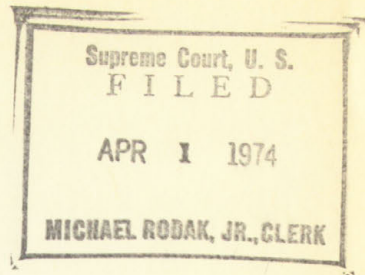


FILE COPY



No. 36, Original

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

OCTOBER TERM, 1973

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

MOTION FOR LEAVE TO INTERVENE

GEORGE WIKOFF,

CITY ATTORNEY.

City of Port Arthur, Texas,

Port Arthur, Texas 77640.

TABLE OF CONTENTS

	<i>Page</i>
Motion for Leave to Intervene	1
Exhibit I — Vol. 35-B 739234 No. 338.	3
Exhibit II — S. B. No. 285	13
Motion for More Definite Statement	17
Complaint	19
Certificate of Service	21

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1973

No. 36, Original
THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

MOTION FOR LEAVE TO INTERVENE

The City of Port Arthur, a municipal corporation of Jefferson County, Texas, by its City Attorney, asks leave of Court to intervene in this suit to assert the claim set forth in its proposed Motion For More Definite Statement and Complaint submitted herewith.

This Motion is made on the grounds that the City of Port Arthur, by virtue of deed from the State of Texas, dated June 6, 1967. Recorded in Volume 1532, Page 115 of the Deed Records of Jefferson County, Texas, as authorized by Senate Bill 285, 60th Legislature of the State of Texas, copies attached hereto and made part hereof as Exhibits "1" and "2", respectively, is the owner in fee simple of that portion of Pleasure Island which is affected by the claim asserted by the United States of America in its Amended Complaint and, as such, denies that the United States of America has any claim or color of title.

Dated March 29, 1974.

GEORGE WIKOFF,
City Attorney of the
City of Port Arthur, Texas.

EXHIBIT I TO MOTION FOR
LEAVE TO INTERVENE



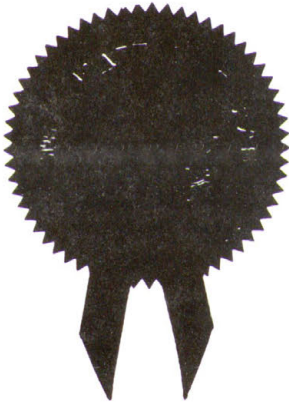
The State of Texas
Secretary of State

I, MARK W. WHITE, JR., Secretary of State of the State
of Texas DO HEREBY CERTIFY that the attached is a true
and correct copy of Senate Bill 285, 60th Legislature,
Regular Session, 1967, as signed by Governor Connally
on May 19, 1967 and filed in the Office of Secretary of
State on May 19, 1967 at 3:40 p.m.

IN TESTIMONY WHEREOF, I have hereunto
signed my name officially and caused to be im-
pressed hereon the Seal of State at my office in
the City of Austin, this

8th day of May, A. D. 19 74.

Mark W. White, Jr.
Secretary of State



AN ACT

providing for the sale of certain unsold school land and the issuance of patent to the City of Port Arthur with all oil, gas, and other minerals reserved to the state, along with leasing rights; and containing an emergency clause.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The City of Port Arthur, being in dire need of an area for commercial, recreational and industrial development, and in order to provide a spoil area to the Corps of Engineers for re-working and cleaning out the Intra-coastal Canal in the Sabine Lake area, is hereby authorized to purchase the following described lands belonging to the Permanent School Fund for \$1.00 an acre and other necessary patent requirements as set out by the General Land Office.

