bank of the present course or channel of the said Missouri River, and running thence N. to a point 1850 feet S. and 258 feet E. of the S.W. corner of Sec. 24, T. 54, R. 7, W. of the 5th P.M. in Platte County, Missouri.;

Thence E. 481 feet;

Thence N. 1555' E. 1924 feet to the S. line of the aforesaid Sec. 24.;

Thence E. to the N. and S. center line of Sec. 6, T. 7, S., R. 22 E. in Atchison County, Kansas;

Thence N. to a point 880 feet N. of the center corner of said Kansas Sec. 6.;

Thence E. one mile to a point 880 feet N. of the center line of Kansas Sec. 5, T. 7 S., R. 22 E., in Atchison County, Kansas;

Thence S. 880 feet to the center of the aforesaid Kansas Sec. 5.;

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Thence E. 645 feet to the top of a levee.;

Thence S. 17 and 30' E., along the top of said levee, 2772 feet;

Thence S. 14E., 2740 feet;

Thence S. 11 and 30' E. 2721 feet to a point 130 feet E. of the S.E. corner of Sec. 8, T. 7, R. 22 E. of the 6th P.M. in Atchison County, Kansas;

Thence S. 5 and 10' E., along the center of a slough, 2969 feet to the left bank of the Missouri River, the latter point being 1750 feet W. of the S.E. corner, of the S.W. quarter of Fractional Sec. 32, T. 54, R. 36 W. of 5th P.M., in Platte County,

Missouri, at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River.;

Thence down the course or channel of the said Missouri River to the place therein opposite which the left bank of the said Missouri River is 1878 feet W. and 1172 feet N. of the W. quarter corner of Sec. 30-5, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence departing upon and from the left bank of the present course or channel of the said Missouri River and running

Thence S. 6557' E., 502 feet;

Thence N. 8603' E., 207 feet;

Thence N. 7403' E., 200 feet;

Thence S. 7157' E., 300 feet;

Thence S. 8657' E., 800 feet;

Thence N. 7703' E., 2 feet to a point on the W. line of Sec. 30-5, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence N. 7703' E., 628 feet;

Thence N. 3503' E., 900 feet;

Thence N. 5103' E., 900 feet;

Thence N. 6303' E., 7 feet to a point on the north line of Sec. 30-5, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence N. 6303' E., 294 feet;

Thence N. 7618' E., 292 feet;

Thence N. 7818' E., 111 feet to a point on the north and south center section line of Sec. 26, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence N. 7818' E., 648 feet;

Thence N. 8430' E., 688 feet;

Thence N. 8656' E., 915 feet;

Thence N. 6528' E., 450 feet to a point on the E. line of Sec. 26, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence N. 6528' E., 212 feet;

Thence N. 8157' E., 1054 feet;

Thence N. 8629' E., 301 feet;

Thence S. 8711' E., 350 feet;

Thence S. 8531' E., 382 feet;

Thence S. 8430' E. 1478 feet;

Thence S. 8000' E., 628 feet;

Thence S. 7231' E., 196 feet to Bear Creek;

Thence following the meander of said Bear Creek and running

Thence S. 3903' E., 601 feet to a point on the N. line of Sec. 36, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence S. 3903' E., 609 feet to a point on the E. line of Sec. 36, T. 7 S., R. 22 E. in Leavenworth County, Kansas;

Thence S. 3903' E., 231 feet;

Thence S. 4139' E., 1995 feet;

Thence S. 801' E., 505 feet to a point on the E. and W. center section line of Sec. 31, T. 7 S., R. 23 E. in Leavenworth County, Kansas;

Thence S. 0801' E., 175 feet;

Thence S. 4356' E., 290 feet;

Thence S. 4356' E., 400 feet;

Thence S. 7852' E., 329 feet;

Thence S. 3858' E., 480 feet;

Thence S. 6802' E., 930 feet to a point upon the left bank of the Missouri River where the said Bear Creek

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empties into the said Missouri River and which latter point is 1039 feet N. and 408 feet E. of the S. quarter corner of Sec. 31, T. 7 S., R. 23 E., in Leavenworth County, Kansas, at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River and running thence down the course or channel of the said Missouri River to the mouth of the Kansas River.

The State of Kansas, its officers, agents, and representatives, its inhabitants, and all other persons, are perpetually enjoined from disputing or opposing the sovereignty, jurisdiction, and dominion of the State of Missouri over the territory adjudged to said state by or in consequence of this decree, and the State of Missouri, its officers, agents, and representatives, its inhabitants, and all other persons are perpetually enjoined from disputing or opposing the sovereignty, jurisdiction, and dominion of the State of Kansas over the territory adjudged to said state by or in consequence of this decree.

That, insofar as the claims asserted by Complainant, the State of Kansas, in its Bill and, particularly in paragraphs VI and VII thereof, with respect to the Forbes Bend area of the Missouri River, and the relief sought by said Complainant in and by said Bill, are at variance with the terms of the foregoing decree, such claims and relief are denied, and said Bill to this extent is dismissed.

Both States having requested postponement of entry of an order directing the placing of suitable monuments or markers on the above designated boundary until they have had opportunity to consider exchanging certain lands and to make such exchanges, jurisdiction of this cause is retained for the purpose of entering such order at an appropriate time.

The costs of this suit are equally divided between the two States, Complainant and Defendant, and this case is retained on the docket for further orders in fulfillment and enforcement of the provisions of this decree.

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