

No. 14 Original

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**In the
Supreme Court of the United States**

OCTOBER TERM, 1962

STATE OF LOUISIANA,

Plaintiff,

v.

STATE OF MISSISSIPPI, ET AL.

**SUPPLEMENTAL BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO FILE COMPLAINT**

JACK P. F. GREMILLION,
Attorney General,
State of Louisiana.

CARROLL BUCK,
First Assistant Attorney General,
State of Louisiana.

EDWARD M. CARMOUCHE,
Assistant Attorney General,
State of Louisiana.

JOHN L. MADDEN,
Assistant Attorney General,
State of Louisiana.

JOHN A. BIVINS,
Special Counsel to the
Attorney General,
State of Louisiana.



I N D E X

	PAGE
Supplemental Brief in Support of Motion to file Complaint	1
The True Facts	2
The Opposition to Louisiana's Motion Goes Afield of its Limited Purpose.....	8
A Justiciable Controversy is Presented.....	10
Louisiana Refuses to Join in or to be Drawn into the Zuccaro Case	16
A Stay Order is Appropriate and Warranted..	17
Appendix	24

CITATIONS

CASES:

<i>Anderson-Tully Co. v. Tingle</i> , 166 F.2d, 244 (5th Cir. 1948)	13
<i>Arkansas v. Texas</i> , 346 U.S. 368, 98 L.Ed. 80.....	20
<i>Duke v. Durfee</i> , 308 F.2d 209 (8th Cir. 1962) Cert. granted, 371 U.S. 946, 9 L.Ed. 496.....	16
<i>Iowa v. Illinois</i> , 147 U.S. 1, 37 L.Ed. 55.....	13
<i>Kentucky v. Indiana</i> , 281 U.S. 163, 74 L.Ed. 784	15, 20
<i>Louisiana v. Mississippi</i> , 202 U.S. 1, 50 L.Ed. 913	5, 13
<i>Massachusetts v. Missouri</i> , 308 U.S. 1, 84 L.Ed. 3..	10
<i>Minnesota v. Wisconsin</i> , 252 U.S. 273, 64 L.Ed. 558	13

	PAGE
<i>Mississippi v. Louisiana</i> , 350 U.S. 5, 100 L.Ed. 6..	11
<i>Missouri v. Kentucky</i> , 11 Wall. 395, 20 L.Ed. 116..	13
<i>New York v. Illinois</i> , 274 U.S. 488, 74 L.Ed. 1164..	9
<i>Oklahoma v. Texas</i> , 258 U.S. 574, 66 L.Ed. 771..	13, 20
<i>Texas v. Florida</i> , 306 U.S. 398, 83 L.Ed. 817	9, 14, 15, 20
<i>United States v. Louisiana</i> , 363 U.S. 1, 4 L.Ed. 2d 1025	12
<i>Western Union Telegraph Co. v. Pennsylvania</i> , 368 U.S. 71, 7 L.Ed. 2d 139.....	16

CONSTITUTION AND STATUTES

Art. III, Clause 2, Par. 2, Constitution of the United States	11
U.S.C.A., Title 28, Sec. 1251, 62 Stat. 927	11

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On or about November 27, 1962, a suit was filed in the United States District Court for the Western Division of the Southern District of Mississippi, entitled "*Joseph S. Zuccaro, et al v. Humble Oil & Refining Company*," being Civil Action No. 1011 on the docket of said court.

As shown by Louisiana's motion to file complaint herein and in the complaint thereto attached, the civil action aforesaid activated a boundary dispute between the States of Mississippi and Louisiana that had to be judicially determined in order for the Court to decide whether the defendant in that suit had committed trespass on lands claimed by plaintiffs. Convinced that the Supreme Court of the United States was the proper forum to settle the boundary dispute, Louisiana invoked the jurisdiction of this Court by the institution of an original action making

all litigants in the *Zuccaro* case and the State of Mississippi defendants, praying that the claims of the Zuccaros be forever cancelled and that all proceedings in the *Zuccaro* case be stayed.

