

STATE OF ALABAMA, ex rel  
MACDONALD GALLION, as  
ATTORNEY GENERAL OF ALABAMA

Complainant

vs.

GEORGE ARGIRO AND  
GLORIA ARGIRO

Respondents

In the Circuit Court of  
Baldwin County, Alabama

In Equity

CASE No. 3788

PETITION FOR PERMISSION TO SEND ACTUAL EXHIBITS  
TO SUPREME COURT

TO THE SUPREME COURT OF ALABAMA:

Comes your petitioner, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, and shows unto this Honorable Court that an appeal has been taken to the Supreme Court of Alabama in the above styled cause and that there were many photographs, maps, and objects introduced and received into evidence in the above styled cause which are of such a nature or character as to make it impracticable or impossible to attach or incorporate the same in the transcript and it will be necessary to send the actual said exhibits to this Honorable Court for inspection and consideration in connection with the transcript.

Said exhibits are as follows:

P R A Y E R

Petitioner humbly prays that this Court will issue an order directing your petitioner to send the above described exhibits to this Court for inspection and consideration in connection with the transcript.

This \_\_\_\_\_ day of \_\_\_\_\_, 1960.

Alice J. Duck, Register  
Circuit Court of Baldwin County,  
Alabama, In Equity

P R A Y E R

Petitioner humbly prays that this Court will issue an order directing your petitioner to send the above described exhibits to this Court for inspection and consideration in connection with the transcript.

This \_\_\_\_\_ day of \_\_\_\_\_, 1960.

Alice J. Duck, Register  
Circuit Court of Baldwin County,  
Alabama, In Equity

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3788

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1961-62

1 Div. 888

The State of Alabama, ex rel MacDonald Gallion  
as Attorney General of Alabama

v.

George Argiro, et al.

AND

1 Div. 889

Hudson Oil Company of Missouri, a Corporation, et al.

v.

George Argiro, et al.

Appeal from Baldwin Circuit Court, In Equity

SIMPSON, JUSTICE.

1 Div. 888 and 1 Div. 889 are two separate cases, but the evidence by agreement of parties was taken together and both cases were argued and submitted together. We consider the cases in order.

2.

1 Div. 888

The appellant, State of Alabama, instituted the suit by filing a bill to quiet title to about one quarter of an acre of land in Baldwin County, Alabama, identified as Parcels One and Two, being land adjacent to and lying on the south side of the Mobile Bay Bridge Causeway, a section of U. S. Highway 90, and lying southwesterly of Fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian, Baldwin County, Alabama, and to the east of the Tensaw River Bridge.

The purpose of the suit was to fix the status of the land in respect to ownership - to reestablish by decree muniments of title to the disputed land. The parties went to trial on the issues raised by the bill of complaint, as last amended, and the answer. The evidence was heard ore tenus before the court and was submitted for final decree upon the pleadings and evidence thus taken. Final decree was entered by the court, dismissing the bill, with prejudice, decreeing that appellant had no right, title, interest or ownership in or to the lands described in its bill of complaint and taxed the costs accordingly. The assignments of error challenge the correctness of this ruling.

The appellant argues that since title was in the State in the shore line at the line of ordinary high tide when it

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was admitted into the Union, and that the parcels of land in dispute were accreted to the State's property, therefore, the accreted land belonged to the State. The evidence was in strict conflict as to how much land existed south of the Mobile Bay Causeway; whether there existed any land there at all; and if there did exist some land, whether it was hard, fast, natural land or man-made or by accretion. On this material conflict in the evidence the court resolved the issue in favor of appellees.

Giving due accord to the rule of review in such cases, we are at the conclusion that the decree in 1 Div. 888 must be ordered affirmed. - Bryan v. Bryan, 271 Ala. 625, 126 So. 2d 484; Ray v. Richardson, 250 Ala. 705, 36 So. 2d 89; Appeal & Error, Key 1001 (1).

For this Court to consider the "accretion apportionment" doctrine as suggested by the appellant, in the alternative, there must have been natural accretions present against the shore line of two or more contiguous upland owners. In the instant case there was no proof which was not in conflict that these parcels were created by natural accretion, nor whether the appellant was an upland owner. On the contrary, there was evidence that appellees had title to land south of the right of way of the State and between the shore line of Mo-

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bile Bay, that the land was hard, fast land, and an original part of the peninsula on which the right of way was obtained. On this conflicting evidence, therefore, we are unwilling to reverse the decree of the trial court and apply the afore-stated doctrine.

AFFIRMED.

Livingston, C.J., Goodwyn, Merrill, and Coleman, J.J.,  
concur.