Sec. 2. Upon receipt of \$1.00 an acre and other patent requirements, the Commissioner of the General Land Office is hereby authorized to convey to the City of Port Arthur the following described lands with all oil, gas, and other minerals reserved to the state, along with the leasing rights as presently set out by current law:

TRACT 1

A tract of submerged land, containing 1,326.12 acres, situated in Jefferson County, Texas, being parts of State Tracts 13, 14, 15, 20, 21, 22, 23, 24 and 31 in Sabine Lake, and being more particularly described by metes and bounds as follows, to-wit:

Commencing at a point which marks the U. S. Corps of Engineers Sabine-Neches Canal Reference Line Station 240405.9; said point being 171.05 varas from the theoretical centerline of the Sabine-Neches Canal;

Thence, South 68°32'05" East, a distance of 360.00 varas to a point for corner (X=3,616,880.47; Y=779,392.83);

Thence, South 83°58'05" East, a distance of 667.9 varas to a point for corner on the Northeasterly end of an existing timber bulkhead in Sabine Lake (X=3,612,725.42; Y=779,197.88) and being 2502.70 varas along the Southerly side and measured from the most Southerly corner of the 1338.33 acre tract of land granted to the City of Port Arthur by the State of Texas and recorded in Volume 64-A, No. 212 of the General Land Office Patent Records, said point also being the point of beginning of the tract of land herein described;

Thence, North 36°38'35" East, a distance of 6948.00 varas to a point for corner (X=3,624,244.21; Y=794,683.61);

Thence, South 05°37'16" East, a distance of 1937.00 varas to a point for corner (X=3,624,771.23; Y=789,328.94);

Thence, South 36°38'35" West, a distance of 4,545.51 varas to a point for corner (X=3,617,235.42; Y=779,197.88);

Thence, West a distance of 1623.60 varas to the place of beginning.

All bearings herein refer to the Lambert Plane Coordinate System which differ by 2°29'30" clockwise from the True Meridian. (South Central Zone).

TRACT 2

A tract of land containing 3230.7 acres in Jefferson County, Texas, being parts of State Tracts 32, 36, 37, 38, 39, 40, 41, and 42 in Sabine Lake, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the Southwesterly line of the H. L. McKee Survey, Jefferson County, Texas, a distance of 270.00 varas from the most Westerly corner of the aforementioned H. L. McKee Survey and being a point from which the U. S. Corps of Engineers Sabine-Neches Canal Reference Line Station 116/28.60 bears North 53°36'14" West 381.04 varas; said Reference Line Station being 126.00 varas from the theoretical centerline of the Sabine-Neches Canal, said point also being the point of beginning of the tract of land herein described;

Thence, South 53°36'14" East 2420.85 varas to a point for corner (X=3,609,214.02; Y=764,970.77);

Thence, South 10°09'07" West, 8,236.48 varas to a point for corner (X=3,605,181.37; Y=742,449.86);

Thence, North 37°45'58" West, 881.91 varas to a point for corner;

Thence, North 30°16'11" West, 423.00 varas to a point for corner;

Thence, North 21°00'38" West, 756.00 varas to a point for corner;

Thence, North 31°35'15" West, 306.00 varas to a point for corner;

Thence, North 20°48'58" West, 705.60 varas to a point for corner;

Thence, North 15°17'01" West, 954.00 varas to a point for corner;

Thence, North 22°53'31" West, 187.20 varas to a point for corner;

Thence, North 4°33'44" West, 338.40 varas to a point for corner (X=3,600,218.24; Y=753,890.06);

Thence, North 15°34'46" East, 900.00 varas to a point for corner;

Thence, North 24°01'13" East, 504.00 varas to a point for corner;

Thence, North 2°08'30" West, 576.00 varas to a point for corner;

Thence, North 3°39'50" East, 972.00 varas to a point for corner;

Thence, North 7°21'00" West, 997.20 varas to a point for corner;

Thence, North 21°55'43" East, 491.40 varas to a point for corner;

Thence, North 42°23'56" East, 408.60 varas to a point for corner;

Thence, North 0°38'54" West, 252.00 varas to a point for corner;

Thence, North 31°16'43" East, 253.80 varas to a point for corner;

Thence, North 45°24'46" East, a distance of 480.24 varas to the place of beginning.

All bearings herein refer to the Lambert Plane Coordinate System which differ by 2°28'41" clockwise from the True Meridian. (South Central Zone).

