

JUN 25 1962

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1961.

No. 13 Original.

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW JERSEY, ET AL.,

Defendants.

**ANSWER OF DEFENDANT, SUN OIL COMPANY,
TO COMPLAINT OF STATE OF TEXAS**

✓ HENRY A. FRYE,

PEPPER, HAMILTON & SCHEETZ,

2001 Fidelity-Philadelphia Trust Bldg.,

Philadelphia 9, Pa.,

Attorney for Defendant,

Sun Oil Company,

1608 Walnut Street,

Philadelphia 3, Pa.

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STATE OF TEXAS,

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STATE OF NEW JERSEY, ET AL.,

Defendants.

**ANSWER OF DEFENDANT, SUN OIL COMPANY, TO
COMPLAINT OF STATE OF TEXAS**

Sun Oil Company, one of the defendants, makes answer to the Complaint of the State of Texas as follows:

I. Admitted.

II. Admitted.

III. Admitted that defendant, State of New Jersey, acts by and through its Attorney General, who is now David D. Furman.

IV. Admitted that defendant, Commonwealth of Pennsylvania, acts by and through David Stahl, Attorney General, as requested by Charles M. Dougherty, Secretary of Revenue.

V. Admitted.

VI. Admitted, except that proof is demanded of the various custodial, abandoned property and escheat statutes of the several States which may make claims to the property referred to in plaintiff's Complaint and any other similar property in the possession of defendant, Sun Oil Company.

VII. Defendant, Sun Oil Company, incorporates herein by reference its answer to Paragraph XI.

VIII. Admitted, except that the State of New Jersey and Sun Oil Company have filed and the Chancery Court of the State of New Jersey has approved a stipulation staying all proceedings in the suit brought by the State of New Jersey against Sun Oil Company, pending the decision of this Court on the motion of the State of Texas.

IX. Admitted that suit was filed by the State of New Jersey as averred, but it is averred as in the answer to Paragraph VIII that action in the suit has been stayed.

X. Admitted.

XI. It is admitted that defendant, Sun Oil Company, filed a report of personal property covering the types of items set forth in Paragraph XI. It is averred, however, that this defendant, within the time prescribed by the Texas law, has filed a list of deletions showing items which have been cleared since the filing of the initial report and calls upon plaintiff to produce such list along with the initial report. Sun Oil Company can neither admit nor deny that the situs of such property and jurisdiction thereof for the purposes of escheat lies in Texas or in any other State, in view of the adverse claims of the defendant States of New Jersey and Pennsylvania and the possible claims of other States to this and other similar property, and reserves to itself the right to claim any offsets, counterclaims, limitations or other defenses it may have under the custodial, abandoned property or escheat laws of the State or States determined to have jurisdiction.

XII. Admitted.

XIII. Defendant, Sun Oil Company, incorporates herein by reference its answer to Paragraph XI.

XIV. Defendant, Sun Oil Company, incorporates herein by reference its answer to Paragraph XI.

XV. Defendant, Sun Oil Company, incorporates herein by reference its answer to Paragraph XI.

XVI. As to the intangible personal property referred to in Paragraph XVI, this defendant admits that it is in real, actual and imminent danger of being compelled by the courts of more than one State to deliver all or a portion or portions of such property to those States, without protection from the claims of other States, and, therefore, submits to the jurisdiction of this Court for the purpose of disposing of the conflicting claims of plaintiffs, of the other defendants and of the several other States which are notified of this proceeding.

XVII. Admitted.

XVIII. Admitted.

XIX. WHEREFORE, defendant, Sun Oil Company, submits itself to the jurisdiction of this Court as may be ordered or decreed and joins in the prayers of subparagraphs (1), (2), (3), (4) and (5) of Paragraph XIX of plaintiff's Complaint.

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HENRY A. FRYE,
Attorney for Defendant,
Sun Oil Company.

PROOF OF SERVICE.

I, HENRY A. FRYE, attorney for defendant, Sun Oil Company, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 22nd day of June, 1962, I served copies of the foregoing Answer of Defendant, Sun Oil Company, to Complaint of State of Texas on each of the other parties to this action by depositing copies in a United States post office or mail box, as certified mail with first class postage or air mail postage prepaid, and addressed to:

- (1) Honorable Price Daniel
Governor of Texas
State Capitol
Austin, Texas
- (2) Honorable Will Wilson
Attorney General of Texas
Courts Building
Austin 11, Texas
- (3) Honorable Richard J. Hughes
Governor of New Jersey
State Capitol
Trenton, New Jersey
- (4) Honorable David D. Furman
Attorney General of New Jersey
State Capitol
Trenton, New Jersey
- (5) Honorable David L. Lawrence
Governor of Pennsylvania
State Capitol
Harrisburg, Pennsylvania
- (6) Honorable David Stahl
Attorney General of Pennsylvania
State Capitol
Harrisburg, Pennsylvania

It is further certified that copies of the Answer of Defendant, Sun Oil Company, to Complaint of State of Texas have been served on the states named in Paragraph VI of plaintiff's Complaint by depositing copies in a United States post office or mail box, as certified mail with first class postage or air mail postage prepaid and addressed to the Governors and Attorneys General of each of such States.

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HENRY A. FRYE,
Attorney for Defendant,
Sun Oil Company.