Humble Oil & Refining Company, defendant in the *Zuccaro* case, filed a response to Louisiana's motion to file complaint, conceding that this Court had exclusive and original jurisdiction of suits between states or between one state and another state and citizens thereof and expressed no opposition to Louisiana's motion to file complaint herein.

The State of Mississippi and Joseph S. Zuccaro, Mrs. Marie K. Zuccaro, Anthony E. Zuccaro, Nell Kaiser Zuccaro, William S. Perkins, Marie Zuccaro Perkins and Fay Cade Zuccaro (hereinafter sometimes called the Zuccaro family or the Zuccaros) have filed with this Court their joint objection to the granting of the motion of the State of Louisiana to file its complaint herein.

Accompanying Louisiana's motion and complaint was a very short brief of less than three pages which was considered adequate; however, it now appears both auspicious and necessary to file a supplemental brief for the reason that the opposition to Louisiana's motion contains a number of inaccurate statements of fact, goes far beyond the purpose of the filing and obscures the issue which the complaint presents.

THE TRUE FACTS

The opposition, on pages 7 and 16, erroneously

stated as a fact that Louisiana is receiving and shall continue to receive all taxes and royalty due it by Humble. Even if this statement were true, it would not militate against the need for this Court to settle judicially a vital boundary dispute between the States of Mississippi and Louisiana. However, Humble actually suspended its payment of royalty to Louisiana more than two months before this action was entered on the Original Docket of this Court. Proof of this fact is shown by a letter from Humble to the Register of the State Land Office of Louisiana dated March 8, 1963, a certified copy thereof being shown in the appendix hereto.

Mississippi and the Zuccaro family boldly assert on pages 8, 9, 16 and 17 of their opposition that the rights of Louisiana will not be directly affected by the private litigation brought by the Zuccaros against Humble. Yet it is obvious the Zuccaros cannot recover against Humble unless they successfully establish their judicial assertion in the *Zuccaro* case that the producing area is located in Mississippi. The United States District Court does not have the territorial jurisdiction to pass upon the title to land in Louisiana and has no jurisdiction to divest the State of Louisiana of its lands by establishing the location of the disputed boundary line, the exclusive original jurisdiction of which lies in the Supreme Court of the United States. Despite this, however, the jurisdiction of the United States District Court is being invoked in an effort to divest Louisiana of all of the incidents of ownership, namely, possession, use and enjoyment.

Louisiana has already been deprived of the enjoyment of the income from the property by the suspension of its royalty. This royalty belongs solely to Louisiana and neither the Zuccaros nor Humble can make claim to it. These royalties have been suspended as an immediate result of the cloud on its title evidenced by the Zuccaro claim and the action filed by them.

As to possession and use, Humble's possession is that of Louisiana, it being solely derived from and dependent upon Louisiana's rights. Acting under the terms of the lease, Humble has reduced the oil to physical possession through drilling and producing operations. The United States District Court has in-personam jurisdiction over Humble, and, if it finds for the Zuccaros, they can then exercise, through Humble, complete dominion over its actions with respect to this well. All rights of possession and use would thus be wrested from Louisiana for all practical purposes. Louisiana could still contend it owned the land but it would be powerless to exercise any of the normal and effective rights of ownership.

Should the United States District Court accept the position of the Zuccaros as to the location of the boundary, inevitably severance taxes upon the oil would become due and payable to the State of Mississippi. Similarly, the well in dispute would necessarily come under the jurisdiction of the oil and gas regulatory agency of Mississippi as to production allowables, creation of spacing units, and general conformity with the conservation laws of Mississippi. Sale of the oil

produced could be made then only after the issuance of a certificate of compliance by the State of Mississippi. Louisiana, naturally, cannot be expected to concede such jurisdiction to Mississippi and the inevitable result would be continued disruptive conflict.

