

STATE OF ALABAMA, and AUGUSTINE MEAHER, JR., as Executor under the last will and testament of Augustine Meaheer, Deceased, and HELEN R. MEAHER, as Executrix and Trustee under the Last Will and Testament of AUGUSTINE MEAHER, DECEASED,

Complainants,

vs-

WILEY V. HAMILTON,

Respondent.

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA.
IN EQUITY No. _____.

For answers to the interrogatories propounded to the defendant, in this cause, the defendant says as follows, viz:-

1. WILEY V. HAMILTON
2. Yes.
3. I own a home located approximately as described in this interrogatory, and derive some revenue from services rendered fishermen and hunters.
4. No one else is interested with me in this property.
5. I have already answered this interrogatory.
6. My property is located on the North side of the right-of way of the Cochrane Bridge near the East shore of Mobile Bay, but I can not give a detailed, accurate legal description of the same.
7. I think so.
8. Yes, and located in the run of one of the navigable bayous that originally ran into the head of John's Bend.
9. I have already answered this interrogatory but state again that my home and premises are located on piling driven in to the bottom of the navigable bayou which originally ran, before the construction of the Bay Bridge, in to the head of John's Bend.

II,

I was no party to the agreement referred to and attached to the complaint as Exhibit "A" and have no knowledge of whether it is a true copy of the original

or not or if said original is material to a decision in this cause.

III.

1. I think so.
2. I think so.
3. I do not know, but it seems to be approximately correct.
4. & 5. I do not personally know the exact width of the right-of-way for said Highway bridge, and can not tell you the distances from the center of said highway to the Southern and Northern lines of said right-of-way.

IV.

1. I think so.
2. I think so.

V.

1. Few measurements are given on this plat of Exhibit C referred to and those given are so indefinite, that I can not answer the question.
2. Yes.
3. I have already answered this question.
4. I have made no measurements but the wharf connects with the land and the Southern end is over the water and the Northern edge over John's Bend.
5. I do not know the mean high tide line at this point and can not answer the question.
6. I can not answer this question, not knowing the point fixed as the low tide line and if said lines have ever been established by the United States Government, at these points, I have never heard of it.
7. I have a wharf connecting my home with the high ground on the North edge of the Highway. This wharf is located in that portion of the navigable bayou in which my home is located which was not filled by the construction of the Bay Bridge.
8. The Southern extremity of said wharf is on the

North edge of the high ground of said Highway but the exact distance from the center line thereof I do not know,

9. My opinion is that, the South edge of my house is located one hundred fifty one feet from the center line of the Highway, and I believe that the complete length of said wharf is about one hundred feet.
10. I do not know.
11. I do not know.
12. I do not know where the right-of-way line of said Highway is located and can not answer this question.
13. Said wharves are constructed of wood with a frame work supported by piling. I built them and have kept them in their present condition of repair. It has been approximately nine years.
14. I do.
15. Said wharf connects with my home.
16. Yes.
17. My family.
18. I do.
- x 19. I would assume about 175 feet.
20. The same was erected to form my home and I do not think the dimensions thereof are of any consequence in this suit.
21. My home is supported on piling.
22. If the Exhibit to the original bill is correct, there is no necessity of my drawing any sketch showing the distances and measurements called for in this interrogatory.
23. Yes.
24. I do.
25. Cars do park South of my home along the roadway, but whether they are in on the right-of-way, I do not know.
26. One.
27. I can not give the exact distance and the data called for in this interrogatory, in my opinion, is immaterial.

28. Yes.

29. I think the answer to this interrogatory is immaterial.

30. Yes.

VI.

1. If the bayou in which my home is located is Jack's Bayou, it certainly is a navigable water course.

2. At dead low tide there is about 18 inches of water, around my house and at high tide about four feet.

3. There is a small channel in said bayou and the depth of this is about the same as at my house, at low tide, except that it is deeper in the channel.

4. Said bayou has been used for many years as an entrance for small boats, and to the North end of John's Bend, and many boats used to drive in and through said bayou from the head waters of Mobile Bay, I can not tell you who constructed it, I have maintained said channel for some while.

5. The bayou in which my home is located is less than 300 feet.

6. About four to five feet at high tide, and two feet at low tide.

7. Said bayou is utilized by many persons for the passage of boats, small launches, outboard motors and skiffs.

VII.

1. Nearly nine years.

2. I think so.

3. I do not think the answer to this interrogatory is necessary.

4. I think it was either 1933 or 1934.

5. I can not answer this interrogatory.

6. Yes.

7. Prior to the location of my house boat, where it is presently located, I had it located in another navigable branch of this stream, which has now been filled and where Mr. Augustine Meaher has some structures.

- X 9. About ^{five}~~eight~~ or ^{six}~~nine~~ years ago.
10. I did.
11. I had various permits from persons whom I thought had some interest in the surrounding land and the Bay Bridge Corporation and the United States Engineer's office at Mobile, Alabama, relating to my use of said property and location there. If the court deems it necessary for me to produce said instruments, I will do so; otherwise, at this time I think the same are immaterial.
12. I did get a permit from the United States Engineer Office in 1935 during the month of September, to construct my wharf and pier at said location. If the court deems it necessary for me to produce said permit at this time, I will do so, otherwise, I think it now immaterial.
13. I decline to do this unless ordered by the Court to do so.
14. I have the sketch referred to in this interrogatory and if the Court deems it necessary to attach same, to my answer I will do so.
15. If the court deems it necessary for me to answer this interrogatory, I will do so, otherwise I do not.
16. I decline to do this unless ordered by the court to do so.
17. The permit referred to in the previous interrogatory is the last authority I had in the matter from the United States Government.
18. No.
19. I have already answered this.

VIII.

1. I had authority from the State Highway Department to construct my wharves.
2. I decline to answer this interrogatory unless required by court to do so.

3. Yes.
4. I decline to answer this interrogatory unless required by Court to do so.
5. Yes.
6. I decline to answer this unless ordered by the court to do so.
7. I had authority to put my piling in the bayou and was advised and believe that no one else has authority or was concerned with what improvements I put on the top of it.
8. I have a perfect legal right to maintain my home in said bayou as it is located and to maintain the wharves as they are personally constructed and maintained. In so far as attaching my permit, I decline to do this unless ordered by the court to do so.

IX.

The ground on the North side of said Highway was placed there originally by the dredge and I have added to it and maintained it from time to time, up to my wharf. This condition has prevailed for a number of years.

5. I had authority from the State Highway Department to construct said turn-out several years ago.
6. I decline to attach my authority unless ordered by the Court to do so.
7. I have authority from the State Highway Commission but decline to attach my authority unless ordered by the Court to do so.
8. I make the same answer to this interrogatory.

X.

1. My recollection is I wrote such a letter.

XI.

1. I do not think the answer to this interrogatory is material.
2. I do not claim to own any of the right-of-way of the Mobile Bay Bridge.

3. I do not think the answer to this interrogatory material.
4. I do not think the answer to this interrogatory is necessary.
5. I make the same answer to this interrogatory.
- 6, -7,
&
8.- I make the same answer to these interrogatories.
9. I have a perfect legal right to maintain my home in said bayou and the structures have been erected by permission of the State of Alabama, and the United States Government.
10. I will not attach my permit unless required by the Court to do so.
11. I have a perfect right to retain and maintain my home where it is now located.
12. This interrogatory is immaterial.
13. This interrogatory is immaterial.

Wiley V. Hamilton

- 3. I do not think the answer to this interrogatory material.
- 4. I do not think the answer to this interrogatory is necessary.
- 5. I make the same answer to this interrogatory.
- 6. I make the same answer to these interrogatories.
- 7. I have a perfect legal right to maintain my home in said bayou and the structures have been erected by permission of the State of Alabama, and the United States Government.
- 8. I will not attach my permit unless required by the Court to do so.
- 9. I have a perfect right to retain and maintain my home where it is now located.
- 10. This interrogatory is immaterial.
- 11. This interrogatory is immaterial.

W. J. Starnes
Dec 10/1942

W. J. Starnes

782

STATE OF ALABAMA and :
AUGUSTINE MEAHER, JR., :
as Executor under the :
last will and testament :
of Augustine Meaher, :
Deceased, and HELEN R. :
MEAHER as Executrix and : IN THE CIRCUIT COURT OF
Trustee under the last :
will and testament of :
Augustine Meaher, De- : BALDWIN COUNTY, ALABAMA
ceased, :

Complainants : IN EQUITY NO. _____

versus :

WILEY V. HAMILTON, :

Respondent : .

This matter coming on to be heard by me, in open court, on the duly verified petition of the State of Alabama, Augustine Meaher, Jr., as Executor under the last will and testament of Augustine Meaher, Deceased, and Helen R. Meaher, as Executrix and Trustee under the last will and testament of Augustine Meaher, Deceased, wherein said petitioners pray that the respondent Wiley V. Hamilton be ordered to appear and show cause why he should not be imprisoned for a contempt of this court because of his failure to comply with the order of this court entered on the 2nd day of February, 1942,

And it appearing to the court that said petitioners are entitled to the relief prayed for in said petition,

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the court that the Register shall issue a rule nisi commanding and directing the said respondent Wiley V. Hamilton to appear before this court ^{at Moundville, Ala} on the 15th day of May, 1942, to show cause, if any he has, why he should not be adjudged in and punished for contempt of this court for failure to comply with the order entered by this court on

2.

the 29th day of January, 1942, and,

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Register shall cause said rule nisi and a copy of this order and of said petition to be served upon said respondent Wiley V. Hamilton.

Done in term time, this 24th day of April,
1942.

G. W. Hare

JUDGE

C
O
P
Y

STATE OF ALABAMA and
AUGUSTINE MEAHER, JR.,
as Executor under the
last will and testament
of Augustine Meaher,
Deceased, and HELEN R.
MEAHER as Executrix and
Trustee under the last
will and testament of
Augustine Meaher, De-
ceased,

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY NO. 782

Complainants :

versus

WILEY V. HAMILTON,

Respondent :

This matter coming on to be heard by me, in open court, on the duly ver-
ified petition of the State of Alabama, Augustine Meaher, Jr., as Executor under
the last will and testament of Augustine Meaher, Deceased, and Helen R. Meaher,
as Executrix and Trustee under the last will and testament of Augustine Meaher,
Deceased, wherein said petitioners pray that the respondent Wiley V. Hamilton be
ordered to appear and show cause why he should not be imprisoned for a contempt
of this court because of his failure to comply with the order of this court
entered on the 2nd day of February, 1942,

And it appearing to the court that said petitioners are entitled to the
relief prayed for in said petition,

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the court that the
Register shall issue a rule nisi commanding and directing the said respondent
Wiley V. Hamilton to appear before this court at Monroeville, Alabama, on the 15th
day of May, 1942, to show cause, if any he has, why he should not be adjudged in and
punished for contempt of this court for failure to comply with the order entered by
this court on the 29th day of January, 1942, and,

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Register
shall cause said rule nisi and a copy of this order and of said petition to be
served upon said respondent Wiley V. Hamilton.

Done in term time, this 24th day of April, 1942.

F. W. Hare
JUDGE

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama,
do hereby certify that the foregoing is a correct copy of the original decree
rendered by the Judge of the Circuit Court in the above stated cause, which said
decree is on file and enrolled in my office.

Witness my hand and seal this the 10th day of November, 1943.

Register of Circuit Court,
in Equity.