TRACT 3

Field notes of a tract containing 1364 acres in Jefferson County, Texas, being parts of State Tracts 32, 37, 38, 40, 41, 42 and 43 and being the South and West mid part of Pleasure Island and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the Southwesterly line of the H. L. McKee survey, a distance of 270.00 varas from the most westerly corner of the said McKee survey, the North corner of a 3230.7 acre tract described above;

Thence in a southerly direction with the west line of said 3230.7 acre tract with the following meanders:

S. 45° 24' 26" W.	480.2 varas
S. 31° 16' 43" W.	253.8 varas
S. 0° 38' 54" E.	252.0 varas
S. 42° 23' 56" W.	408.6 varas
S. 21° 55' 43" W.	491.4 varas
S. 7° 21' 00" E.	997.2 varas
S. 3° 39' 50" W.	972.0 varas
S. 2° 08' 30" E.	576.0 varas
S. 24° 01' 13" W.	504.0 varas
S. 15° 34' 46" W.	900.0 varas
S. 4° 33' 44" E.	338.4 varas
S. 22° 53' 31" E.	187.2 varas
S. 15° 17' 01" E.	954.0 varas
S. 20° 48' 58" E.	705.6 varas
S. 31° 35' 15" E.	306.0 varas
S. 21° 00' 38" E.	756.0 varas
S. 30° 16' 11" W.	423.0 varas
S. 37° 45' 58" E.	881.9 varas to the

South corner of said 3230.7 acre tract (X = 3,605,181.37;

Y = 742,449.86);

Thence, N. 10°09'07" W. 253.4 varas with the East line of said 3230.7 acre tract to the line of mean high tide on the east side of Pleasure Island;

Thence, southeastwardly with the line of mean high tide along the east side of Pleasure Island with the following meanders:

S. 38° 05' E.	306.7 varas
S. 62° 33' E.	371.2 varas
S. 51° 37' E.	247.3 varas
S. 46° 31' E.	511.2 varas
S. 73° 22' E.	235.8 varas
N. 88° 23' E.	104.4 varas
S. 68° 45' E.	460.8 varas
S. 58° 57' E.	399.6 varas
S. 72° 04' E.	313.2 varas
N. 82° 29' E.	214.2 varas

S. 52° 57' E.	162.0 varas
S. 79° 0' E.	273.6 varas
S. 57° 06' E.	99.0 varas
N. 63° 52' E.	82.1 varas
S. 55° 47' E.	79.6 varas
S. 81° 20' E.	921.2 varas
S. 64° 13' E.	431.3 varas
S. 28° 57' E.	295.6 varas
S. 21° 36' W.	71.6 varas
S. 20° 01' E.	119.5 varas
S. 23° 16' W.	194.4 varas to the most

southern point of land at Mesquite Point;

Thence, in a Northwestwardly, Northerly and Northeastwardly direction with the line of mean high tide along the west side of Pleasure Island with the following meanders:

N. 70° 10' W.	82.8 varas
S. 88° 31' W.	107.6 varas
N. 70° 33' W.	1541.5 varas
N. 68° 23' W.	1349.6 varas
N. 58° 54' W.	303.8 varas
N. 75° 35' W.	344.5 varas
N. 65° 48' W.	173.5 varas
N. 84° 26' W.	256.0 varas
N. 66° 47' W.	547.9 varas
N. 50° 16' W.	652.7 varas
N. 55° 12' W.	225.0 varas
N. 33° 18' W.	762.5 varas
N. 22° 33' W.	1800.4 varas
N. 16° 43' W.	733.4 varas
N. 22° 06' W.	1164.6 varas
N. 33° 55' W.	183.2 varas
N. 19° 24' W.	958.7 varas
N. 3° 56' W.	490.3 varas
N. 7° 58' E.	179.3 varas
N. 27° 11' E.	359.6 varas
N. 38° 05' E.	434.2 varas
N. 19° 12' E.	256.3 varas
N. 8° 55' E.	777.2 varas
N. 5° 49' W.	278.6 varas
N. 5° 32' E.	405.0 varas
N. 15° 06' E.	469.1 varas