It is self-evident two states cannot, at the same time, subject the same oil well, lands and natural resources to their powers of taxation, regulation and conservation. Such a clash of regulatory authority precipitated the justiciable controversy in *Louisiana v. Mississippi*, 202 U.S. 1, 50 L.Ed. 913, 26 S.Ct. 408. It is equally self-evident only one royalty is due from one well.

The United States District Court is not being called upon merely to locate a well known and long established land boundary line the calls of which are fixed and delineated, and therefore having so determined on the ground its location, decide between the plaintiff and the defendant. Here the very boundary line itself is in dispute between the States of Louisiana and Mississippi.

Louisiana, at this juncture, directs the Court's attention to the fact that while it is necessary herein to discuss merely one oil well, such is only a minor phase of what is involved. The Zuccaros' claim of ownership of one well, which claim obviously places in dispute the location of the boundary line of the State of Mississippi, has activated and made immediate the problem at large. That problem is the determination of the eastern boundary line of the State of Lou-

isiana not only at the precise location of the one well but also for the entire distance between Glasscock Cut-off and Deadman's Bend on the Mississippi River. An area approximately twelve (12) miles long, embracing a large mass of river bottom of substantial current and potential value, is the subject of the disputed boundary. Louisiana's sovereign rights thereover have been jeopardized by the *Zuccaro* suit and Louisiana intends to and shall exert all proper means to defend its soil and to maintain its power to exercise all of its attributes of sovereignty over such area.

As the opposition points out, there is the issue in this case of the legal effect of a shift of the thalweg directly occasioned by a man-made avulsion, but this is only one issue of fact which is before the Court. The other issues of fact, as shown in Paragraph XVII of Louisiana's Complaint, are: (a) Where was the thalweg actually located at the time of the commencement of production of the well in the year 1954; (b) where was the actual location of the thalweg for the period since the year 1954, and (c) where was it at the time of the institution of the *Zuccaro* suit? These factual issues thus posed require evidence to be adduced at a hearing or hearings before a Special Master and upon trial of the merits by this Court. The State of Louisiana is not now called upon to argue evidence that has not yet been introduced; nor is it now called upon to argue the validity of the legal proposition about the effect of the man-made avulsion. Such must await the permission granted by the State of Louisiana to file its Complaint and proceedings

taken thereafter, wherein all of the applicable facts can be developed.

The opposition infers that there is a difference between the State of Louisiana and Humble as to these issues. Again, such inference is not correct. Louisiana's Complaint makes not only the Complaint of the Zuccaros an exhibit thereto but also the answer of Humble filed in the *Zuccaro* case. The latter is Exhibit C-1 to the Complaint and is incorporated in Louisiana's Complaint by reference. The Complaint of the Zuccaros simply alleges that the well was located in Mississippi. The answer of Humble, the Third Defense thereof, meets this issue head-on and completely denies such. Louisiana's Complaint does likewise.

Further, as an alternative Fifth Defense, Humble alleged "that when the Carter Oil Company drilled a well on its lease from the State of Louisiana by directional drilling the well was placed west of what was then determined to be the boundary line between the State of Mississippi and the State of Louisiana." Also in its Seventh Defense, Humble further alleged "that the plaintiffs (Zuccaros) herein recognized said well was located on the Louisiana side of said Mississippi River.

Further, it is alleged in the aforesaid Seventh Defense of Humble that even after said well was drilled, the Zuccaros took the position the well was located in Louisiana but that the boundary line between Mississippi and Louisiana might shift in the future so that ultimately the well might be located in

Mississippi. Based on such position and representation, the Zuccaros urged and induced Humble to pay them a substantial bonus for a lease for Humble's protection. That this is obviously true can be seen from the fact the Zuccaros waited eight years before filing their action.

Certain additional misstatements or evasions of fact are made in the opposition of the State of Mississippi and the Zuccaros,¹ but they are not of significant relevance to the question of this Court's jurisdiction over the subject matter of Louisiana's Complaint. Such shall appear evident when the case is heard on its merits.

