

SEP 23 1965

JOHN F. DAVIS, CLERK

# Supreme Court of the United States

OCTOBER TERM, 1965.

---

No. 14—ORIGINAL.

---

STATE OF LOUISIANA,

Plaintiff,

versus

STATE OF MISSISSIPPI, ET AL.,

Defendants.

---

REPLY OF HUMBLE OIL & REFINING COMPANY  
TO "MISSISSIPPI EXCEPTIONS" AND BRIEF  
THERE TO.

---

M. M. ROBERTS,  
Attorney at Law,  
Hattiesburg, Mississippi,  
L. V. RUSSELL,  
Attorney at Law,  
Humble Oil & Refining Company,  
Hattiesburg, Mississippi,  
BERNARD J. CAILLOUET,  
Attorney at Law,  
Humble Oil & Refining Company,  
New Orleans, Louisiana,  
E. L. BRUNINI,  
Attorney at Law,  
Jackson, Mississippi,  
RICHARD W. DORTCH,  
Attorney at Law,  
Jackson, Mississippi.

---



**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 1965**

---

**No. 14 ORIGINAL**

---

**STATE OF LOUISIANA,**

**Plaintiff,**

**versus**

**STATE OF MISSISSIPPI, ET AL.,**

**Defendants.**

---

**REPLY OF HUMBLE OIL & REFINING COMPANY  
TO "MISSISSIPPI EXCEPTIONS" AND BRIEF  
THERE TO.**

---

Mississippi satisfies itself in its "Exceptions of the State of Mississippi with Brief in Support Thereof" by substantially ignoring the exceptions with separate brief thereon presented for Humble Oil & Refining Company, copies of which went to Attorneys for Mississippi and for the Zuccaros on August 20, 1965. It may be that Mississippi and the Zuccaros really intend to confess that contained in the exceptions and brief of Humble; and in this event, the observations here made are useless and unnecessary.

That contained in reply of the State of Louisiana to "Exceptions of the State of Mississippi with Brief in Support Thereof" is adopted in its entirety because that therein contained supports the position of Humble. In footnote number 1 of page three of the brief in Support of Exceptions of the State of Mississippi to the Report of the Special

Master there appears statement that no process has issued for the private litigants; and this seems farfetched when Humble and the Zuccaros appeared through pleadings and in person and participated in the entire hearing before the Supreme Court of the United States in the first instance and before the Special Master in all the hearings had before him and in all briefs to now.

The Report of the Special Master in this cause under the heading "Jurisdiction" and on pages four, five and six thereof correctly and accurately states that the State of Louisiana filed a motion in the Supreme Court on May 13, 1963, for permission to file complaint and application for stay order and brief in support of such motion, and then the Special Master states that "the State of Mississippi in June 1963 filed opposition to the motion of the State of Louisiana, asserting that the 'State of Louisiana has herein no present justiciable controversy with the State of Mississippi' and that the Zuccaro suit against Humble is between private parties"; and then the Special Master made statement with reference to the interests of the private litigants with the following statement in two paragraphs:

"Process was issued to each and all who were parties to either proceeding. The Humble Oil Company filed an answer adopting the Louisiana motion and brief and, in addition, filed a supplemental brief.

"The Zuccaros joined in Mississippi's opposition to Louisiana's original motion. Zuccaro also joined with Mississippi in a supplemental brief opposing Louisiana's original motion, citing additional cases."

With all of the parties litigant, both private and public in court, the Supreme Court of the United States on April 20, 1964, entered its order sustaining motion for permission to file complaint and referred the matter to the Special Master. Following the entry of the Special Master into the controversy, consideration was given by the Special Master to "the boundary in the disputed area" and "the claim of right and title asserted by the Zuccaros"; and with all of the parties and issues before the Special Master his statement was that "in view of the fact that the determination of the boundary issue in the problem area vitally affects the right of each State to levy severance and other taxes, to issue regulations, and other rights including Louisiana's claim to 1/8th royalty, it is concluded that the Supreme Court has jurisdiction to fix the boundary in the problem area. It is so recommended. *Mississippi v. Louisiana*, 350 U. S. 5." See pages four to six of "Report of Special Master."