EXHIBIT I TO MOTION FOR
LEAVE TO INTERVENE

N. 25° 14' E.

520.9 varas

N. 38° 43' E.

652.3 varas

N. 36° 04' E.

500.8 varas to the

point of intersection of the line of mean high tide with a northwesterly projection of the southwest line of the

H. L. McKee survey;

Thence, S. 53° 36' 14" E. 431.3 varas, passing the west corner of said McKee survey and continuing with the southwest line of said McKee to the place of beginning.

All bearings herein are grid bearings from the Lambert Plane Coordinate System (Texas - South Central Zone)
Theta angle = 2° 28' 41".

Sec. 3. The immediate need for a spoil disposal area permitting the dredging out and cleaning of the Intra-coastal Canal and the dire need of commercial, recreational and industrial development area by the City of Port Arthur, and the importance of this legislation and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Christian Smith
Lieutenant Governor
President of the Senate

Benn Barnes
Speaker of the House

I hereby certify that S. B. No. 285 passed the Senate on
March 14, 1967, by the following vote: Yeas 29, Nays 0.

Charles Schwab
Secretary of the Senate

I hereby certify that S. B. No. 285 passed the House on
May 5, 1967, by the following vote: Yeas 142, Nays 0.

Dorothy Hallman
Chief Clerk of the House

Approved: _____

May 19, 1967
Date _____

John Connally
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:40 p.m., 5/19/67

John L. Kee
Secretary of State



In The Name of

the State of Texas

To All to Whom These Presents Shall Come, Know Ye:

I, **JOHN CONTALLY**, Governor of the State aforesaid, by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided, do by these presents Grant to **SUCCESSORS** **THE CITY OF PORT ARTHUR, TEXAS** **ITS** **HEIRS** and assigns forever, **FIVE THOUSAND NINE HUNDRED TWENTY AND 32/100 (5,920.32)** acres of land situated and described as follows: In **JEFFERSON** County, known as **5,920.32** acres, being hereby conveyed in accordance with the provisions of Senate Bill No. 235, Acts of 1967, Regular Session, for commercial, recreational and industrial development, and in order to provide a spoil area to the Corps of Engineers for re-working and cleaning out the Intra-coastal Canal in the Sabine Lake area, said lands being described in three tracts by metes and bounds as follows:

TRACT 1:

A tract of submerged land, containing **1,326.12** acres, situated in Jefferson County, Texas, being parts of State Tracts 13, 14, 15, 20, 21, 22, 23, 24 and 31 in Sabine Lake, and being more particularly described by metes and bounds as follows, to-wit:

Commencing at a point which marks the U.S. Corps of Engineers Sabine-Neches Canal Reference Line Station 240/05.9; said point being 171.05 varas from the theoretical centerline of the Sabine-Neches Canal;

Thence, South **69°32'05"** East, a distance of **360.00** varas to a point for corner (**X** = **3,616,930.47**; **Y** = **779,392.83**);

Thence, South **33°53'05"** East, a distance of **667.9** varas to a point for corner on the Northeasterly end of an existing timber bulkhead in Sabine Lake (**X** = **3,612,725.42**; **Y** = **779,197.88**) and being **2502.70** varas along the Southerly side and measured from the most Southerly corner of the **1338.33** acre tract of land granted to the City of Port Arthur by the State of Texas and recorded in Volume 64-A, No. 212 of the General Land Office Patent Records, said point also being the point of beginning of the tract of land herein described;

Thence, North **36°30'35"** East, a distance of **6943.00** varas to a point for corner (**X** = **3,624,244.21**; **Y** = **794,603.61**);

Thence, South **05°37'16"** East, a distance of **1937.00** varas to a point for corner (**X** = **3,624,771.23**; **Y** = **789,328.94**);

Thence, South **36°30'35"** West, a distance of **4,545.51** varas to a point for corner (**X** = **3,617,235.42**; **Y** = **779,197.88**);

Thence, West a distance of **1623.60** varas to the place of beginning.

