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JOHN F. DAVIS, CLERK

IN THE
SUPREME COURT OF THE UNITED STATES.

NO. 33 ORIGINAL.

THE STATE OF ARKANSAS,
Plaintiff,

vs.

THE STATE OF TENNESSEE,
Defendant.

PETITION FOR TEMPORARY STAY ORDER.

JOE PURCELL,
Attorney General,
Justice Building, Capitol Grounds,
Little Rock, Arkansas,
and
DON LANGSTON,
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Attorneys for the State of Arkansas.



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THE STATE OF ARKANSAS,
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PETITION FOR TEMPORARY STAY ORDER.

The State of Arkansas, by its Attorney General Joe Purcell, hereby prays temporary relief against the State of Tennessee, pending final determination of this cause:

1) As alleged in the Complaint filed herein, the State of Arkansas has for over forty (40) years exercised all rights of sovereignty and dominion over the area in controversy. During such period it has enforced its laws thereon, exacted and collected taxes from, and afforded the protection of its laws to all inhabitants thereon without interference from any persons purporting to act by, through or under the authority of the State of Tennessee.

2) As also alleged in said Complaint heretofore filed by the State of Arkansas, officers purporting to act under

the authority of the State of Tennessee have entered thereon for the purpose of executing writs and processes issued under the authority of the State of Tennessee, to enforce its statutes, laws, decrees and Game and Fish Regulations, all of which is a constant threat to the peace and dignity of the State of Arkansas and a continuous harassment of its citizens.

3) This action was brought by the State of Arkansas upon written appeal of the duly elected officers of Crittenden County, Arkansas, a political subdivision and arm of the State of Arkansas, and upon request of the Honorable Winthrop Rockefeller, Governor of the State of Arkansas, in order that the contested right to sovereignty and control over the area in controversy might be determined and the boundary line between it and the State of Tennessee might be finally established and forever quieted in this, the only forum with jurisdiction to grant such relief.

4) Notwithstanding the pendency of this Complaint, the actions of the officers of the State of Tennessee complained of herein have become more frequent and the Courts of the State of Tennessee have continued to attempt to exercise jurisdiction, issue and serve writs and processes purporting to effect the area in controversy and to adjudicate the rights of its inhabitants.

5) The continued action of the Officers and Courts of the State of Tennessee by attempted adjudication, writs and entry of its Officers thereon attempting to enforce the laws of that State while the jurisdiction thereof is questioned in this action, ought to be stayed pending a final determination of this controversy in this forum.

Wherefore, the State of Arkansas prays that this Court, pending final determination, issue appropriate temporary orders staying all further action by the State of Tennessee to exercise dominion and control in the area in controversy, and all further proceedings by the Courts of the

State of Tennessee involving said area and particularly that action now pending in the Supreme Court of Tennessee at Jackson, Tennessee, styled **Brown v. Brakensiek, et al.**, and that the State of Tennessee be temporarily restrained from attempting through its officers, taxing authorities, Game and Fish Commission or other agencies to exercise or attempt to exercise dominion, control and jurisdiction over said area.

Respectfully submitted,

JOE PURCELL,
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and

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