THE OPPOSITION TO LOUISIANA'S MOTION GOES AFIELD OF ITS LIMITED PURPOSE

It is appropriate to point out that Mississippi and the Zuccaro family have made use of their joint opposition in certain respects and particulars not contemplated by Rule 9 of the Rules of this Honorable Court.

Rule 9 did not expressly permit of an opposition to file complaint until the Rules of this Court were revised and, as revised, made effective July 1, 1954.

¹The opposition stresses an agreement entered into between Carter Oil Company and Humble Oil & Refining Company on November 25, 1953 (Opposition, pages 11, 12, 16 and 17). If the purpose of emphasizing the agreement was to say that it was not binding on either Mississippi or Louisiana, Louisiana agrees with the contention; however, it appears to escape the attention of the authors of the opposition that the agreement reflects that the present boundary dispute between Mississippi and Louisiana in the area in dispute herein was in existence as early as 1953. The filing of the Zuccaro suit only transformed a rather dormant boundary dispute into one of intensity and gravity.

While Rule 9 does not explain the purpose to be served by an opposition or what it may contain, it is entirely illogical to conceive of it as serving any purpose except to show that, on the basis of the allegations contained in the Complaint, the Complaint does not show the existence of a justiciable controversy or an issue or issues over which this Court may exercise its original jurisdiction.

The opposition, so termed, herein filed, not only undertakes to stray from the alleged facts in the Complaint, but it brings matters of a physical nature into focus which are determinable only after a motion to file complaint has been granted and findings have been made by a Special Master and reported to the Court. Actually the opposition consists, in major part, of an answer to Louisiana's complaint before the court has granted leave for its filing.

Acting in apparent haste to prevail upon this Court to refuse the application of its original and exclusive jurisdiction, the authors of the opposition cite certain cases which only tend to show that their action is clearly premature.

The cases of *Texas v. Florida*, 306 U.S. 398, 83 L.Ed. 817, and *New York v. Illinois*, 274 U.S. 488, 74 L.Ed. 1164, are cited and briefly discussed on pages 5 and 6 of the opposition. In *Texas v. Florida*, this Court rejected the motion to file complaint but on its own motion after the case had been tried and briefs filed. In *New York v. Illinois*, no opposition was interposed to a motion to file complaint. After the bill in equity was brought and evidence taken, the Court maintained

a motion to strike out one paragraph of the bill. *Massachusetts v. Missouri*, 308 U.S. 1, 84 L.Ed. 3, also cited on pages 5 and 6 of the opposition, did, in fact, involve the rejection of a motion to file complaint, but the motion was not rejected until after a hearing.

The cases above mentioned are convincing that this Court may refuse to exercise its jurisdiction, either pending a motion to file complaint or at any time during the course of the proceeding; however, the point now raised is that this Court is not expected to reject leave to file complaint where the complaint itself clearly shows on its face that a justiciable controversy has been presented.

A JUSTICIABLE CONTROVERSY IS PRESENTED

Louisiana asserts that the lands involved in this boundary dispute are located within its boundaries which claim is specifically denied by Mississippi. The controversy is thus real.

Mississippi and the Zuccaro family do not deny that a boundary dispute exists between Mississippi and Louisiana.² They merely express the view on page 9 of their opposition that the present controversy is not *sufficient* to justify the filing of an original action in this Court.

Left begging is the question of what is sufficient and what is not. The opposition cites no authority to

²In fact, Mississippi asserts beyond cavil its dispute with Louisiana when it says (opposition page 7), it "has not waived or relinquished any right or title, and does not hereby relinquish any right or title. . . ."

show that the jurisdiction of this Court depends upon the weight of a justiciable controversy. Certainly Par. 2, Sec. 2, Article III of the United States Constitution and its implementing statute, Sec. 1251, Title 28, U.S.C.A., 62 Stat. 927, do not make sufficiency or weight a factor in vesting jurisdiction in the Supreme Court of the United States on the one hand in District Courts of the United States on the other.