STATE OF ALABAMA, AND AUGUSTINE
MEASER, JR., as Executor under the
last will and testament of
AUGUSTINE MEASER, Deceased, and
HELEN R. MEASER, as EXECUTRIX and
TRUSTEE under the Last Will and
Testament of AUGUSTINE MEASER,
Deceased,

Complainants,

-vs-

WILEY V. HAMILTON,

Respondent

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA.
IN EQUITY NO----

For answers to the interrogatories propounded to the defendant, in
this cause, the defendant says as follows, viz:-

1. WILEY V. HAMILTON
- 2.
2. Yes.
3. I own a home located approximately as described in this interrogatory,
and derive some revenue from services rendered fishermen and hunters.
4. No one else is interested with me in this property.
5. I have already answered this interrogatory.
6. My property is located on the North side of the right-of way of the
Cochrane Bridge near the East shore of Mobile Bay, but I can not
give a detailed, accurate legal description of the same.
7. I think so.
8. Yes, and located in the run of one of the navigable bayous that
originally ran into the head of John's Bend.
9. I have already answered this interrogatory but state again that my home
and premises are located on piling driven in to the bottom of the
navigable bayou which originally ran, before the construction of the
Bay Bridge, in to the head of John's Bend.

II

I was no party to the agreement referred to and attached to the
complaint as Exhibit "A" and have no knowledge of whether it is a
true copy of the original or not or if said Original is material to
a decision in this cause.

III

1. I think so.
2. I think so.
3. I do not know, but it seems to be approximately correct

4. & 5. I do not personally know the exact width of the right-of-way for said Highway bridge, and can not tell you the distances from the center of said highway to the Southern and Northern lines of said right-of-way.

IV.

1. I think so.
2. I think so.

V

1. Few measurements are given on this plat of Exhibit C referred to and those given are so indefinite, that I can not answer the question.
2. Yes.
3. I have already answered this question.
4. I have made no measurements but the wharf connects with the land and the Southern end is over the water and the Northern edge over John's Bend.
5. I do not know the mean high tide line at this point and can not answer the question.
6. I can not answer this question, not knowing the point fixed as the low tide line and if said lines have ever been established by the United States Government, at these points, I have never heard of it.
7. I have a wharf connecting my home with the high ground on the North edge of the Highway. This wharf is located in that portion of the navigable bayou in which my home is located which was not filled by the construction of the Bay Bridge.
8. The Southern extremity of said wharf is on the North edge of the high ground of said Highway but the exact distance from the center line thereof I do not know.
9. My opinion is that, the South edge of my house is located one hundred fifty-one feet from the center line of the Highway, and I believe, that the complete length of said wharf is about one hundred feet.
10. I do not know.
11. I do not know.
12. I do not know where the right-of-way line of said Highway is located and can not answer this question.
13. Said wharves are constructed of wood with a frame work supported by

channe for some while.

5. The bayou in which my home is located is less than 300 feet.
6. About four to five feet at high tide, and two feet at low tide.
7. Said bayou is utilized by many persons for the passage of boats, small launches, outboard motors and skiffs.

VII

1. Nearly nine years.
2. I think so.
3. I do not think the answer to this interrogatory is necessary.
4. I think it was either 1933 or 1934.
5. I can not answer this interrogatory.
6. Yes.
7. Prior to the location of my house boat, where it is presently located, I had it located in another navigable branch of this stream, which has now been filled and where Mr. Augustine Meaher has some structures.
8. (No number 8 in original)
9. About five or six years ago.
10. I did.
11. I had various permits from persons whom I thought has some interest in the surrounding land and the Bay Bridge Corporation and the United States Engineer's office at Mobile, Alabama, relating to my use of said property and location there. If the court deems it necessary for me to produce said instruments, I will do so; otherwise at this time I think the same are immaterial.
12. I did get a permit from the United States Engineer Office in

16. I decline to do this unless ordered by the court to do so.
17. The permit referred to in the previous interrogatory is the last authority I had in the matter from the United States Government.
18. No.
19. I have already answered this.

VIII

1. I had authority from the State Highway Department to construct my wharves.
2. I decline to answer this interrogatory unless required by court to do so.
3. Yes.
4. I decline to answer this interrogatory unless required by Court to do so.
5. Yes.
6. I decline to answer this unless ordered by the court to do so.
7. I had authority to put my piling in the bayou and was advised and believe that no one else has authority or was concerned with what improvements I put on the top of it.
8. I have a perfect legal right to maintain my home in said bayou as it is located and to maintain the wharves as they are personally constructed and maintained. In so far as attaching my permit, I decline to do this unless ordered by the court to do so.

IX

The ground on the North side of said Highway was placed there originally by the dredge and I have added to it and maintained it from time to time, up to my wharf. This condition has prevailed for a number of years.

5. I had authority from the State Highway Department to construct said turn-out several years ago.
6. I decline to attach my authority unless ordered by the court to do so.
7. I have authority from the State Highway Commission but decline to attach my authority unless ordered by the Court to do so.
8. I make the same answer to this interrogatory.

1. My recollection is I wrote such a letter

XI.

1. I do not think the answer to this interrogatory is material.

2. I do not claim to own any of the right-of-way of the Mobile Bay Bridge.

3. I do not think the answer to this interrogatory material.

4. I do not think the answer to this interrogatory is necessary.

5. I make the same answer to this interrogatory.

6.-7.

&

8. I make the same answers to these interrogatories.

9. I have a perfect legal right to maintain my home in said bayou and the structures have been erected by permission of the State of Alabama, and the United States Government.

10. I will not attach my permit unless required by the Court to do so.

11. I have a perfect right to retain and maintain my home where it is now located.

12. This interrogatory is immaterial.

13. This interrogatory is immaterial.

WILEY V. HAMILTON

Orig. 782

RECORDED

RECORDED

Filed April 24 1943
Richard
Beysie

31-310
7/15, 1943

Min 3-76

NO. 11113 ORDER 4 (190) ... RECEIVED IN THE CLERK'S OFFICE OF BALDWIN COUNTY, GEORGIA, APRIL 1942

Executed April 30th, 1943 by serving a copy of the within Order on Wiley V. Hamill for the Respondent.

W. V. Hamill
SHERIFF of Baldwin County.

Answer to
Interrogatories

STATE OF ALABAMA and :
AUGUSTINE MEAHER, JR., :
as Executor under the :
last will and testament :
of Augustine Meaher, :
Deceased, and HELEN R. :
MEAHER as Executrix and :
Trustee under the last :
will and testament of :
Augustine Meaher, De- :
ceased, :
Complainants :
vs. :
WILEY V. HAMILTON, :
Respondent :

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. _____

FINAL DECREE

This cause coming on to be heard in open court at the Court House of Baldwin County, Alabama, in Bay Minette, Alabama, the regular place for holding court in said county, and being submitted by the complainants for a final decree, upon the original bill of complaint filed herein and the decree pro confesso entered in favor of the complainants and against the respondent on the 28 day of January, 1942, as shown by the note of submission for final decree signed by the attorneys of record for the complainants, and the matter being considered and understood by the court; and

IT APPEARING TO THE COURT that the respondent failed to demur, plead or answer to said original bill of complaint within thirty days after personal service of the summons upon him, and that, the time for pleading to the same not having been extended, said decree pro confesso was duly entered against the respondent and in favor of the complainants, on the aforesaid date, and the allegations of said original bill of complaint are to be deemed ad-

mitted by the respondent, a person of sound mind and over the age of twenty-one years; and

IT APPEARING TO THE COURT that the complainants have caused to have filed an affidavit setting forth facts showing that the respondent is not in military service, which affidavit is in due form; and

IT APPEARING TO THE COURT that on the facts averred in said original bill of complaint, which are deemed admitted by the respondent, the complainants are entitled to the relief prayed for;

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the court, and the court hereby orders, adjudges and decrees that the respondent Wiley V. Hamilton be and is hereby permanently enjoined and restrained from maintaining a commercial enterprise known as a fishing and hunting camp at a point on and adjacent to the right of way of the highway known as the Mobile Bay Bridge Road, at the place where said right of way passes between that body of water commonly known as Jack's Bayou, on the north, and that body of water commonly known as John's Bend or Mobile Bay, on the south, said right of way being owned by the State of Alabama, and located in Section 25, Township 4 South, Range 1 East, Baldwin County, Alabama; and that the said respondent be and is hereby permanently enjoined and restrained from maintaining, at said place, a wooden wharf beginning at a point approximately 65 feet south of the center line of said highway, and running thence southwardly over said right of way for a distance of 80 feet into and over John's Bend or Mobile Bay, and from maintaining, at said place, a wooden wharf beginning at a point approxi-

mately 45 feet north of the center line of said highway, and running thence northwardly for a distance of approximately 105 feet over said right of way and into and over Jack's Bayou, and from maintaining, at said place, a wooden house, camp, building or structure located immediately north of the northern line of said right of way, and being supported by piles driven into the bed of Jack's Bayou, and from using the space adjacent to said wharves and said house, camp, building or structure for the storage of boats, skiffs and miscellaneous equipment, and from displaying on said right of way, at said place, any sign or signs advertising that the said respondent rents and sells boats and bait, and from causing persons to park their automobiles or other vehicles on said right of way for the purpose of storing the same thereon while they fish or hunt; and that said respondent be and is hereby ordered, directed and required to remove said wharves, and said house, camp, building or structure, and said boats, skiffs, miscellaneous equipment and signs, and to forever cease and desist from maintaining said commercial enterprise at said place; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the court, and the court hereby orders, adjudges and decrees that all costs incurred herein be taxed against the respondent, for which let execution issue.

Done this 2nd day of February, 1942.

J. W. Hare
Judge

⑥

783

RECORDED

Final Dec

Filed Feb 2 1942

W. J. Bell
Registrar

Minutes Books 3-52

77-379-80

6/16/41 cert + index -

STATE OF ALABAMA:

COUNTY OF MOBILE:

Personally appeared before me, the undersigned authority in and for said state and county, Charles B. Arendall, Jr., known to me, who upon being first duly sworn by me, on oath deposes and says that he is an attorney of record for the complainants in the case styled "State of Alabama, et al., Complainants, versus Wiley V. Hamilton, Respondent", which said case is now pending in the Circuit Court of Baldwin County, Alabama, on the equity side of said court, and as such has authority to make this affidavit; that he knows that the respondent in said cause, Wiley V. Hamilton, is not in the military service of the United States, or any other nation; and that said respondent is, and has been since the filing of the bill of complaint in said cause, a resident of Baldwin County, Alabama, over the age of twenty-one years, and of sound mind, and is and has been carrying on his usual civilian occupations including the renting of boats for hire.

Charles B. Arendall, Jr.

Subscribed and sworn to before me
this 29th day of January, 1942.

Rosa Gerhardt
Notary Public, Mobile County, Ala.

The State of Alabama,

No. 782... CIRCUIT COURT IN EQUITY.

Baldwin County.

STATE OF ALABAMA and AUGUSTINE MEAHER, JR, as executrix under the last will and testament of AUGUSTINE MEAHER, Deceased, and HELEN R. MEAHER as Executrix and Trustee under the last will and testament of Augustine Meahe, Deceased.

vs.

WILEY V. HAMILTON

Defendant

In this cause it appears to the REGISTER, R. S. Duck

that a summons requiring the Defendant WILEY V. HAMILTON

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon WILEY V. HAMILTON which was served upon him by the Sheriff of Baldwin County, Alabama, on the 12 day of December 1941.