1 Div. 889

In this case appellees Argiro and Clikas filed a bill of complaint in the Baldwin Circuit Court in Equity seeking a permanent injunction against appellant Hudson Oil Company to prevent Hudson from entering upon the land adjoining the westerly boundary of appellee's land and from obstructing and cutting off appellees' access to the navigable waters of the Tensaw River. The injunction was sought to prevent appellant from further filling in the property as leased from the State of Alabama and from interfering with the natural flow or drainage of surface waters from appellees' property, and for other incidental relief.

The trial court in its decree found that Hudson Oil Company had filled in the bottoms of Mobile Bay and the Ten-

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saw River which adjoined and was contiguous on the east to the lands of appellees for a distance of 100 feet south of the right of way of U. S. Highway 90 and westwardly for a distance of 600 feet; that such built up land impedes and cuts off appellees' riparian rights of ingress and egress westwardly from their lands to the Tensaw River. The decree also ordered appellant to remove the built up land and restore appellees' channel in the direction of the Tensaw River. The decree also specified that all the property of Hudson situated on this land would be condemned in favor of appellees if it failed to respond to the orders of the court in this respect.

The court further decreed that neither appellant, nor the State of Alabama had any right, title, or interest in or to the said built up land so filled in and created by appellant. Appellant was also enjoined from filling in and building up the remaining portion of land leased by the State to it.

In order to determine whether appellant had interfered with the appellees' alleged riparian rights of access from their property, the surrounding lands and waters must be canvassed to determine whether, in fact, any such right existed. The appellees' uplands front upon the tide waters of Mobile



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Bay, which is a body of navigable water, and land under the Bay is State land and of course may be leased by the State subject to the superior right of navigation vested in the United States for the benefit of all the public for the purposes of navigation, etc. - United States v. Turner, 175 F. 2d 644, cert. den. 70 S. Ct. 92, 338 U. S. 851, 94 L. Ed. 521.

For the purpose of developing a portion of Mobile Bay Bridge Causeway the State of Alabama, through its duly constituted officers, leased the area in question to appellant. This it had the right to do. - Turner's case, supra; Mobile Transportation Co. v. Mobile, 23 S. Ct. 170, 187 U. S. 479, 47 L. Ed 266, affirming 128 Ala. 335, 30 So. 645, 64 L. R. A. 333; State ex rel Attorney General v. Alabama Power Co., 176 Ala. 620, 58 So. 462; City of Mobile v. Eslava, 9 Port. 577, 33 Am. Dec. 325; 1 Farnham on Waters, § 536.

On close scrutiny of the evidence in the voluminous record, together with the exhibits, it is manifest that all the area leased to appellant by the State is located and situated in Mobile Bay and not the Tensaw River. Appellant's property line did not encroach upon, but joined appellees' Parcel No. 1 at its northwest corner, that being the northeast corner of appellant's property. The course of appel-

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lant's southern bulkhead line is in Mobile Bay and runs substantially east and west. The front of appellees' land by which their riparian right of access to navigable waters exists is the portion of their land lying east of appellant's fill and thus no riparian rights exist to give appellees a channel running from appellees' land laterally westwardly to the Tensaw River, as was decreed by the trial court. Appellees have no right to a bee-line route of access from their property laterally in a westwardly direction to the Tensaw River, about 2,400 feet away, since their right of access as riparian owners is to the navigable waters of Mobile Bay in front of their uplands which according to the evidence is not affected by appellant's improvements.

In McDonnell v. Murnan Shipbuilding Corp., 210 Ala. 611, 613, 98 So. 887, the principle was thus declared:

"By immemorial usage and custom in this state the doctrine is recognized that a riparian proprietor, whose land is bounded by a navigable stream, has a right of access to the navigable part thereof in front of his land, and to construct a wharf, pier, or piles projecting into the stream for his own use or the use of others \* \* \* ."

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The right of a riparian owner on navigable waters to obtain access thereto exists only as a way of necessity to reach navigation and since the evidence clearly shows that appellees had such a way in front of their property, the learned trial court, in our view, erroneously decreed a right of way of a necessity westwardly to the Tensaw River some 2,400 feet away. - United States v. Turner, supra; Mobile Dry-Docks Co. v. City of Mobile, 146 Ala. 198, 40 So. 205, 3 L. R. A. (N.S.) 822; Potomac Steamboat Co. v. Upper Potomac Steamboat Co., 109 U. S. 672.

67 C. J. S., Navigable Waters, § 67 (a) states the apposite principle:

"A riparian owner's right of access to the navigable water in front of the upland comprehends, necessarily and justly, whatever is needed for the complete and innocent enjoyment of that right. The owner of the uplands may not so exercise his right of passage or access to the channel as to destroy or unreasonably interfere with the right of the state to put its own land to such use as it may think proper, or in such a way as to prevent other persons to whom the sovereign has granted the bed of the river, or some portion of

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it, from using their own property in a reasonable way. The right of access and of navigation does not include any right arising from the use of the land under water or the bed of the river below high-water mark."