The Court's special attention is directed to *Mississippi v. Louisiana*, 350 U.S. 5, 100 L.Ed. 6, decided on October 17, 1955. The Court granted to Mississippi leave therein to file its complaint against Louisiana. As in the present action, the disputed boundary in the case last cited was in the Mississippi River. In that former action the area involved was remote. Any direct clash between the two states was incipient. The question was not which one of the two states had properly levied taxes and exercised police power in the area but which one could validly take such action. Without alleging any great harm or wrong done to it by Louisiana, Mississippi prevailed in its motion to file complaint by mainly representing that an actual boundary dispute existed between the two states.

The background of the former action is similar in one significant respect to the facts leading up to and presently existing in this action. In the former action private litigation had been going on for several years. It finally became clear that nothing of an important and definitive nature could be determined by the lower courts because of the existing boundary dispute between Mississippi and Louisiana in the area involved.

Fully appreciating the impasse, Mississippi surmounted it by filing a bill of complaint against Louisiana in the Supreme Court of the United States, whereupon the private litigation ceased, at least, until after this Court had judicially determined the boundary line in contest between the two states.

Private litigation preceding this action still goes on and, unless the proceedings therein are stayed, holds promise of no definitive results because of another boundary dispute between Mississippi and Louisiana. Even with the background of the former original action clearly brought into focus, the Zuccaros persist in carrying out their private litigation with Humble and evince no intention of dismissing their suit, all with the apparent approbation of the State of Mississippi. This leads to the conclusion that Mississippi has changed its views on the elements necessary to constitute a justiciable controversy in this Court since it filed its complaint against Louisiana some nine years ago.

The opposition advances the argument that this Court cannot assume jurisdiction because the Mississippi River is a flowing stream and the boundary is subject to change. To illustrate the fallacy of such argument, it could be urged that no effort to delineate the coast line of Louisiana, from whence the state's seaward boundary is measured, should be made, since that coast line changes from time to time perforce of wind, tide and other physical factors. See *United States v. Louisiana*, 363 U.S. 1, 4 L.Ed. 2d 1025. Every flowing stream is subject to constant change.

This Court has never hesitated to fix a boundary, based on a flowing stream, even though that determination might be altered at some time in the future. In *Oklahoma v. Texas*, 258 U.S. 574, 66 L.Ed. 771, the Court held the state boundary was along the south bank of the Red River and directed a hearing to determine what constituted the south bank and how to locate it on the ground. In *Minnesota v. Wisconsin*, 252 U.S. 273, 64 L.Ed. 558, the Court fixed the state boundary along the mouth of the St. Louis River, utilizing a metes and bounds description. Ownership of alluvial deposits, which are always subject to change, at the junction of the Mississippi and Yazoo Rivers, was decreed in *Anderson-Tully Co. v. Tingle*, 166 F.2d 224, (5th Cir. 1948). See also *Missouri v. Kentucky*, 11 Wall. 395, 20 L.Ed. 116, and *Iowa v. Illinois*, 147 U.S. 1, 37 L.Ed. 55.

Mississippi, by its assertion that the boundary line is different from that claimed by Louisiana and that thereby the well is located in Mississippi, asserts its complete jurisdiction over the area and the well and will physically so impose its asserted jurisdiction if it can prevail. While the producing well is bottomed beneath the subsoil of a portion of the Mississippi River and, as yet, there has arisen no serious clash between the two states in regard to the exercise of police powers over the well and in the area thereto attached, that clash could become almost as profound as the one between Mississippi and Louisiana that preceded the bill of complaint in *Louisiana v. Mississippi*, 202 U.S. 1, 50 L.Ed. 913 (1906), in which a grave

dispute existed between the two states in connection with the powers of regulating oyster beds and the take therefrom. Controversies of this kind should be averted, as well as quelled.

It should not be necessary to point out it would be a peculiar rule of law to require armed invasion and an exchange of gun fire as a prerequisite for the existence of a justiciable controversy, as the opposition seems to contend on page 6 thereof. The aim and object of conferring jurisdiction of disputes over state boundaries in the Supreme Court of the United States is to prevent such violence from arising. Providing a forum for settlement by legal action is the only way to keep men from resorting to their own individual devices.