And the said Defendant... having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of HYBART & CHASON & SMITH, HAND & ARENDALL As Solicitors of Record for the Complainants in said cause... ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said WILEY V. HAMILTON

Defendant aforesaid.

This 28th day of January 1942

R. S. Duck

Register.

The State Of Alabama }
Baldwin County } Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama—GREETINGS:

WE COMMAND YOU, That you summon WILEY V HAMILTON.

of BALDWIN. County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by STATE OF ALABAMA, AND. Augustine, Mesher, Jr. as the
Executor, under the last will, and testament. of Augustin. Mesher
Deceased, and Helen R Mesher, as Executrix, and Trustee, under, the
last Will and Testament. of AUGUSTIN, MESHER. . Deceased.

against said Wiley V Hamilton.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 12th day of December,, 194 1

_____, Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

4

TO THE HONORABLE FRANCIS HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Come your petitioners, the State of Alabama and Augustine Meaher, Jr., as executor under the last will and testament of Augustine Meaher, deceased, and Helen R. Meaher, as executrix and trustee under the last will and testament of Augustine Meaher, deceased, and show unto the court as follows:

1. That on the 2nd day of February, 1942, this court entered an order in the cause wherein your petitioners were the complainants and Wiley V. Hamilton was the respondent, a copy of said order being attached hereto, marked Exhibit A, and made a part hereof as fully as though the same were herein set out in full.

2. That the said Wiley V. Hamilton, respondent in said cause, has been served with a copy of said order.

3. That the said Wiley V. Hamilton, respondent in said cause, has wholly failed to comply with the terms of said order, and has failed to cease to maintain said commercial enterprise known as a fishing and hunting camp, said wooden wharves and said wooden house, camp, building or structure; and has failed to cease to use the space adjacent to said wharves and said house, camp, building or structure, for the storage of boats, skiffs and miscellaneous equipment; and has failed to cease displaying on said right of way a sign or signs advertising that the said respondent rents and sells boats and bait; and has failed to cease causing persons to park their automobiles or other vehicles on said right of way for the purpose of storing the same thereon while they fish or hunt; and that said respondent has wholly failed to remove said wharves and said house, camp, building or

structure, and said boats, skiffs, miscellaneous equipment and signs.

PRAYER FOR PROCESS AND RELIEF

Wherefore, petitioners pray that the said respondent Wiley V. Hamilton be ordered to appear and show cause why he should not be imprisoned for a contempt of this court because of his failure to comply with the said order of this court entered on the 2nd day of February, 1942. And petitioners pray for such other, further or different relief as they may be entitled to receive, in equity and good conscience, as petitioners will forever pray, etc.

Smith, Hand & Aundall
Solicitors for Petitioners

STATE OF ALABAMA:
COUNTY OF MOBILE:

Personally appeared before me, the undersigned authority in and for said state and county, Augustine Meaher, Jr., known to me to be one of the petitioners named in the aforesaid petition, who upon being first duly sworn by me, on oath deposes and says that the facts set out in the foregoing petition are true as therein stated.

Augustine Meaher Jr

Subscribed and sworn to before me
this 3rd day of March, 1942.

Charles B. Aundall, Jr.
Notary Public, Mobile County, Ala.

EXHIBIT A

STATE OF ALABAMA and	:	
AUGUSTINE MEAHER, JR.,	:	
as Executor under the	:	
last will and testament	:	IN THE CIRCUIT COURT OF
of Augustine Meaher,	:	
Deceased, and HELEN R.	:	BALDWIN COUNTY, ALABAMA
MEAHER as Executrix and	:	
Trustee under the last	:	
will and testament of	:	
Augustine Meaher, De-	:	IN EQUITY NO. _____
ceased,	:	
Complainants	:	
vs.	:	
WILEY V. HAMILTON,	:	
Respondent	:	

FINAL DECREE

This cause coming on to be heard in open court at the Court House of Baldwin County, Alabama, in Bay Minette, Alabama, the regular place for holding court in said county, and being submitted by the complainants for a final decree, upon the original bill of complaint filed herein and the decree pro confesso entered in favor of the complainants and against the respondent on the 28 day of January, 1942, as shown by the note of submission for final decree signed by the attorneys of record for the complainants, and the matter being considered and understood by the court; and

IT APPEARING TO THE COURT that the respondent failed to demur, plead or answer to said original bill of complaint within thirty days after personal service of the summons upon him, and that, the time for pleading to the same not having been extended, said decree pro confesso was duly entered against the respondent and in favor of the complainants, on the aforesaid date, and the allegations of said original bill of complaint are to be deemed ad-

mitted by the respondent, a person of sound mind and over the age of twenty-one years; and

IT APPEARING TO THE COURT that the complainants have caused to have filed an affidavit setting forth facts showing that the respondent is not in military service, which affidavit is in due form; and

IT APPEARING TO THE COURT that on the facts averred in said original bill of complaint, which are deemed admitted by the respondent, the complainants are entitled to the relief prayed for;

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the court, and the court hereby orders, adjudges and decrees that the respondent Wiley V. Hamilton be and is hereby permanently enjoined and restrained from maintaining a commercial enterprise known as a fishing and hunting camp at a point on and adjacent to the right of way of the highway known as the Mobile Bay Bridge Road, at the place where said right of way passes between that body of water commonly known as Jack's Bayou, on the north, and that body of water commonly known as John's Bend or Mobile Bay, on the south, said right of way being owned by the State of Alabama, and located in Section 25, Township 4 South, Range 1 East, Baldwin County, Alabama; and that the said respondent be and is hereby permanently enjoined and restrained from maintaining, at said place, a wooden wharf beginning at a point approximately 65 feet south of the center line of said highway, and running thence southwardly over said right of way for a distance of 80 feet into and over John's Bend or Mobile Bay, and from maintaining, at said place, a wooden wharf beginning at a point approxi-

mately 45 feet north of the center line of said highway, and running thence northwardly for a distance of approximately 105 feet over said right of way and into and over Jack's Bayou, and from maintaining, at said place, a wooden house, camp, building or structure located immediately north of the northern line of said right of way, and being supported by piles driven into the bed of Jack's Bayou, and from using the space adjacent to said wharves and said house, camp, building or structure for the storage of boats, skiffs and miscellaneous equipment, and from displaying on said right of way, at said place, any sign or signs advertising that the said respondent rents and sells boats and bait, and from causing persons to park their automobiles or other vehicles on said right of way for the purpose of storing the same thereon while they fish or hunt; and that said respondent be and is hereby ordered, directed and required to remove said wharves, and said house, camp, building or structure, and said boats, skiffs, miscellaneous equipment and signs, and to forever cease and desist from maintaining said commercial enterprise at said place; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the court, and the court hereby orders, adjudges and decrees that all costs incurred herein be taxed against the respondent, for which let execution issue.

Done this 2 day of February, 1942.

F. W. HARRIS
Judge

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. _____

Summons

vs.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 194_____

Sheriff.

Executed this _____ day of

_____, 194_____

by leaving a copy of the Summons with

Defendant

Sheriff

By _____

Deputy Sheriff

3

RECORDED

No. 782 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

STATE OF ALABAMA, ET AL

vs.

WILEY V. HAMILTON

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued Jan 28 1942

D. Duck

Register.

Meore Printing Company, Bay Minette, Ala.

Genashee 9 Page 234

④

RECORDED

~~Military affidavit~~

Filed Jan 29 1942
Product
Recy

Final Record 9 Page 234

STATE OF ALABAMA and AUGUSTINE :
MEAHER, JR. as Executor under the :
last will and testament of Aug- :
ustine Meaher, Deceased, and :
HELEN R. MEAHER as Executrix and : IN THE CIRCUIT COURT OF
Trustee under the last will and :
testament of Augustine Meaher, : BALDWIN COUNTY, ALABAMA
Deceased, :
: IN EQUITY NO. _____

Complainants :

-vs- :

WILEY V. HAMILTON, :

Respondent :

Comes the plaintiff and propounds the following
interrogatories to the defendant:

1. What is your name?
2. Are you the respondent in the above styled cause?
3. Do you operate a fishing or hunting camp in Baldwin County, Alabama, on or near the right-of-way of the system of roads, causeways and bridges commonly known as the Mobile Bay Bridge?
4. If you say that you do not operate said camp, give the names and addresses of the persons who operate the same, and state in detail your arrangement, if any, with the persons who operate said camp in regard to the management of the same.
5. State whether or not any person is associated with you in the operation of said camp, and if you say that some person is associated with you,

give the names and addresses of all persons so associated with you, and state in detail your arrangement with them in regard to the operation of said camp.

6. What is the exact location of said camp?
7. If you have not already done so, state whether or not said camp is located in Section 25, Township 4 South, Range 1 East.
8. If you have not already done so, state whether or not said camp is located between the west line of that certain river now known as the Blakely River, and the east line of that certain river now known as the Apalachee River.
9. If you have not already done so, state whether or not said camp is located at or near the point where the highway and right-of-way of said Mobile Bay Bridge separates those bodies of water commonly known as Jack's Bayou on the north, and John's Bend or Mobile Bay on the south, and if you say that said camp is not located at such place, please give the names of the bodies of water upon which the same is located, or which are nearest thereto, and state the location of such bodies of water with reference to said camp and said highway and right-of-way of said Mobile Bay Bridge.

II.

Please refer to paragraph 2 of the bill of complaint filed herein, and to Exhibit A attached to said bill, and state whether or not Exhibit A is a true copy of an instrument executed on to-wit, February 23, 1926 by the Hog Island Stock Company,

and if you say the same is not a true copy of said instrument, state in what respects the same is not a true copy thereof.

III.

1. State whether or not the Mobile Bay Bridge Company constructed or caused to be constructed the bridges, roadways and causeways known as the Mobile Bay Bridge.
2. State whether or not the said Mobile Bay Bridge Company constructed or caused to be constructed a highway which runs from the west bank of that certain river now known as the Blakely River, to the east bank of that certain river now known as the Apalachee River.
3. Please refer to paragraph 3 of the bill of complaint filed herein, and to Exhibit B attached to said bill, and state whether or not said Exhibit B correctly shows the location of said highway between said rivers, and if you say the same does not correctly show such location, state in what respects the same is incorrect.
4. How many feet from the center line of said highway is the southern line of the right-of-way thereof?
5. How many feet from the center line of said highway is the northern line of the right-of-way thereof?

IV.

1. Is the State of Alabama the successor in title of the Mobile Bay Bridge Company?
2. Does the State of Alabama now own and maintain

said highway and the right-of-way upon which the same is located?

V.

1. Please refer to paragraph 7 of the bill of complaint, and to Exhibit C attached to said bill, and state whether or not it is a fact that said Exhibit C correctly shows the location of said camp and the wharves used in connection therewith, and if you say that said Exhibit C does not correctly show the same, state in detail the respects in which said Exhibit C incorrectly shows the same.
2. Do you maintain a wharf located south of said highway at a point south, or nearly so, of Jack's Bayou?
3. If you say you do not maintain said wharf, state who maintains the same.
4. How many feet south of the center line of said highway is the northern extremity of said wharf and how many feet farther south does said wharf extend?
5. How many feet does said wharf extend past mean high tide in John's Bend or Mobile Bay?
6. How many feet does said wharf extend past mean low tide in John's Bend or Mobile Bay?
7. State whether or not you maintain a wharf north of said highway at a point south, or nearly so, of Jack's Bayou, and if you say that you do not, state who maintains the same.
8. How many feet north of the center line of said highway is the southern extremity of said wharf?
9. How many feet does said wharf extend to the north?