If it were possible within the bounds of due process to separate the rights of the two states from the rights of the Zuccaros and Humble, contentions made in Humble's brief in support of the exceptions before the Special Master would find no place for application, but such is not so. When either Louisiana or Mississippi prevails, then both Humble and the Zuccaros become affected. The boundary line dispute between the two states when determined will have affected the property rights of the two private litigants just as the private rights of the two states will have been affected.

In the third numbered paragraph of the conclusion of the supporting brief to Exceptions of the State of Missis-

issippi, the attorneys there, including Honorable Landman Teller, primarily the attorney for the Zuccaros, were willing to suggest that the costs should be imposed against Louisiana and/or Humble. This is contradictory of the contentions that process did not issue and that Humble and Zuccaros were not in the lawsuit. The brief of Louisiana, adopted here, covers this question of costs.

In the conclusion of the State of Mississippi aforesaid, the first item is "That there is no controversy between the two states which justifies the fixing of any past geographical location of the live thalweg." With deference we oppose this view. The two states are interested in questions of taxes and administrative regulations of production; and the private litigants are directly affected by the decision reached.

Since the State of Mississippi and the Zuccaros have elected to ignore the exceptions of Humble and that contained in its brief, we desire to adopt that therein contained without repetition and claim and contend as we have here above indicated that the position of Humble goes by default.

Respectfully submitted,


M. M. ROBERTS,  
Attorney at Law,  
Hattiesburg, Mississippi,

L. V. RUSSELL,  
Attorney at Law,  
Humble Oil & Refining Company,  
Hattiesburg, Mississippi,

BERNARD J. CAILLOUET,  
 Attorney at Law,  
 Humble Oil & Refining Company,  
 New Orleans, Louisiana,

E. L. BRUNINI,  
 Attorney at Law,  
 Jackson, Mississippi,

RICHARD W. DORTCH,  
 Attorney at Law,  
 Jackson, Mississippi.

By   
 .....  
 Of Counsel for Humble Oil &  
 Refining Company.

September 21, 1965.

### **PROOF OF SERVICE**

The undersigned, of counsel for Humble Oil & Refining Company, one of the Defendants herein, and a member of the Bar of the Supreme Court of the United States, hereby certifies that on the 21<sup>st</sup> day of September, 1965, I served copies of the foregoing Reply of Humble Oil & Refining Company to "Mississippi Exceptions" and Brief Thereto, by depositing same in a United States Post Office, with sufficient first class postage prepaid, addressed to:

Jack P. F. Gremillion,  
 Attorney General,  
 State of Louisiana,  
 Baton Rouge, Louisiana,

Carroll Buck,  
 First Assistant Attorney General,  
 State of Louisiana,  
 Baton Rouge, Louisiana,

Edward M. Carmouche,  
 Assistant Attorney General,  
 State of Louisiana,  
 P. O. Box LL,  
 Lake Charles, Louisiana,

John A. Bivins,  
 Special Counsel to the Attorney General,  
 P. O. Box LL,  
 Lake Charles, Louisiana,

John L. Madden,  
 Assistant Attorney General,  
 State of Louisiana,  
 Baton Rouge, Louisiana,  
 Attorneys for the State of Louisiana,

Mr. Landman Teller,  
 Special Assistant Attorney General,  
 State of Mississippi,  
 1205 Monroe Street,  
 Vicksburg, Mississippi,

Honorable Martin R. McClendon,  
 Assistant Attorney General,  
 State of Mississippi,  
 State Capitol,  
 Jackson, Mississippi,



Mr. George W. Rogers, Jr.,  
 Associate to Special Assistant Attorney General,  
 State of Mississippi,  
 1205 Monroe Street,  
 Vicksburg, Mississippi,  
 Attorneys for the State of Mississippi,

Mr. Landman Teller,  
 1205 Monroe Street,  
 Vicksburg, Mississippi,

Mr. Joseph S. Zuccaro,  
 Berger, Callon, Zuccaro and Wood,  
 Attorneys at Law,  
 Natchez, Mississippi,  
 Attorneys for the Zuccaro Family,

such being their mailing addresses.

Hattiesburg, Mississippi, September 21., 1965.

  
 .....

M. M. ROBERTS,  
 Of Counsel for Humble Oil &  
 Refining Company.





E. S. Upton Printing Co., New Orleans — 61590