All bearings herein refer to the Lambert Plane Coordinate System which differs by **2°29'30"** clockwise from the True Meridian. (South Central Zone).

TRACT 2:

A tract of land containing **3230.7** acres in Jefferson County, Texas, being parts of State Tracts 32, 36, 37, 38, 39, 40, 41, and 42 in Sabine Lake, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the Southwesterly line of the H. L. McKee Survey, Jefferson County, Texas, a distance of **270.00** varas from the most Westerly corner of the aforementioned H. L. McKee Survey and being a point from which the U.S. Corps of Engineers Sabine-Neches Canal Reference Line Station 116/23.60 bears North **53°36'14"** West **381.04** varas; said Reference Line Station being **126.00** varas from the theoretical centerline of the Sabine-Neches Canal, said point also being the point of beginning of the tract of land herein described;

Thence, South **53°36'14"** East **2420.35** varas to a point for corner (**X** = **3,609,214.82**; **Y** = **764,970.77**);

Thence, South **10°09'07"** West, **3,236.43** varas to a point for corner (**X** = **3,605,101.37**; **Y** = **742,449.66**);

Thence, North 37°45'50" West, 331.91 varas to a point for corner;
 Thence, North 30°16'11" West, 423.00 varas to a point for corner;
 Thence, North 21°00'33" West, 756.00 varas to a point for corner;
 Thence, North 31°35'15" West, 306.00 varas to a point for corner;
 Thence, North 20°43'53" West, 705.60 varas to a point for corner;
 Thence, North 15°17'01" West, 954.00 varas to a point for corner;
 Thence, North 22°53'31" West, 137.20 varas to a point for corner;
 Thence, North 4°33'44" West, 333.40 varas to a point for corner (X = 3,600,213.24;
 Y = 753,390.06);

Thence, North 15°34'46" East, 900.00 varas to a point for corner;
 Thence, North 24°01'13" East, 504.00 varas to a point for corner;
 Thence, North 2°03'30" West, 576.00 varas to a point for corner;
 Thence, North 3°39'50" East, 972.00 varas to a point for corner;
 Thence, North 7°21'00" West, 997.20 varas to a point for corner;
 Thence, North 21°55'43" East, 491.40 varas to a point for corner;
 Thence, North 42°23'56" East, 403.60 varas to a point for corner;
 Thence, North 0°33'54" West, 252.00 varas to a point for corner;
 Thence, North 31°16'43" East, 253.80 varas to a point for corner;
 Thence, North 45°24'46" East, a distance of 430.24 varas to the place of beginning.

All bearings herein refer to the Lambert Plane Coordinate System which differ by 2°23'41" clockwise from the True Meridian. (South Central Zone).

TRACT 3:

Field notes of a tract containing 1304 acres in Jefferson County, Texas, being parts of State Tracts 32, 37, 38, 40, 41, 42 and 43 and being the South and West mid part of Pleasure Island and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the Southwesterly line of the H. L. McKee survey, a distance of 270.00 varas from the most westerly corner of the said McKee survey, the North corner of a 3230.7 acre tract described above;

Thence in a southerly direction with the west line of said 3230.7 acre tract with the following meanders:

S. 45° 24' 26" W. 400.2 varas; S. 31° 16' 43" W. 253.8 varas; S. 0° 33' 54" E. 252.0 varas; S. 42° 23' 56" W. 403.6 varas; S. 21° 55' 43" W. 491.4 varas; S. 7° 21' 00" E. 997.2 varas; S. 3° 39' 50" W. 972.0 varas; S. 2° 03' 30" E. 576.0 varas; S. 24° 01' 13" W. 504.0 varas; S. 15° 34' 46" W. 900.0 varas; S. 4° 33' 44" E. 336.4 varas; S. 22° 53' 31" E. 137.2 varas; S. 15° 17' 01" E. 954.0 varas; S. 20° 43' 50" E. 705.6 varas; S. 31° 35' 15" E. 306.0 varas; S. 21° 00' 33" E. 756.0 varas; S. 30° 16' 11" W. 423.0 varas; S. 37° 45' 53" E. 331.9 varas to the South corner of said 3230.7 acre tract (X = 3,605,101.37;
 Y = 742,449.36);