10. How many feet does said wharf extend past mean high tide of Jack's Bayou?
11. How many feet does said wharf extend past mean low tide of Jack's Bayou?
12. How many feet, if any, does said wharf extend past the right-of-way of said highway?
13. Describe the method of construction of said wharves, stating the materials of which the same are constructed, the manner in which the same are supported, and state who constructed said wharves, when the same were constructed, and who repairs the same.
14. Who claims the ownership of said wharves?
15. State whether or not said wharf located north of said highway extends to or near a structure used as said camp.
16. Do you live in said structure?
17. State the names of all persons who live in said structure.
18. Who claims the ownership of said structure?
19. How far from the center line of said highway is the northern edge of said structure?
20. State the exact dimensions of said structure, and state in detail the purpose for which the same is used.
21. State in detail how said structure is supported.
22. Attach hereto a plat or drawing showing the location of each of said wharves and said structure, with reference to said highway, Jack's Bayou and John's Bend or Mobile Bay, and showing the distance in feet of all of the same from the center line of said highway, the southern edge of Jack's Bayou

VI.

1. Is Jack's Bayou a navigable water course?
2. How deep is said bayou at the point where said structure is located, at mean high tide and at mean low tide?
3. State whether or not there is a channel in said bayou, and if you say that there is, state the location of the same, and the depth thereof at mean high tide and at mean low tide.
4. Who constructed said channel, when was the same constructed, and by whom is it maintained?
5. What is the average width of Jack's Bayou?
6. What is the average depth of Jack's Bayou, at mean high tide and at mean low tide?
7. State whether or not Jack's Bayou is used by boats, and if you say that it is, state the extent of such use and describe the kind and type of boats which use the same.

VII.

1. When did you first move to the location of said camp?
2. Did you own a houseboat in the year 1934?
3. When did you acquire said houseboat, and how long did you own the same?
4. State whether or not, in the year 1934, you first anchored a houseboat in Jack's Bayou, and if you say that you did not anchor the same in said body of water in that year, state when you first anchored the same in that place.

5. State the location of said houseboat in Jack's Bayou, when the same was first anchored in said body of water, giving the distance of said houseboat from the present location of said structure used as a hunting or fishing camp or lodge, and the distance of the same from the northern line of the right of way of said highway.
6. State whether or not it is a fact that said houseboat or part thereof is now incorporated in and forms a part of said structure used as a fishing or hunting camp or lodge.
7. State when said houseboat was moved to its present location and state where said houseboat was located immediately before it was moved to its present location.
9. When was said houseboat placed upon piles?
10. Who had said houseboat placed on piles?
11. State whether or not you had any authority from any person to anchor said houseboat in Jack's Bayou at or near the place where the same is now located, and if you say that you did, state by whose authority you so anchored said houseboat, what arrangement was made with such person, and if you have any written instruments, letters or papers relating to the same, attach such instruments, letters or papers, or a copy thereof, to your answers to these interrogatories.
12. State whether or not, in the year 1935, you requested the War Department, United States Engineer office, Mobile, Alabama, or any other agency of the United States government, to grant you authority to build a wharf or pier in Jack's Bayou, and if you say that such a request was

to grant to you authority to construct said proposed pier or wharf under the terms and conditions set out in said instrument.

17. Have you ever, at any time, made any other or additional requests or applications to the War Department, U. S. Engineer Office, or any other agency of the United States Government, in regard to said camp, or any of the facilities thereof, and if you say that you have, state what requests or applications were made, when the same were made, what disposition of the same was made, and attach hereto the original or copies of all instruments, papers or letters relating thereto.
18. To you have any other purported authority from the United States Government, or any agency thereof, to maintain said wharves or said structure in Jack's Bayou used as a fishing or hunting camp, other than said permit dated September 3, 1935?
19. If you have answered the immediately preceding question affirmatively, state what other purported authority you have, and attach hereto the original or copies of any instrument, letters or papers granting such authority.

VIII.

1. Have you ever applied to the State of Alabama, or any agency thereof, for authority to maintain said structure used as a fishing and hunting camp in Jack's Bayou?

- made, give the date upon which the same was made, and attach hereto the original or copies of all instruments, letters or papers relating thereto.
13. If you have not already done so, attach hereto the original or a copy of the application made by you, dated August 15, 1935, to the District Engineer, U. S. Engineer Office, Mobile, Alabama, for authority to construct a timber pier or wharf on Jack's Bayou.
14. If you have not already done so, attach hereto the original or a copy of the plat or drawing designated "Proposed pier on Jack's Bayou near east end of Cochrane Bridge in head waters of Mobile Bay. Application by W. V. Hamilton, August 15, 1935, Durant Engineering Company, Mobile, Alabama."
15. State whether or not, under date of September 3, 1935, the United States Engineers purported to grant you authority to construct said wharf or pier under terms and conditions stated in the grant of such authority, and if you say that this is a fact, attach hereto the instrument purporting to grant such authority, or a copy thereof, and all other instruments, papers, or letters relating thereto, or copies thereof.
16. If you have not already done so, attach hereto the original or a copy of said instrument dated September 3, 1935, signed by F. B. Wilby, Colonel, Corps of Engineers, U. S. A., Division Engineer, Gulf of Mexico Division, purporting

2. If you have answered the immediately preceding question affirmatively, state when you made such application, what application was made, what disposition was made of the same, and attach hereto the original or copies of any instrument, letters or papers relating to such application and the disposition thereof.
3. Have you ever applied to the State of Alabama, or any agency thereof, for authority to construct said wharf lying north of said highway at a point south, or nearly so, of Jack's Bayou?
4. If you have answered the immediately preceding question affirmatively, state when you made such application, what application was made, what disposition was made of the same, and attach hereto the original or copies of any instrument, letters or papers relating to such application and the disposition thereof.
5. Have you ever applied to the State of Alabama, or any agency thereof, for authority to construct said wharf lying south of said highway at a point south, or nearly so, of Jack's Bayou?
6. If you have answered the immediately preceding question affirmatively, state when you made such application, what application was made, what disposition was made of the same, and attach hereto the original or copies of any instrument, letters or papers relating to such application and the disposition thereof.
7. Do you claim to have authority from any person giving you the right to construct or maintain

said structure in Jack's Bayou used as a fishing or hunting camp, or either of said wharves, and if you say that you do, state who purported to give you such authority, when the same was given, and attach hereto the original or copies of all instruments, papers and letters which you claim grant to you such authority.

8. If you have not already done so, state under what authority, if any, you maintain said structure in Jack's Bayou used as a fishing or hunting camp, or said wharves, and attach hereto the original or copies of any instrument, papers or letters which you claim give you the right to maintain either of said wharves.

IX.

1. Has a turnout been constructed from said highway to the southern end of said wharf which lies north of said highway?
2. Describe said turnout.
3. Who constructed said turnout, and when was the same constructed?
4. Did any person purport to grant permission for the construction of said turnout?
5. Who purported to grant such permission, and when was such purported permission given?
6. Attach hereto the original or a copy of any instruments, letters or papers granting such permission.
7. State whether or not you have ever made an application to the State of Alabama, or any agency thereof, for permission to construct or maintain such a turnout, and if you say that

you have, state the date on which such application was made, the disposition thereof, and attach hereto the original or copies of any instrument, papers or letters relating thereto.

8. If you have not already done so, attach hereto any letters, instrument or paper which you claim gives you the right to maintain such a turnout.

X.

1. State whether or not it is a fact that under date of August 15, 1935, you wrote and mailed a letter to the Mobile Bay Bridge Company or the Cochrane Bridge Company, in which you stated that you would remove all structures from the right-of-way of said bridge whenever you were requested to do so, and if you say that this is a fact, attach hereto the original or a copy of your said letter.

XI.

1. State whether or not you claim to own any land in Baldwin County, Alabama, lying west of that certain river now known as the Blakely River, and east of the Apalachee River, in Section 25, Township 4 South, Range 1 East, and if you claim to own any of such land, describe the same in detail, and state when you first began to claim the same and how you acquired the same.
2. Do you claim that you own any portion of the highway or right-of-way of the Mobile Bay Bridge between said rivers, and if you say that you do, describe what portion of the same you

claim to own, and state when you first began to claim the same and how you acquired the same.

3. Do you claim that you own any land north of the center line of said highway between said rivers, and within 150 feet of the center line thereof, and if you say that you do, describe the land which you claim that you own, and state when you first began to claim the same and how you acquired the same.
4. Do you claim that you own any land south of the center line of said highway between said rivers, and within 150 feet of the center line thereof, and if you say that you do, describe the land which you claim that you own, and state when you first began to claim the same and how you acquired the same.
5. Do you claim that you own any land abutting on Jack's Bayou, and if you say that you do, describe the land which you claim that you own, and state when you first began to claim the same and how you acquired the same.
6. Do you claim that you own any land abutting on John's Bend or Mobile Bay, and if you say that you do, describe the land which you claim that you own, and state when you first began to claim the same and how you acquired the same.
7. Do you claim that you own any portion of the bed of Jack's Bayou, and if you claim that you do, state what portion of the same you claim that you own, and state when you first began to claim the same and how you acquired the same.

interest you claim that you have in the same, when you acquired the same, from whom you acquired the same, and attach hereto the originals or copies of all papers, letters or instruments which you claim give you such interest.

13. Do you claim that you have any of the riparian rights in Jack's Bayou, or the bed thereof, given by law to the owner of the lands abutting navigable waters, and if you say that you do, state what rights you claim you have in said bayou or the bed thereof.

Smith, Hand & Rendall
by C. B. Rendall
Attorneys for complainants

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me, the undersigned authority in and for said state and county, personally appeared Charles B. Rendall, Jr., one of the attorneys of record for the complainants, who upon being first duly sworn on oath, deposes and says that the answers to the foregoing interrogatories, if well and truthfully made, will be material evidence in the above action.

Charles B. Rendall

Subscribed and sworn to before me
this 11th day of December, 1941.

Georg A. Toussaint
Notary Public, Mobile County, Ala.

8. Do you claim that you own any portion of the bed of John's Bend or Mobile Bay, and if you say that you do, state what portion of the same you claim that you own, and state when you first began to claim the same and how you acquired the same.
9. State in detail what right you claim you have to maintain said camp, including said structure used as a fishing or hunting camp and said wharves, and state in detail how and when you acquired such alleged right.
10. If you have not already done so, attach hereto the originals or copies of any instruments, papers or letters which you claim give you the right to maintain said camp and said wharves, and if you have already attached all of such papers, instruments or letters, please specify which of the instruments, letters or papers attached to your answers to these interrogatories are claimed by you to give you such right.
11. Do you claim that you have any interest in Jack's Bayou or the bed thereof, other than the interest held by you as a member of the public generally, and if you claim that you have a greater interest, state what interest you claim that you have in the same, when you acquired the same, from whom you acquired the same, and attach hereto the originals or copies of all papers, letters or instruments which you claim give you such interest.
12. Do you claim that you have any interest in John's Bend or Mobile Bay, other than the interest held by you as a member of the public generally, and if you claim that you have a greater interest, state what

COPYING INTERROGATORIES-----\$3.00

STATE OF ALABAMA and
AUGUSTINE MEAHER, JR.,
as Executor under the
last will and testament
of Augustine Meaher,
Deceased, and HELEN R.
MEAHER as Executrix and
Trustee under the last
will and testament of
Augustine Meaher, De-
ceased,

Complainants,

VS.