In *Texas v. Florida*, 306 U.S. 398, 83 L.Ed. 817, a suit to establish the domicile of a decedent for purposes of death taxes, the Court stated in 306 U.S. at p. 407:

“When, by appropriate procedure, a court possessing equity powers is in such circumstances asked to prevent the loss which might otherwise result from the independent prosecution of rival but mutually exclusive claims, a justiciable issue is presented for adjudication which, because it is a recognized subject of the equity procedure which we have inherited from England, is a ‘case’ or ‘controversy’ within the meaning of the constitutional provision; *and when the case is prosecuted between the states, which are the rival claimants, and the risk of loss is shown to be real and substantial, the case is within the original*

jurisdiction of this court. . ." (Emphasis added)

In *Texas v. Florida* (supra), the Court recognized a person can have a domicile in only one state. Likewise, the oil well in dispute herein can be located in only one state. The Court held that the situation presented a justiciable controversy within the meaning of the constitutional provisions relating to suits between states, since the prosecution of independent suits might succeed and thus subject the debtor or the fund pursued to multiple liability. In 306 U.S. at p. 406, the Court stated:

"A plaintiff need not await actual institution of independent suits; it is enough if he shows that conflicting claims are asserted and that the consequent risk of loss is substantial." (Citing cases).

A case presenting slightly different facts but highly pertinent principles of law is *Kentucky v. Indiana*, 281 U.S. 163, 74 L.Ed. 784. Those two states entered into a contract to build a bridge across the Ohio River, but citizens of Indiana sued in the Indiana state court to enjoin their state from carrying out the contract. Kentucky asked leave to file its bill against Indiana and the plaintiff citizens in the state court action. The individual defendants moved to dismiss for lack of a justiciable controversy between the states. After a hearing on the motion to dismiss, this Court applied and sustained its jurisdiction and proceeded to a hearing on the merits. The Court held that a controversy existed between the states because Indiana refused to perform the contract, pending the

suit by its citizens to enjoin performance. Further, the Court said:

“A state suing, or sued, in this court, by virtue of the original jurisdiction over controversies between states, must be deemed to represent all its citizens. The appropriate appearance here of a state by its proper officers, either as complainant or defendant, is conclusive upon this point.” (281 U.S. at p. 173.)

In addition, a justiciable controversy exists because this is the only forum wherein the physical location of the territory in question can be conclusively determined. The opposition also asserts (p. 9), Louisiana has a remedy in other courts against its lessee for enforcement of the mineral lease contract. It is obvious that the pending action in the United States District Court could adjudicate the well's location as being in Mississippi, and another court in Louisiana could decide that the well is in Louisiana. Equity cannot conceive of one oil well being located in two states at the same time. The acceptance of jurisdiction by this Court would avoid the impossible result reached in *Duke v. Durfee*, 308 F.2d 209 (8th Cir. 1962), cert. granted 371 U.S. 946, 9 L.Ed. 496, wherein a Nebraska state court held an island of the Missouri River to be in Nebraska, and a Federal Court in Missouri held the same island to be in Missouri. See also *Western Union Telegraph Co. v. Pennsylvania*, 368 U.S. 71, 7 L.Ed. 2d 139.

LOUISIANA REFUSES TO JOIN IN OR TO BE DRAWN INTO THE ZUCCARO CASE

Louisiana, through its counsel of record in this

original action, expresses complete confidence in the integrity, ability and wisdom of the United States District Court for the Western Division of the Southern District of Mississippi, but it respectfully declines to yield to and be bound by the jurisdiction of that Honorable Court in the *Zuccaro* case. It contends that the Supreme Court of the United States is the proper forum to decide boundary disputes in justiciable controversies between states of the Union and that is because the constitution and statutes of the United States so provide.