Thence, N. 10° 09' 07" W. 253.4 varas with the East line of said 3230.7 acre tract to the line of mean high tide on the east side of Pleasure Island;

Thence, southeasterly with the line of mean high tide along the east side of Pleasure Island with the following meanders:

S. 33° 05' E. 306.7 varas; S. 62° 33' E. 371.2 varas; S. 51° 37' E. 247.3 varas; S. 46° 31' E. 511.2 varas; S. 73° 22' E. 235.3 varas; N. 30° 23' E. 104.4 varas; S. 63° 45' E. 460.3 varas; S. 53° 57' E. 309.6 varas; S. 72° 04' E. 313.2 varas; N. 32° 29' E. 214.2 varas; S. 52° 57' E. 162.0 varas; S. 79° 0' E. 273.6 varas; S. 57° 06' E. 99.0 varas; N. 63° 52' E. 32.1 varas; S. 55° 47' E. 79.6 varas; S. 31° 20' E. 921.2 varas; S. 64° 13' E. 431.3 varas; S. 23° 57' E. 295.6 varas; S. 21° 36' W. 71.6 varas; S. 20° 01' E. 119.5 varas; S. 23° 16' W. 194.4 varas to the most southern point of land at Mesquite Point;

Thence, in a Northwestwardly, Northerly and Northeastwardly direction with the line of mean high tide along the west side of Pleasure Island with the following meanders:

N. 70° 10' W. 02.0 varas; S. 80° 31' W. 107.6 varas; N. 70° 33' W. 1541.5 varas; N. 60° 23' W. 1349.6 varas; N. 50° 54' W. 303.8 varas; N. 75° 35' W. 344.5 varas; N. 65° 40' W. 173.5 varas; N. 84° 26' W. 256.0 varas; N. 66° 47' W. 547.9 varas; N. 50° 16' W. 652.7 varas; N. 55° 12' W. 225.0 varas; N. 33° 13' W. 762.5 varas; N. 22° 33' W. 1800.4 varas; N. 16° 43' W. 733.4 varas; N. 22° 06' W. 1164.6 varas; N. 33° 55' W. 103.2 varas; N. 19° 24' W. 959.7 varas; N. 3° 56' W. 490.3 varas; N. 7° 53' E. 179.3 varas; N. 27° 11' E. 359.6 varas; N. 38° 05' E. 434.2 varas; N. 19° 12' E. 256.3 varas; N. 8° 55' E. 777.2 varas; N. 5° 49' W. 278.6 varas; N. 5° 32' E. 405.0 varas; N. 15° 06' E. 469.1 varas; N. 25° 14' E. 520.9 varas; N. 30° 43' E. 652.3 varas; N. 36° 04' E. 500.8 varas to the point of intersection of the line of mean high tide with a northwesterly projection of the southwest line of the H. L. McKee survey;

Thence, S. 53° 36' 14" E. 431.3 varas, passing the west corner of said McKee survey and continuing with the southwest line of said McKee to the place of beginning.

All bearings herein are grid bearings from the Lambert Plane Coordinate System (Texas - South Central Zone) Theta angle = 2° 23' 41".

All of the oil, gas and other minerals within and under the above described lands are reserved to the State, along with the leasing rights as presently set out by current law.

Hereby relinquishing to **IT** the said **THE CITY OF PORT ARTHUR, TEXAS**
and **ITS SUCCESSORS** ~~and~~ or assigns forever all the right and title in and to said land heretofore held and possessed by the said State, and I do hereby issue this Letter Patent for the same.

Pilo 153420 IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed,
as well as the Seal of the General Land Office, Done at the City of Austin on
the **SIXTH** day of **JUNE** in the year
of Our Lord One Thousand Nine Hundred and **SIXTY SEVEN**.