WILEY V. HAMILTON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO WILEY V. HAMILTON, RESPONDENT IN SAID CAUSE:-

In accordance with the Decree of F. W. Hare,
Judge of the Circuit Court of Baldwin County, Alabama, in Equity,
rendered in the above styled cause on April 24, 1942, you are
hereby commanded and directed to appear before said Court at
Monroeville, Alabama, on the 15th day of May, 1942, to show cause,
if any you have, why you should not be adjudged in and punished
for contempt of said Court for failure to comply with the Order
of said Court entered on the 29th day of January, 1942, in the
above styled cause.


Register.

STATE OF ALABAMA AND AUGUSTINE MEAHER,
Jr., as Executor under the Last Will
and Testament of Augustine Meaher,
Deceased, and Helen R. Meaher, as
Executrix and Trustee under the last
Will and Testament of Augustine Meaher,
Deceased.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

VS.

WILEY V. HAMILTON.

It appearing to the Court that in this cause that this Court by decree, dated the 4th day of June, 1942, directed the Respondent Wiley V. Hamilton to remove himself and all of his chattels together with the houses, camp, building or structure situated upon the property involved in this cause of action by eleven o'clock a.m., Thursday, June 18, 1942, and in the event that said Respondent failed to deliver possession of said houses, camp, building or structure remaining on said premises by eleven o'clock a.m., June 18, 1942, to the Complainants, the Sheriff of Baldwin County, Alabama, was directed without further orders from the Court to forthwith remove said chattels and put the Complainants in possession of said premises.

It was further ordered and decreed that the Complainants should not remove or cause to be removed any part of said houses, camp, building or structure until authorized to do so by order of this Court. And it appearing to the Court that there is no further necessity of any inhibition against the Complainants removing any houses, camp, building or structure now located on said premises.

It is therefore, ordered, adjudged and decreed that Complainants be and are now authorized to use said premises in any manner that they may see fit and to remove any houses, camp, building or structure that now may be located upon the premises involved in this cause of action.

Done this the 17th day of July 1943.


JUDGE

CHANCERY EXECUTION

BILL OF COSTS

No. 782,

State Of Ala.

Vs.

Wiley V Hamilton,

Plaintiff

et al.

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	¢
Filing each bill and other papers.....	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	10	60
Issuing each subpoena.....	50	70	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof.....	40	50	Each notice sent by mail to creditor.....	15	
Entering each return thereof.....	15	40	Filing, receipting for and docketing each claim, etc.....	25	
For each order of publication.....	1 00	15	For all entries on subpoena docket, etc.....	50	
Issuing writ of injunction.....	1 50		For all entries on commission docket, etc.....	50	
For each copy thereof.....	50		Making final record, per 100 words.....	15	17 50
Entering each return thereof.....	15		Certified copy of decree.....	1 00	3 00
Issuing Writ of Attachment.....	1 00		Report of divorce to State Health Office.....	50	
Entering each return thereof.....	15		(Acts 1915)		
Docketing each case.....	1 00	00	Total Fees of Register.....	31	10
Entering each appearance.....	25	00	FEES OF SHERIFF		
Issuing each decree pro confesso on per. ser.....	1 00	25	Serving and returning subpoena on deft.....	\$1	50
Issuing each decree pro confesso on publication.....	1 00	00	Serving and returning subpoena for witness.....	65	
Each order appointing guardian.....	1 00		Levyng attachment.....	3	00
Any other order by Register.....	50	50	Entering and returning same.....	25	
Issuing commission to take testimony.....	50		Selling property attached.....		
Receiving and filing.....	10		Impaneling Jury.....	75	
Endorsing each package.....	10		Executing writ of possession.....	2	50
Entering order submitting cause.....	50		Collecting execution for costs.....	1	50
Entering any other order of court.....	25		Serving and returning sci. fa., each.....	65	
Noting all testimony.....	50		Serving and returning notice.....	65	
Abstract of cause, etc.....	1 00		Serving and returning writ of injunction.....	1	50
Entering each decree.....	75	75	Serving and returning writ of exeat.....	1	50
For every 100 words over 500.....	15	85	Taking and approving bonds, each.....	75	
Taking account, etc.....	3 00		Collecting money on execution.....	2	50
Taking testimony, etc.....	15		Making deed.....	2	50
Each report, 500 words or less.....	2 50		Serving and returning application, etc.....	1	00
For every 100 words over 500.....	15		Serving attachment, contempt of court.....	5	00
Amount claimed less than \$500, etc.....	2 00		Total Fees of Sheriff.....	12	50
Issuing each subpoena.....	25		RECAPITULATION		
Witness certificate, each.....	25		Register's Fees.....	31	10
Issuing execution, each.....	75		Sheriff's Fees.....	12	50
Entering each return.....	15		Commissioner's Fees.....		
Taking and approving bond, each.....	1 00		Solicitor's Fees.....		
Making copy of bill, etc.....	15		Witness Fees.....		
Each notice not otherwise provided for.....	50	50	Guardian Ad Litem.....		
Each certificate or affidavit, with seal.....	50		Printer's Fees.....		
Each certificate or affidavit, no seal.....	25		Trial Tax.....	3	00
Hearing and passing on application, etc.....	3 00		Recording Decree in Probate Court.....	1	35
Each settlement with receiver, etc.....	3 00		Total.....	46	95
Exam'ing each voucher of Receiver, etc.....	10				
Examining each answer, etc.....	3 00				
Recording resignation, etc.....	75				
Entering each cert. to Supreme Court.....	50				
Taking questions and answers, etc.....	25				
For all other ser. relating to such proceedings.....	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.....					
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.....					
Sub Total Carried Forward.....	10	60			

The State of Alabama, }
Baldwin County. }

No. 782
Circuit Court, In Equity Term, 194

To Any Sheriff of the State of Alabama—GREETINGS:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Defendant.....

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff.....

recovered of _____ on the _____ day of _____ 194 _____

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

Dollars,

costs of suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 194 _____ to date of collection.

Witness my hand, this _____ day of _____ 194 _____

Register.

STATE OF ALABAMA AND AUGUSTINE MEAHER,
JR., As Executor under the Last Will
and Testament of Augustine Meaher,
Deceased, and HELEN R. MEAHER, as
Executrix and Trustee under the Last
Will and Testament of Augustine Meaher,
Deceased,

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

-VS-

WILEY V. HAMILTON

IN THE MATTER OF THE CONTEMPT OF COURT BY WILEY V. HAMILTON:

This matter coming on to be heard on the duly verified petition of the State of Alabama and Augustine Meaher, Jr., as Executor under the Last Will and Testament of Augustine Meaher, deceased, and Helen R. Meaher, as Executrix and Trustee under the Last Will and Testament of Augustine Meaher, deceased, and

IT APPEARING TO THE COURT that on the 29th day of January, 1942, the Court entered a final decree in the cause wherein said Petitioners were the Complainants and said Wiley V. Hamilton was the Respondent, a copy of which said order is attached to said Petition as Exhibit "A", and that a copy of said decree was duly served upon the said Hamilton, but that he wholly failed to comply with any of the terms thereof, and wholly failed to cease to maintain said wooden wharves and said wooden house, camp, building or structure and said commercial enterprise known as a fishing and hunting camp, and located at a point on and adjacent to the right of way of the highway known as the Mobile Bay Bridge Road, at a place where said highway and said right of way passes between that body of water commonly known as John's Bend, on the South, and Jack's Bayou on the North, said highway and right of way, at said place being located in Section 25, Township 4 South, Range 1 East, Baldwin County, Alabama, and has wholly failed to cease to use the space adjacent to said wharves and said house, camp, building or structure for the storage of boats, skiffs, and miscellaneous equipment, and has wholly failed to cease displaying on said right of way a sign or signs advertising that the said Hamilton rents and sells boats and bait, and has

wholly failed to cease causing persons to park their automobiles and other vehicles on said right of way, at said place, for the purpose of storing the same thereon while they fish or hunt, and has wholly failed to remove said wharves and said house, camp, building or structure and said boats, skiffs, miscellaneous equipment and signs as required by said decree of January 29, 1942; and

IT FURTHER APPEARING TO THE COURT that on the 24th day of April, 1942, this court entered an order directing the Register to issue a rule nisi commanding and directing the said Hamilton to appear before the Court and show cause, if any he had, why he should not be adjudged in and punished for contempt of this Court for failure to comply with said decree entered on January 29, 1942, and that said rule nisi, together with a copy of said order and of said verified petition, was duly served upon said Hamilton, and

IT FURTHER APPEARING TO THE COURT that the said Hamilton has wholly failed to show cause why he should not be adjudged in and punished for contempt of this Court for failing to comply with said decree of January 29, 1942, and that said Hamilton is in contempt of this Court, and should be punished therefor -

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that the said Wiley v. Hamilton is in contempt of this Court for failure to comply with said decree entered on January 29, 1942, as hereinabove set out; and

BE IT FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that the said Hamilton is hereby directed and required to remove himself and any and all his chattels from said house, camp, building or structure, and from the premises adjacent thereto, by 11 o'clock A. M. on Thursday, June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the said Hamilton may remove, at his option, so much of said wharves and said house, camp, building or structure used by him in connection with said fishing and hunting camp as he wishes to remove, provided he

removes the same by 11 o'clock A. M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said Hamilton shall deliver possession of said house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto and lying North or South of the said right of way at said place, to Augustine Meaher, Jr., as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Last Will and Testament of Augustine Meaher, Deceased, by 11 o'clock A. M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the said Hamilton shall deliver possession of said right of way, at said place, to the State of Alabama; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in the event the said Hamilton shall fail for any reason to remove said chattels and to deliver possession of any house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto, and said right of way, as herein provided, then the Sheriff of Baldwin County, Alabama, without further order from this Court shall forthwith remove said chattels and put said Augustine Meaher, Jr. as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Last will and Testament of Augustine Meaher, deceased, in possession, as herein provided; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that upon being put into possession of said premises the said Augustine Meaher, as such Executor, and the said Helen R. Meaher, as such Executrix and Trustee, shall not remove or cause to be removed any part of said house, camp, building or structure until authorized to do so by order of this Court.

Done this 4th day of June, 1942.