Louisiana does not submit to the placating suggestion that it intervene in the *Zuccaro* case (opposition, p. 17), and even if Mississippi and Louisiana were both parties to that case, a decree by the United States District Court therein would not definitely settle the boundary dispute between them; and even conceding pro arguendo that such decree would be binding on Louisiana, it would in no manner affect or be binding on Mississippi.

A STAY ORDER IS APPROPRIATE AND WARRANTED

As set forth in Louisiana's original brief in support of motion, this Court has ample statutory authority and precedent to stay the litigation in the United States District Court. This is not questioned nor challenged in the opposition. The next term of the United States District Court in the Division and District involved is in November, 1963. Absent a Stay Order by this Court, in all likelihood trial will then ensue.

While the opposition does not deny the full authority of this Court to issue such an order, Mississippi and the Zuccaros urge, as an alternative, that this Court simply continue Louisiana's Motion until the trial in the District Court is had. This is urged on two grounds; (a) that perhaps the Zuccaros will lose and the matter would be terminated, and (b) that it is unjust to ask the Zuccaros to try the boundary issue in the Supreme Court of the United States and if the Zuccaros and Mississippi are successful, to then try the other defenses asserted by Humble in the United States District Court.

Both of the foregoing reasons are without validity and the sole authority cited by Mississippi and the Zuccaros is not apt. (Opposition p. 17 and 18.)

As to the point that the Zuccaros may lose if permitted to try, such begs the question because by the same token they may win. This sophistry cannot be convincing.

As to the assertion that Louisiana may lose in the Supreme Court of the United States, it would be unjust to the Zuccaros to have to go back to the United States District Court to meet the "maze of other defenses which Humble in its Answer has elected to array against them," (opposition p. 18), such demonstrates a failure to appreciate the nature and effect of the issues presented.

Assuming that this Court accepts jurisdiction and a Special Master is appointed to hear the issues of fact, certainly hearings before the Special Master would be no more expensive than those in the United

States District Court. All of the issues involved in the litigation between the Zuccaros and Humble, including the defenses, would be heard by the Special Master in this original action and the entire controversy in all phases fully and finally determined as to all parties.

The Supreme Court of the United States not only has exclusive original jurisdiction of suits between states but it is granted also original jurisdiction of all actions by a state against the citizens of another state.

In Paragraph XXII of Louisiana's Complaint, it is charged that in addition to the solemnity of the boundary of the State of Louisiana the property rights of the State of Louisiana "are inextricably involved in the private litigation," which rights should not be determined in the District Court but in the Supreme Court of the United States. The prayer of the Complaint not only requests that the location of the boundary be determined and the physical relation thereto of the well, but also requests a full cancellation of all of the claims of the Zuccaros who are private citizens of Mississippi. Additionally, the prayer asks for such other general or special relief as may be proper. In Paragraph XXIII of Louisiana's Complaint, all parties are asked to be notified and "given the opportunity to assert such interests as they may have in this action."

Jurisdiction of all aspects of this controversy follows the granting of Louisiana's Motion and separate trials then become unnecessary. The Zuccaros, Humble, the State of Mississippi and the State of Louisiana, on proper pleadings filed, then have the proper forum into which can be drawn all claims and all defenses for

a final and binding judgment. This jurisdiction is not only granted by 28 U.S.C.A., Sec. 1251, but also by ancillary jurisprudence to dispose of the entire controversy as was held in *Oklahoma v. Texas*, 258 U.S. 574, 66 L.Ed. 771. To like effect, see also *Texas v. Florida*, 306 U.S. 398, 83 L.Ed. 817; *Kentucky v. Indiana*, 281 U.S. 163, 74 L.Ed. 784.

The opposition, on page 18, cites *Arkansas v. Texas*, 346 U.S. 368, 98 L.Ed. 80 as authority for this Court continuing the original action herein pending the outcome of the United States District Court action. In that case, it was decided after a hearing that controlling issues of state law should be determined by the Texas Courts, and the Supreme Court of the United States would proceed only if federal questions remained unresolved. This situation obviously is not before the court at present.