[Signature] **Jerry Sadler**
Commissioner of the General Land Office.

[Signature]
Governor.

EXHIBIT II TO MOTION FOR LEAVE
LEAVE TO INTERVENE

FILED FOR RECORD
Amended
COUNTY CLERK
JEFFERSON COUNTY, TEXAS

739234

AUG 7 9 58 AM 1967

The State of Texas)
County of Jefferson)

I, Fred G. Hill, County Clerk, Jefferson County, Texas, do hereby
certify that the above and foregoing is a true and correct copy of the
instrument that appears of record in the Deed Records of
Jefferson County, Texas, in Vol. 1532, Page 115, in my office.

Given under my hand and seal of office, at Beaumont, Texas, this
the 29 day of November, A.D., 1971.

Fred G. Hill, County Clerk,
Jefferson County, Texas

By Patricia A. Miller Deputy

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1973

No. 36, Original

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

MOTION FOR MORE DEFINITE STATEMENT

The City of Port Arthur, Texas, by its City Attorney, intervenes in this suit and for cause of action states:

I.

The claim asserted by the United States of America in Paragraph III of its Amended Complaint is so vague and ambiguous that the City of Port Arthur cannot locate and identify the portion of Pleasure Island claimed by the United States, in that its complaint does not describe the boundaries, dimensions or area comprising such island alleged to have existed in the western half of the Sabine River in 1848 and now alleged to be a part of Pleasure Island. Hence, the City cannot reasonably frame a responsive pleading.

Accordingly, the City of Port Arthur moves the Court to direct the United States of America to provide a more definite statement of such claim and, failing which, that said claim of the United States of America be stricken.

GEORGE WIKOFF,
City Attorney of the
City of Port Arthur, Texas.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1973

No. 36, Original

THE STATE OF TEXAS, PLAINTIFF

v.

THE STATE OF LOUISIANA

COMPLAINT

The City of Port Arthur, Texas, by its City Attorney, intervenes in this suit and, subject to its Motion For More Definite Statement filed herewith, for cause of action states:

I.

The City of Port Arthur by virtue of deed from the State of Texas dated June 6, 1967, as authorized by Senate Bill 285, 60th Legislature of the State of Texas, is the owner in fee simple of that portion of Pleasure Island which is affected by the claim asserted by the United States of America in its amended complaint and denies that the United States has any claim or title.

II.

The claim asserted by the United States in its Amended Complaint to a portion of Pleasure Island, including the exhibits offered by the United States having any bearing on said claim, is so vague, ambiguous and indefinite that such land cannot be located, identified or described.

III.

That such island as may have existed in 1848 in the western
(19)

half of Sabine River, as asserted by the United States, cannot by any competent evidence be reasonably identified or located as a part of Pleasure Island.

IV.

That the claim of the United States to a portion of Pleasure Island is a matter de minimis non curat lex.

Wherefore, the City of Port Arthur prays for relief as follows:

1. That a decree be entered quieting title in the City of Port Arthur to said Pleasure Island.
2. For such other and further relief as the Court may deem proper.

Dated March, 1974.

GEORGE WIKOFF,
*City Attorney of the
City of Port Arthur, Texas.*

CERTIFICATE OF SERVICE

I, George Wikoff, City Attorney of the City of Port Arthur, Texas, a member in good standing of the Bar of the Supreme Court of the United States, hereby certify that on the 29th day of March, 1974, I served copies of the foregoing motion for leave to intervene, by first class mail, postage prepaid, to the Honorable Robert H. Bork, Solicitor General, Department of Justice, Washington, D. C. 20530, the Honorable John L. Hill, Attorney General of Texas, Austin, Texas 78711, and the Honorable Oliver P. Stockwell, Special Assistant Attorney General of the State of Louisiana, P. O. Box 2900, Lake Charles, Louisiana.

GEORGE WIKOFF,
*City Attorney of the
City of Port Arthur, Texas*