J. W. Hare
JUDGE

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STATE OF ALABAMA AND AUGUSTINE MEAHER, JR., AS EXECUTOR under the Last Will and Testament of Augustine Meaher, Deceased, and HELEN R. MEAHER, as Executrix and Trustee under the Last Will and Testament of Augustine Meaher, Deceased,

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

-VS-

WILEY V. HAMILTON

IN THE MATTER OF THE CONTEMPT OF COURT BY WILEY V. HAMILTON:

This matter coming on to be heard on the duly verified petition of the State of Alabama and Augustine Meaher, Jr., as Executor under the Last Will and Testament of Augustine Meaher, deceased, and Helen R. Meaher, as Executrix and Trustee under the Last Will and Testament of Augustine Meaher, deceased, and

IT APPEARING TO THE COURT that on the 29th day of January, 1942, the Court entered a final decree in the cause wherein said Petitioners were the Complainants and said Wiley V. Hamilton was the Respondent, a copy of which said order is attached to said Petition as Exhibit "A", and that a copy of said decree was duly served upon the said Hamilton, but that he wholly failed to comply with any of the terms thereof, and wholly failed to cease to maintain said wooden wharves and said wooden house, camp, building or structure and said commercial enterprise known as a fishing and hunting camp, and located at a point on and adjacent to the right of way of the highway known as the Mobile Bay Bridge Road, at a place where said highway and said right of way passes between that body of water commonly known as John's Bend, on the South, and Jack's Bayou on the North, said highway and right of way, at said place being located in Section 25, Township 4 South, Range 1 East, Baldwin County, Alabama, and has wholly failed to cease to use the space adjacent to said wharves and said house, camp, building or structure for the storage of boats, skiffs, and miscellaneous equipment, and has wholly failed to cease displaying on said right of way a sign or signs advertising that the said Hamilton rents and sells boats and bait, and has wholly failed to cease causing persons to park their automobiles and other vehicles on said right of way, at said place, for the purpose of storing the same thereon while they fish or hunt, and has wholly failed to remove said wharves and said house, camp, building or structure and said boats, skiffs, miscellaneous equipment and signs as required by said decree of January 29, 1942; and

IT FURTHER APPEARING TO THE COURT that on the 24th day of April, 1942, this Court entered an order directing the Register to issue a rule nisi commanding and directing the said Hamilton to appear before the Court and show cause, if any he had, why he should not be adjudged in and punished for contempt of this Court for failure to comply with said decree entered on January 29, 1942, and that said rule nisi, together with a copy of said order and of said verified petition, was duly served upon said Hamilton, and

IT FURTHER APPEARING TO THE COURT that the said Hamilton has wholly failed to show cause why he should not be adjudged in and punished for contempt of this Court for failing to comply with said decree of January 29, 1942, and that said Hamilton is in contempt of this Court, and should be punished therefor -

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that the said Wiley V. Hamilton is in contempt of this Court for failure to comply with said decree entered on January 29, 1942, as hereinabove set out; and

BE IT FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that the said Hamilton is hereby directed and required to remove himself and any and all his chattels from said house, camp, building or structure, and from the premises adjacent thereto, by 11 o'clock A. M. on Thursday, June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the said Hamilton may remove, at his option, so much of said wharves and said house, camp, building or structure used by

him in connection with said fishing and hunting camp as he wishes to remove, provided he removes the same by 11 o'clock A. M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said Hamilton shall deliver possession of said house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto and lying North or South of the said right of way at said place, to Augustine Meaher, Jr., as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Last Will and Testament of Augustine Meaher, Deceased, by 11 o'clock A.M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the said Hamilton shall deliver possession of said right of way, at said place, to the State of Alabama; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in the event the said Hamilton shall fail for any reason to remove said chattels and to deliver possession of any house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto, and said right of way, as herein provided, then the Sheriff of Baldwin County, Alabama, without further order from this Court shall forthwith remove said chattels and put said Augustine Meaher, Jr. as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Last will and Testament of Augustine Meaher, deceased, in possession, as herein provided; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that upon being put into possession of said premises the said Augustine Meaher, as such Executor, and the said Helen R. Meaher, as such Executrix and Trustee, shall not remove or cause to be removed any part of said house, camp, building or structure until authorized to do so by order of this Court.

Done this 4th day of June, 1942.

F. W. HARE
JUDGE

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 10th day of Nov. 1943.

Register of Circuit Court,
in Equity.

(10)

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RECORDED

RECORDED

STATE OF ALABAMA AND AUGUSTINE
MAHER, JR., AS EXECUTOR, ET AL.,

VS.

WILEY V. HAMILTON

Min 3 19 76

D E C R E E

Filed June *9th*, 1942.

R. Welch

81-308-9
Nov 15, 1943

785

STATE OF ALABAMA and
Augustine Meaher, Jr., a
Executor under the last
Will and Testament of
Augustine Meaher, Deceased
Complainants

VS.

WILEY V. HAMILTON
Respondent

DECREE OF THE COURT

Filed 7/20/42

A. S. Duck.
Mem 3-164.

21-308
Nov 15, 1943

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782
RECORDED

RULE NISE.

STATE OF ALABAMA and
AUGUSTINE MEAHER, JR.,
as Executor under the
last will and testament
of Augustine Meaher,
Deceased, and HELEN R.
MEAHER as Executrix and
Trustee under the last
will and testament of
Augustine Meaher, De-
ceased,

Complainants,

vs.

WILEY V. HAMILTON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

ISSUED APRIL 24, 1942.

R. S. Luck
Register.

Received in the Sheriff's Office the 24th day of April, 1942

Executed April 30th, 1942 by serving a copy of the within
Rule Nise on the Respondent, Wiley V. Hamilton,
Wiley V. Hamilton
Sheriff of Baldwin County

J. R. 9-293

The State Of Alabama } Circuit Court of Baldwin County, In Equity.
Baldwin County }

To Any Sheriff of the State of Alabama—GREETINGS:

WE COMMAND YOU, That you summon WILEY V HAMILTON.

of BALDWIN. County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by STATE OF ALABAMA, AND. Augustine, Meaher, Jr. as the Executor, under the Last will, and testament. of Augustin. Meaher Deceased, and Helen R Meaher, as Executrix, and Trustee, under, the last Will and Testament, of AUGUSTINE, MEAHER. Deceased.

against said Wiley V Hamilton.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 12th day of December, 1941.

R. S. Duck, Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Do not copy

AMABLE TO THE THE

FILED

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RECORDED

STATE OF ALABAMA and AUGUSTINE :
MEASHER, JR. as Executor under the :
last will and testament of Aug- :
ustine Measher, Deceased, and :
HELEN R. MEASHER as Executrix and : IN THE CIRCUIT COURT OF
Trustee under the last will and :
testament of Augustine Measher, :
Deceased, BALDWIN COUNTY, ALABAMA

Complainants :

IN EQUITY

NO. 783

vs.

WILEY V. HAMILTON,

Respondent :

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY:

Come your complainants in the above styled cause, and
show unto the court as follows:

1. Complainant State of Alabama is a sovereign state
of the United States of America. Complainants Augustine
Measher, Jr. and Helen R. Measher are and have been for more
than 3 years immediately preceding the filing of this bill
of complaint.

2.

2. In the year 1926, and on to-wit, February 23, 1926, the Hog Island Stock Company, a corporation, was the owner of all the lands in Baldwin County, Alabama, located west of that certain river now known as the Blakely River, and lying in Section 25, Township 4 South, Range 1 East, and on the aforesaid date, said corporation caused to be executed that certain instrument attached hereto, marked Exhibit A, and made a part hereof as fully as though the same were herein set out in full, conveying to the Mobile Bay Bridge Company, a corporation, subject to the terms, conditions, reservations and covenants contained in said instrument, a strip of land 300 feet wide over said property of the grantor, which said strip was to be used by the said Mobile Bay Bridge Company in the construction of the bridges, roadways and causeways known as the Mobile Bay Bridge.

3. Said Mobile Bay Bridge Company constructed or caused to be constructed, the bridges, roadways and causeways known as the Mobile Bay Bridge, and in the course of said construction and as a part of said Mobile Bay Bridge, a highway was constructed which runs from the west bank of that certain river now known as the Blakely River to the east bank of that certain river now known as the Appalachee River, said highway being located in Sections 25 and 26, Township 4 South, Range 1 East, as shown on the plat attached hereto, marked Exhibit B, and made a part hereof as fully as though the same were herein set out in full.

4. Complainant the State of Alabama is the successor in title of the said Mobile Bay Bridge Company, and now holds all the right, title and interest acquired by the said Mobile Bay Bridge Company by virtue of the conveyance

beds of those bodies of water commonly known as Jack's Bayou, and John's Bend or Mobile Bay. Said lands and all the rights, titles and interests of the said Augustine Meaher, as herein averred, passed under his said last will and testament unto complainant Helen R. Meaher, as trustee under the terms and conditions and for the persons and purposes therein named, and said complainant, as such trustee, is now the owner thereof.

7. The respondent Wiley V. Hamilton has constructed and now operates a commercial enterprise known as a fishing and hunting camp at a point on and adjacent to the said right of way of said highway in said Section 25, Township 4 South, Range 1 East, said camp being located at the place where said highway passes between that body of water commonly known as Jack's Bayou on the north and that body of water commonly known as John's Bend or Mobile Bay on the south, as shown on the plat attached hereto, marked Exhibit C and made a part hereof as fully as though the same were herein set out in full. At said place, the said Hamilton has constructed or caused to be constructed a wooden wharf beginning at a point approximately 65 feet south of the center line of said highway, and running thence southwardly over said right of way for a distance of approximately 30 feet, into and over John's Bend or Mobile Bay, while on the other side of said highway respondent has constructed or caused to be constructed a wooden wharf which begins at a point approximately 45 feet north of the center line of said highway, and runs northwardly for a distance of approximately 105 feet, passing over the said right of way adjacent to said highway and extending into and over Jack's Bayou. The northern extremity of said wharf located north of said highway is connected with a building maintained by the said respondent

2. In the year 1926, and on to-wit, February 23, 1926, the Hog Island Stock Company, a corporation, was the owner of all the lands in Baldwin County, Alabama, located west of that certain river now known as the Blakely River, and lying in Section 25, Township 4 South, Range 1 East, and on the aforesaid date, said corporation caused to be executed that certain instrument attached hereto, marked Exhibit A, and made a part hereof as fully as though the same were herein set out in full, conveying to the Mobile Bay Bridge Company, a corporation, subject to the terms, conditions, reservations and covenants contained in said instrument, a strip of land 300 feet wide over said property of the grantor, which said strip was to be used by the said Mobile Bay Bridge Company in the construction of the bridges, roadways and causeways known as the Mobile Bay Bridge.

3. Said Mobile Bay Bridge Company constructed or caused to be constructed, the bridges, roadways and causeways known as the Mobile Bay Bridge, and in the course of said construction and as a part of said Mobile Bay Bridge, a highway was constructed which runs from the west bank of that certain river now known as the Blakely River to the east bank of that certain river now known as the Appalachee River, said highway being located in Sections 25 and 26, Township 4 South, Range 1 East, as shown on the plat attached hereto, marked Exhibit B, and made a part hereof as fully as though the same were herein set out in full.

4. Complainant the State of Alabama is the successor in title of the said Mobile Bay Bridge Company, and now holds all the right, title and interest acquired by the said Mobile Bay Bridge Company by virtue of the conveyance

referred to in paragraph 2 hereof, and attached hereto as Exhibit A, and said complainant now maintains said highway shown on said plat referred to in paragraph 3 hereof, and attached hereto as Exhibit B, and the 300 foot right of way upon which the same is located, said highway and right of way being a part of the public highway system of the State of Alabama.

5. In said conveyance of said right of way to said Mobile Bay Bridge Company referred to in paragraph 2 hereof, and attached hereto as Exhibit A, the said Hog Island Stock Company, grantor therein, reserved unto itself, its successors and assigns in perpetuity, the following rights:

- (a) to have free and unimpeded crossing over and along said strip and the road to be constructed thereon, to and between the several portions separated by the strip of land hereby conveyed; and
- (b) to go upon said bridge or causeway and use the same, in passing to and from the mainland from any part of said islands, upon the payment of the usual toll therefor;
- (c) to clear and maintain free from undergrowth, trash, filth, stagnant water or any other thing that may be a detriment to any of grantor's property adjacent to said strip, any portion of said strip of land hereby conveyed, in the event said Bridge Company does not keep the same clear of such nuisances.