Louisiana wishes a firm and definitive decision on the boundary issue by the proper tribunal that shall be res adjudicata on the states, as well as on any private parties concerned.

CONCLUSION

Louisiana earnestly represents and contends that its Complaint discloses the existence of an actual boundary dispute between Mississippi and Louisiana; that it shows said states to be the real parties at interest; that it presents a justiciable controversy; that leave should be granted Louisiana to file its Complaint

herein, and that the proceedings in the *Zuccaro* case should be stayed.

Respectfully submitted,

STATE OF LOUISIANA,
BY ITS ATTORNEYS OF RECORD.

JACK P. F. GREMILLION,
Attorney General,
State of Louisiana.

CARROLL BUCK,
First Assistant Attorney General,
State of Louisiana.

EDWARD M. CARMOUCHE,
Assistant Attorney General,
State of Louisiana.

JOHN L. MADDEN,
Assistant Attorney General,
State of Louisiana.

JOHN A. BIVINS,
Special Counsel to the
Attorney General,
State of Louisiana.

PROOF OF SERVICE

The undersigned, of counsel for the State of Louisiana herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on September_____, 1963, I served copies of the foregoing Supplemental Brief in Support of Motion for Leave to File Complaint, by depositing the same in a United States Post Office, with first class postage prepaid, addressed to:

HONORABLE ROSS R. BARNETT,
Governor of the State of Mississippi,
Jackson, Mississippi.

HONORABLE JOE T. PATTERSON,
Attorney General of the State of
Mississippi,
Jackson, Mississippi.

MR. LANDMAN TELLER,
Teller, Biedenharn & Rogers,
1205 Monroe Street,
Vicksburg, Mississippi.

MR. JOSEPH S. ZUCCARO,
Berger, Callon, Zuccaro & Wood,
Attorneys at Law,
Natchez, Mississippi.
Attorneys of Record for
Joseph S. Zuccaro, et al

MR. JOE A. THOMPSON,
P. O. Box 1490,
Jackson, Mississippi.

MR. ROBERT M. BASS,
P. O. Box 1490,
Jackson, Mississippi.

MR. L. V. RUSSELL,
P. O. Box 1390,
Hattiesburg, Mississippi.

MR. M. M. ROBERTS,
P. O. Box 870,
Hattiesburg, Mississippi.

BRUNINI, EVERETT, GRANTHAM &
QUIN,
P. O. Box 119,
Jackson, Mississippi.
Attorneys of Record for Humble Oil
and Refining Company.

such being their post office addresses.

OF COUNSEL FOR THE
STATE OF LOUISIANA.

APPENDIX

HUMBLE OIL & REFINING COMPANY

HOUSTON 1, TEXAS

SUPPLY & TRANSPORTATION
DEPARTMENT

March 8, 1963

POST OFFICE BOX 2180

CRUDE OIL

JOHN G. YEAGER
MANAGERH. F. OLESON
OIL AND GAS DIVISION ORDERSTELEPHONE: AREA CODE - 713
CA 1-6006

IN REPLY, REFER TO:

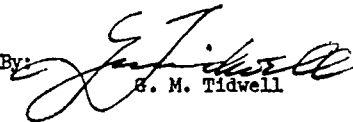
GMT
D/O X-6569Register, State Land Office
Baton Rouge 4
Louisiana

Gentlemen:

In connection with Suit styled Joseph S. Zuccaro, et al, vs. Humble Oil & Refining Company, C.A. 1011 in the United States District Court of the Western Division of the Southern District of Mississippi, our Law Department has informed us that effective February 1, 1963, we should hold in suspense the 1/8 royalty shown credited to the Register, State Land Office.

It is the purpose of this letter to give you notice of our action in this regard.

Yours very truly,

H. F. OLESON
Division Order Contracts and TitlesBy: 
G. M. Tidwell

GMT:ldt

cc: State Mineral Board
Baton Rouge
LouisianaRECEIVED
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STATE LAND OFFICE

