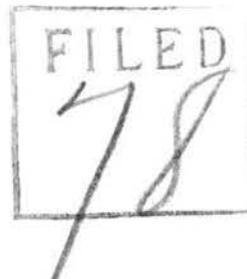


COUNTY BOUNDARIES: Jurisdiction of Clay Co. extends to middle of main channel of Mo. River and Prosecuting Attorney of Clay Co. may prosecute for crimes committed on the Clay Co. side of main channel.

March 26, 1935. 3-27

Hon. James S. Rooney,
Prosecuting Attorney,
Clay County,
Liberty, Missouri.



Dear Sir:

This department is in receipt of your letter of March 20 requesting an opinion as to the following state of facts:

"A small pleasure boat having a bar for the sale of beer is docked on the Missouri River and on this side of the main channel. I have two questions on which I would appreciate an expression of your opinion:

1. When this boat is docked and tied up to the land on this side of the river, do I have any authority to prosecute the owner and manager for the operation of slot machines on the boat?
2. When the boat is carrying passengers on the river and even though it is on the Clay County side of the main channel, do I have authority to prosecute for this offense?"

Section 3377, R.S. Mo. 1929 provides as follows:

"Offenses committed against the laws of this state shall be punished in the county in which the offense is committed, except as may be otherwise provided by law."

Section 11901, R.S. Mo. 1929, establishing the county boundaries of Clay County, provides:

"Beginning at a point in the middle of the main channel of the Missouri River, where the prolongation south of the line between ranges twenty-nine and thirty would intersect the same; thence north with said range line to the northeast corner of section thirty-six, township fifty-four, range thirty; thence west with the subdivisional lines to the old state line; thence south with said line to the middle of the main channel of the Missouri river; thence down the Missouri, in the main channel thereof, to the place of beginning."

Section 12005, R. S. Mo. 1929 provides:

"Whenever a county is bounded by a watercourse, it shall be construed to be the middle of the main channel thereof; and range, township and sectional lines shall be construed as conforming to the established surveys."

CONCLUSION

In view of the foregoing, it is the opinion of this department that the jurisdiction of Clay County extends to the middle of the main channel of the Missouri River and that you as Prosecuting Attorney of Clay County may prosecute for any crime committed on the Clay County side of said main channel.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General.

JWH:AH