And it was further provided in said instrument that "said Bridge Company does further covenant, agree and bind itself, its successors and assigns, that said strip shall be used exclusively for a right of way for said roadway, causeway or bridge, and for no other purpose, and that camping, picnicking or stopping of persons or property shall not be permitted on any part of said strip at any time or by any person or thing, except insofar as the construction,

repair, improvement or maintenance of said bridge, road or causeway, or the use of said bridge, road or causeway, as a bridge or road, may reasonably require, and that no structures of any kind shall be built on any part of said strip of land hereby conveyed; Said Bridge Company does further agree that the rights herein reserved, and the covenants of the grantee herein written, may be enforced, at grantor's application, by courts of equity, if and when the necessity therefor should arise." Complainant the State of Alabama, the successor in title of the said Mobile Bay Bridge Company, as aforesaid, is bound by said reservations and covenants and by the other terms and conditions of said instrument.

6. Prior to the time of the death of the said Augustine Meaher, he, the said Augustine Meaher, as the successor in title of said Hog Island Stock Company, became the owner in fee simple of all of said lands located west of the Blakely River in Section 25 Township 4 South, Range 1 East, except that portion of the same used for the highway and right of way of said Mobile Bay Bridge, as aforesaid, and the said Augustine Meaher also acquired all the right, title and interest in said 300 foot strip of land reserved unto the said Hog Island Stock Company, its successors and assigns, in said conveyance hereto attached as Exhibit A, and was entitled to the benefit of all the covenants therein imposed upon the said Mobile Bay Bridge Company, its successors and assigns. In addition thereto, the said Augustine Meaher, as the owner of the aforesaid lands in said section, became vested with all the rights, title and interest of a riparian owner in and to the waters and the beds thereof upon which his said land fronted, including the waters and

in which he lives and wherein he carries on his commercial enterprise of operating a fishing and hunting camp, said structure being located immediately north of the northern line of said right of way and being supported by piles driven into the bed of Jack's Bayou. To said wharves and around said structure used by the respondent as a fishing and hunting camp, as aforesaid, the said respondent attaches various and sundry skiffs, boats and other water borne craft, while in the space adjacent to said wharves, approaching the ends thereof nearest the water, the said respondent stores the miscellaneous equipment and junk used by him in carrying on his said business enterprise. To advertise said business, the said respondent has placed on said right of way and within 45 feet of the center line thereof, a sign or signs advertising the fact that he maintains a commercial fishing and hunting enterprise and rents boats and sells bait to those who care to use and buy the same. The cars of the customers of the said respondent, at his behest, are customarily parked on said right of way in front of said camp and are allowed to remain there while the owners thereof use the commercial facilities provided by the said respondent.

8. Complainants show unto the court that the said respondent, in using said 300 foot right of way of said highway as aforesaid, is usurping and encroaching upon the same for purposes other than that of a right of way for said roadway, causeway or bridge constructed by the Mobile Bay Bridge Company and now owned and maintained by complainant the State of Alabama, that he is causing and allowing camping and stopping of persons on said strip for the purpose of using the commercial facilities afforded by him,

that he has built wharves and other structures, or caused the same to be built, on said right of way, that he is using said right of way as a place for the storage of miscellaneous equipment and junk, and that he has placed a sign or signs thereon advertising his said business.

Complainants further show unto the court that said respondent has no legal right to so use said right of way, but that, nevertheless, said respondent, although requested to cease and desist from so using the same, has wholly failed and refused to do so, and persists in using said right of way as aforesaid.

9. Complainants further show unto the court that the said respondent is usurping and encroaching upon the waters and bed of Jack's Bayou, by maintaining therein said wharf and said structure used as a hunting and fishing camp, and the appendages thereto, as aforesaid. Complainant Helen R. Meaher, as said trustee, owns the land north of and adjacent to said right of way on both sides of Jack's Bayou, and as the owner thereof is entitled to all the riparian rights vested in the owner of said lands, including the right of access to the water in said bayou, the right to build a pier out to the line of navigability, and the right to use the water as it flows in said bayou, and that the said wharf and structure maintained by the said respondent, and the appendages thereto interfere with the riparian rights of said complainant. Complainants further show unto the court that the said respondent has no legal right to maintain said structure or to use said Jack's Bayou, or the bed thereof, in the manner herein averred, but that nevertheless, said respondent, although he has been requested to cease and desist from maintaining said wharf and structure, and appendages thereto, and to remove the same, has wholly failed and

refused to do so, and persists in maintaining the same.

PRAYER FOR PROCESS

The premises considered, complainants pray that the court cause due process to issue, in accordance with the rules and practice of this court, to said respondent, Wiley V. Hamilton, directing him to appear before the court and plead, answer or demur hereto within the time allowed by law.

PRAYER FOR RELIEF

WHEREFORE the premises considered, complainants pray that after the hearing hereof, this honorable court will permanently enjoin the said respondent from maintaining said wharves and said house, lodge or camp and from using the space adjacent thereto for the storage of boats, skiffs and miscellaneous equipment, and from displaying on said right of way any sign or signs advertising that he rents and sells boats and bait and from causing persons to park their automobiles on said right of way for the purpose of storing the same thereon while they fish or hunt and from maintaining said commercial enterprise now operated by the said respondent; and complainants further pray that the said respondent be required to remove said wharves, house, lodge or camp, boats, skiffs, miscellaneous equipment and signs, and to forever cease and desist from maintaining said commercial enterprise; and complainants pray for such other, further or different relief as this honorable court, in equity and good conscience may deem

meet, the premises considered, as complainants will ever pray.

Smith, Hand + Arendall
by C. B. Arendall, Jr.
Solicitors for Complainants

Address:

Fruit National Bank Bldg
Mobile, Alabama

EXHIBIT A

State of Alabama,

Baldwin County.

#

Know all men by these presents that Hog Island Stock Company, a corporation organized and existing under the laws of the State of Alabama, in consideration of the sum of one dollar (\$1.00) paid by Mobile Bay Bridge Company, a corporation organized and existing under the laws of the State of Alabama, the receipt whereof is acknowledged, and in consideration of the benefits to be derived herefrom, does, subject to its reservation hereinafter written, hereby remise, release, quitclaim and convey to the said Mobile Bay Bridge Company, all its right, title, interest and claim in or to the following described real estate:

A strip of land three hundred (300) feet wide, being one hundred and fifty (150) feet on each side of the center line, as hereafter finally located by said Mobile Bay Bridge Company, of the bridges, roadways and causeways known as Mobile Bay Bridge to be hereafter constructed by said Mobile Bay Bridge Company, from a point on the west bank of Mobile River between Three Mile Creek and Chickasabogue Creek, across the river, shallow waters, islands and marshes to a point on the highlands of Baldwin County, south of Spanish Fort and north of D'Olive Creek, the strip of land hereby conveyed being across the following described lands in the County of Baldwin, in the State of Alabama, viz:

Across an unnamed island lying between Apalachee River and Ducker Bay, which island is located in Section Twenty-six (26), Township Four (4) South, Range One (1) East; also across three unnamed islands lying between Ducker Bay and Blakely River, which islands are located in Sections Twenty-five (25) and twenty-six (26), Township Four (4) South, Range One (1) East; also across an unnamed island located in Blakely River in Section Twenty-Five (25), Township Four (4) South, Range One (1) East, said islands being generally known as Hog Island or being adjacent and contiguous to an island generally known as Hog Island.

To have and to hold the above described realty and land, with all the appurtenances thereto belonging, unto the said Mobile Bay Bridge Company, its successors and assigns, forever.

Reserving, however, to the grantor, its successors and assigns, in perpetuity, a right of ingress and egress over and across the strip of land hereby conveyed on each prong of each of the islands traversed thereby, so as to enable the grantor, its successors and assigns,

- (a) to have free and unimpeded crossing over and along said strip and the road to be constructed thereon, to and between the several portions separated by the strip of land hereby conveyed; and

- (b) to go upon said bridge or causeway and use the same, in passing to and from the mainland from any part of said islands, upon the payment of the usual toll therefor;
- (c) to clear and maintain free from undergrowth, trash, filth, stagnant water or any other thing that may be a detriment to any of grantor's property adjacent to said strip, any portion of said strip of land hereby conveyed, in the event said Bridge Company does not keep the same clear of such nuisances.

And the grantee, by its acceptance of this conveyance, hereby agrees and binds itself, its successors and assigns, that it will not excavate at all from that prong or island lying in Sections Twenty-four (24), Twenty-five (25) and thirty-six (36), and will not excavate from a strip of land one hundred (100) feet wide adjoining said Bridge or causeway on either side thereof on each prong of the islands traversed by the strip of land hereby conveyed; that as soon as its roadbed across that part of the island lying in Section Twenty-three (23) or Section Twenty-six (26) is completed and ready for surfacing for use as a roadway, said Bridge Company shall fill with sand or earth an adequate crossing, about the middle of the island, east and west, one foot above the adjacent natural level of the island, one hundred (100) feet wide between the northern and southern parts of said island; and said Bridge Company does further covenant, agree and bind itself, its successors and assigns, that said strip shall be used exclusively for a right of way for said roadway, causeway or bridge, and for no other purpose; and that camping, picnicing or stopping of persons or property shall not be permitted on any part of said strip at any time or by any person or thing, except in so far as the construction, repair, improvement or maintenance of said bridge, road or causeway, or the use of said bridge, road or causeway, as a bridge or road may reasonably require, and that no structures of any kind shall be built on any part of said strip of land hereby conveyed; Said Bridge Company does further agree that the rights herein reserved, and the covenants of the grantee herein written, may be enforced, at grantor's application, by courts of equity, if and when the necessity therefor should arise.

In witness whereof, the said Hog Island Stock Company has caused its corporate name to be hereto signed by its President, and its corporate seal to be hereto affixed, duly attested by its Secretary, both thereunto duly authorized, this 23rd. day of February, A. D. 1926.

HOG ISLAND STOCK COMPANY,
by (Signed) William Yuille,
President.

: ATTEST :

(Signed) R. N. Hudson,
Secretary.
(corporate seal affixed)

