

FILE COPY

Supreme Court, U.S.
FILED

NOV 7 1978

ORIG.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

No. 81, Original

COMMONWEALTH OF KENTUCKY, Plaintiff,

versus

STATE OF INDIANA and
THEODORE I. SENDAK, Attorney General of
the State of Indiana, Defendants.

1. MOTION FOR LEAVE TO FILE COMPLAINT.
2. COMPLAINT.
3. BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE COMPLAINT.

ROBERT F. STEPHENS
Attorney General
Capitol Building
Frankfort, Kentucky 40601

DAVID K. MARTIN
Assistant Attorney General
Capitol Building
Frankfort, Kentucky 40601

DONALD H. BALLEISEN
ROBERT F. MATTHEWS
RONALD D. RAY

Special Counsel
Greenebaum Doll & McDonald
3300 First National Tower
Louisville, Kentucky 40202

*Attorneys for the Commonwealth
of Kentucky*

INDEX

	PAGE
Motion for Leave to File Complaint.....	1
Complaint.....	2
Brief in Support of Motion for Leave to File Com- plaint.....	7
Jurisdiction.....	7
Question Presented.....	7
Nature of Controversy.....	8
Argument I.....	10
Argument II.....	16
Conclusion.....	21

TABLE OF AUTHORITIES

Cases	PAGE
<i>Alabama v. Arizona</i> , 291 U. S. 286 (1934).....	10-11
<i>Alabama v. Georgia</i> , 64 U. S. (23 How.) 556 (1860) ..	13
<i>Arizona v. California</i> , 373 U. S. 546 (1963).....	11
<i>Arkansas v. Mississippi</i> , 250 U. S. 99 (1919).....	18
<i>Arkansas v. Mississippi</i> , 252 U. S. 344 (1920).....	18
<i>Arkansas v. Tennessee</i> , 246 U. S. 158 (1918).....	18
<i>Arkansas v. Tennessee</i> , 397 U. S. 91 (1970).....	18
<i>Arkansas v. Texas</i> , 346 U. S. 368 (1953).....	14
<i>Colorado v. Kansas</i> , 320 U. S. 383 (1943), <i>reh. denied</i> , 321 U. S. 803 (1944).....	11
<i>Connecticut v. Massachusetts</i> , 282 U. S. 660 (1931)....	10
<i>Florida v. Georgia</i> , 58 U. S. (17 How.) 478 (1855).....	13
<i>Handly's Lessee v. Anthony</i> , 18 U. S. (5 Wheat.) 374 (1820).....	8, 9, 16, 17
<i>Indiana v. Kentucky</i> , 136 U. S. 479 (1890).....	9, 13, 20
<i>Iowa v. Illinois</i> , 147 U. S. 1 (1893).....	13, 18
<i>Louisiana v. Mississippi</i> , 202 U. S. 1 (1906).....	13
<i>Louisiana v. Mississippi</i> , 282 U. S. 458 (1931).....	18
<i>Massachusetts v. Missouri</i> , 308 U. S. 1 (1939).....	12, 14
<i>Missouri v. Iowa</i> , 48 U. S. (7 How.) 660 (1849).....	13
<i>Missouri v. Kentucky</i> , 78 U. S. (11 Wall.) 395 (1871), 13, 18	13, 18
<i>Missouri v. Nebraska</i> , 196 U. S. 23 (1904).....	18
<i>Nebraska v. Iowa</i> , 143 U. S. 359 (1892).....	18
<i>New Jersey v. New York</i> , 30 U. S. (5 Pet.) 284 (1831)	13
<i>New Orleans v. United States</i> , 35 U. S. (10 Pet.) 662 (1836).....	18
<i>New York v. New Jersey</i> , 256 U. S. 296 (1921).....	15
<i>North Dakota v. Minnesota</i> , 263 U. S. 365 (1923).....	12
<i>Ohio v. Kentucky</i> , No. 27, Original (Sup. Ct., filed March 31, 1966).....	9

Cases (Cont'd)	PAGE
<i>Ohio v. Kentucky</i> , 410 U. S. 641 (1973).....	9
<i>Oklahoma v. Texas</i> , 256 U. S. 70 (1921).....	13
<i>Oklahoma v. Texas</i> , 258 U. S. 574 (1922).....	13
<i>Oklahoma v. Texas</i> , 268 U. S. 252 (1925).....	18
<i>Rhode Island v. Massachusetts</i> , 37 U. S. (12 Pet.) 657 (1838).....	13
<i>Texas v. Florida</i> , 306 U. S. 398 (1939).....	13
<i>Virginia v. West Virginia</i> , 78 U. S. (11 Wall.) 39 (1871).....	13
<i>Washington v. Oregon</i> , 297 U. S. 517 (1936).....	11
<i>Wisconsin v. Illinois</i> , 281 U. S. 179 (1930).....	15
Statutes	
1 Laws of the United States 472 (1784).....	16
1 Laws of the United States 474 (1784).....	16
1 Laws of the United States 673 (1789).....	17
1 Laws of the United States 674 (1789).....	17
1 Stat. 189 (1791).....	17
57 Stat. 248 (1943).....	9
1942 Ky. Acts, Ch. 116.....	9
1943 Ind. Acts, Ch. 2.....	9
Other Authorities	
72 Am. Jur. 2d <i>States, Territories & Dependencies</i> §§27, 28.....	18
<i>Gould on Waters</i> §§155, 159 (1883).....	18, 19
I Hyde, <i>International Law</i> §138 (1945).....	18
R. Stern and E. Gressman, <i>Supreme Court Practice</i> at 615 (5th ed. 1978).....	13