State of Alabama, #

Mobile County. #
#

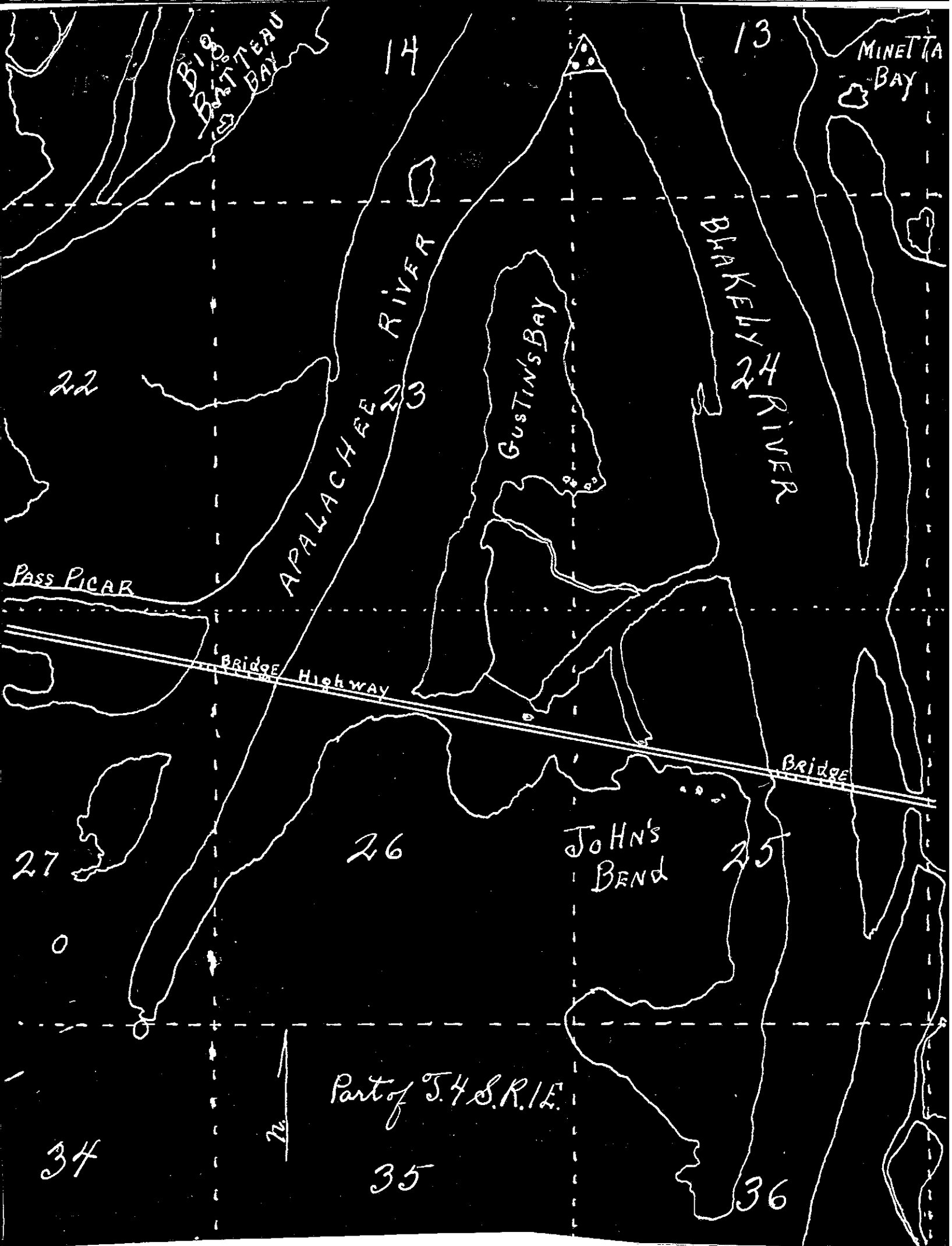
I, Clara M. Stokes,,

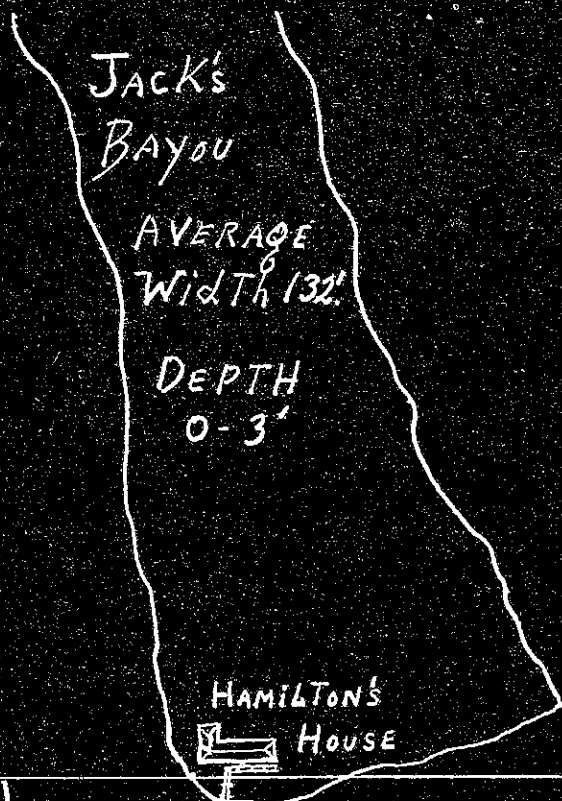
a Notary Public in and for said State and County, hereby certify that William Yuille and R. N. Hudson, whose names as President and Secretary, respectively, of Hog Island Stock Company, a corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the said corporation, on the day the same bears date.

Given under my hand this 23 day of February, 1926.

(signed) Clara M. Stokes,
Notary Public, Mobile County, Ala.

(notarial seal affixed)





HAMILTON'S HOUSE

AVERAGE WIDTH 132'

DEPTH 0-3'

300' Right of Way

150'

WHARF 105'

SPACE AROUND BOTH WHARVES USED FOR STORAGE OF CARS, BOATS, JUNK, ETC.

Highway

WHARF 65'

SCALE 1" = 100'
 A. Meagher Jr.
 MAY 7th 1938

MOBILE BAY

PLAT OF HAMILTON'S HOUSE ON BAY BRIDGE HIGHWAY

STATE OF ALABAMA AND AUGUSTINE MEAHER,
JR., As Executor under the Last Will
and Testament of Augustine Meaher,
Deceased, and HELEN R. MEAHER, as
Executrix and Trustee under the Last
Will and Testament of Augustine Meaher,
Deceased,

VS.

WILEY V. HAMILTON

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN THE MATTER OF THE CONTEMPT OF COURT BY WILEY V. HAMILTON:

This matter coming on to be heard on the duly verified petition of the State of Alabama and Augustine Meaher, Jr., as Executor under the Last Will and Testament of Augustine Meaher, Deceased, and Helen R. Meaher, as Executrix and Trustee under the Last Will and Testament of Augustine Meaher, deceased, and

IT APPEARING TO THE COURT that on the 29th day of January, 1942, the Court entered a final decree in the cause wherein said Petitioners were the Complainants and said Wiley V. Hamilton was the Respondent, a copy of which said order is attached to said Petition as Exhibit "A", and that a copy of said decree was duly served upon the said Hamilton, but that he wholly failed to comply with any of the terms thereof, and wholly failed to cease to maintain said wooden wharves and said wooden house, camp, building or structure and said commercial enterprise known as a fishing and hunting camp, and located at a point on and adjacent to the right of way of the highway known as the Mobile Bay Bridge Road, at a place where said highway and said right of way passes between that body of water commonly known as John's Bend, on the South, and Jack's Bayou on the North, said highway and right of way, at said place being located in Section 25, Township 4 South, Range 1 East, Baldwin County, Alabama, and has wholly failed to cease to use the space adjacent to said wharves and said house, camp, building or structure for the storage of boats, skiffs, and miscellaneous equipment, and has wholly failed to cease displaying on said right of way a sign or signs advertising that the said Hamilton rents and sells boats and bait, and has wholly failed to cease causing persons to park their automobiles and other vehicles on said right of way, at said place, for the purpose of storing the same thereon while they fish or hunt, and has wholly failed to remove said wharves and

and said house, camp, building or structure and said boats, skiffs, miscellaneous equipment and signs as required by said decree of January 29, 1942; and

IT FURTHER APPEARING TO THE COURT that on the 24th day of April, 1942, this Court entered an order directing the Register to issue a rule nisi commanding and directing the said Hamilton to appear before the Court and show cause, if any he had, why he should not be adjudged in and punished for contempt of this Court for failure to comply with said decree entered on January 29, 1942, and that said rule nisi, together with a copy of said order and of said verified petition, was duly served upon said Hamilton, and

IT FURTHER APPEARING TO THE COURT that the said Hamilton has wholly failed to show cause why he should not be adjudged in and punished for contempt of this Court for failing to comply with said decree of January 29, 1942, and that said Hamilton is in contempt of this Court, and should be punished therefor -

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that the said Wiley V. Hamilton is in contempt of this Court for failure to comply with said decree entered on January 29, 1942, as hereinabove set out; and

BE IT FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that the said Hamilton is hereby directed and required to remove himself and any and all his chattels from said house, camp, building or structure, and from the premises adjacent thereto, by 11 o'clock A. M. on Thursday, June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the said Hamilton may remove, at his option, so much of said wharves and said house, camp, building or structure used by him in connection with said fishing and hunting cam; as he wishes to remove, provided he removes the same by 11 o'clock A. M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY the Court that the said Hamilton shall deliver possession of said house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto and lying North or South of the said right of way at said place, to Augustine Meaher, Jr., as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Last Will and Testament of Augustine Meaher, Deceased, by 11 o'clock A. M. June 18, 1942; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the said Hamilton shall desiver possession of said right of way, at said place, to the State of Alabama; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in the event the said Hamilton shall fail for any reason to remove said chattels and to deliver possession of any house, camp, building or structure remaining on said premises at 11 o'clock A. M. on June 18, 1942, and the premises adjacent thereto, and said right of way, as herein provided, then the Sheriff of Baldwin County, Alabama, without further order from this Court shall forthwith remove said chattels and put said Augustine Meaher, Jr. as Executor, and Helen R. Meaher, as Executrix and Trustee, under the Lat Will and Testament of Augustine Meaher, deceased, in possession, as herein provided; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that upon being put into possession of said premises the said Augustine Meaher, as such Executor, and the said Helen R. Meaher, as such Executrix and Trustee, shall not remove or cause to be removed any part of said house, camp, building of structure until authorized to do so by order of this Court.

Done this 4th day of June, 1942.

F. W. HARE
JUDGE

Filed June 9th, 1942.

H. S. DUCK,

DEGREE

WILEY V. HAMILTON

VS.

STATE OF ALABAMA AND AUGUSTINE
LEAHER, JR., AS EXECUTOR, ET AL.

782

Executed by removing Wiley V. Hamilton, the defendant and
all his chattels, from the premises described within.
This the 19th day of June 1942.

W. R. Stewart Sheriff of Baldwin County

C. P. Pruitt Deputy Sheriff

RS Duck

BAY MINETTE, ALA.,

6/16

194*2*

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>Exec</i>	<i>Augustus Meador Jr & Co vs Wiley Stewart</i>				<i>1.35</i>
	<i>Paid Wiley Stewart</i>				

8581 NOTE OF TESTIMONY

STATE OF ALABAMA and AUGUSTINE
MEASHER, JR., as Executor under the
last will and testament of AUGUST-
INE MEASHER, Deceased, and HELEN R.
MEASHER as Executrix and Trustee under
the last will and testament of
AUGUSTINE MEASHER, Deceased,

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

Complainants,

WILEY V. HAMILTON

Respondent

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
and Decree Pro Confesso

and in behalf of Defendant upon

Smith, Hayden & Meade
by Paul C. Mass

Solicitors for Complainant. ~~Register~~

The State of Alabama, }
BALDWIN COUNTY.

No. 782 CIRCUIT COURT IN EQUITY.

STATE OF ALABAMA and AUGUSTINE MEAHER, JR, as Executor under the last will and testament of Augustine Meaher, Deceased, and HELEN R. MEAHER, as Executrix and Trustee under the last will and testament of Augustine Meaher, Deceased ^{Complainant}

vs.

WILEY V. HAMILTON

Defendant

Motion is hereby made for a Decree Pro Confesso against WILEY V. HAMILTON

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant ^{has} failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 27th day of January 1922

Smith, Hand & Orndall
By Carl J. Mason
Solicitor.

② Exhibit No. 2

RECORDED

No. 782 Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

STATE OF ALABAMA, ET AL

Vs.

WILEY V. HAMILTON

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed January 27th 1942

D. J. [Signature]

Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

Final Record 9-Page 234

5

RECORDED

No. 782

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

STATE OF ALABAMA and AUGUSTINE
MEASHER, JR., as Executor under the
last will and testament of AUGUST-
INE MEASHER Deceased, and HELEN R.
~~MEASHER~~ as Executrix and Trustee-
under the last will and testament
of AUGUSTINE MEASHER, deceased,

VS

WILLY V. HAMILTON,

NOTE OF TESTIMONY

Filed in Open Court this 3

day of January 1942
R. L. [Signature]

Register