The conclusion we reach is made apparent from the testimony of Mr. Argiro and some of his witnesses. This testimony showed that there was no channel running from the Argiro property to the Tensaw River but that one could be made; that appellants' fill had not interfered in any manner with the navigation from the "Bay Breeze" located on appellees' property to Mobile Bay and that one can go straight out from the front of appellees' land in a southerly direction and reach a deep water channel from which a person could then turn to the right and reach the waters of the Tensaw River. As shown by aerial maps and photographs and other evidence no portion of appellees' land fronts, borders, or abuts upon the waters of the Tensaw River, but as stated, the westernmost point of appellees' land is some 2,400 feet from the east end of Cochran Bridge, the highway bridge built in the confluence of the Mobile Bay and Tensaw River. The evident conclusion must be that appellant Hudson Oil Company has violated no legal right of appellees as riparian

proprietors of land fronting on Mobile Bay and access to the navigable waters of the Bay from which the Tensaw River may be reached. The reason the law confirms a right of access in front of a riparian owner's land to navigable waters and not laterally in such a situation as here presented is well illustrated in the instant case. To allow appellees the paramount right of access to navigable waters laterally from its land westwardly to the Tensaw River upon which appellees are not riparian proprietors would do violence to the legal principles governing such situations and interfere with future development and improvement along the shore line of the Mobile Bay Bridge Causeway.

From these considerations the conclusion is also apparent that the learned trial court erred in that phase of the decree ordering a condemnation of the property of appellant in favor of appellees. No authority could exist in appellees to exercise any right of eminent domain. - § 23, Article 1, Constitution of Alabama 1901; Pollard's Lessee v. Hagan, 44 U. S. 212, 3 How. 212.

After a painstaking study of all the evidence in the case and a review of the applicable authorities we conclude that the decree below was laid in error and one will be here rendered in favor of the appellant and dismissing the bill of appellees.

REVERSED AND RENDERED.

Livingston, C.J., Goodwyn, Merrill, and Coleman, J.J.,  
concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 61-62

To the Register of the Circuit Court,  
Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court  
of said county, in a certain cause lately pending in said Court between  
State of Alabama ex rel MacDonald Gallion, as Attorney, Appellant,  
General  
and  
George Argiro, et al., Appellees,  
wherein by said Court it was considered adversely to said appellant, were brought before our  
Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, adjudged, and de-  
creed by our Supreme Court, on the 2nd day of November, 19 61, that said  
Decree of said Circuit Court be in all things  
affirmed, and that it was further considered, ordered, adjudged, and decreed that the appellant,  
~~and~~

The State of Alabama, pay

the costs accruing on said appeal in this Court and in the Court below, for which costs let  
execution issue.

~~It is further certified that, it appearing that said parties have waived their rights of exemption  
under the laws of Alabama, it was ordered that execution issue accordingly.~~

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, this the 2nd day of

November, 19 61

J. Render Thomas  
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 61-62

1st Div., No. 888

State of Alabama ex rel

MacDonald Gallion, as Attorney  
General *Appellant,*

*vs.*

George Argiro, et al.,  
*Appellee. s*

*From* Baldwin Circuit *Court.*

In Equity No. 3788  
**CERTIFICATE OF**  
**AFFIRMANCE**

The State of Alabama,

County.

} *Filed*

*this*        *day of*        *19*

STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.  
NO. 3788

MOTION TO SUBSTITUTE PARTY COMPLAINANT

Comes now the State of Alabama and represents unto the Court as follows:

1. That John Patterson, in whose name this suit was originally brought ex rel as Attorney General of Alabama, and in his official capacity as such, is no longer Attorney General for the State of Alabama, as his term of office as Attorney General expired on, to wit, January 19, 1959.
2. That MacDonald Gallion is now the duly elected and constituted Attorney General for the State of Alabama, and that he has been such since, to wit, January 19, 1959.
3. That MacDonald Gallion, in his official capacity as Attorney General for the State of Alabama, should now be substituted ex rel Attorney General in said cause in lieu of John Patterson, whose name as Attorney General now appears in the style of said cause.

PREMISES CONSIDERED, your petitioner prays that this Honorable Court will substitute MacDonald Gallion, as Attorney General in this cause, and in whose relationship said suit is brought, in the place of John Patterson, as the Attorney General for this State, and will permit the style of said cause to read accordingly, and MacDonald Gallion in his official capacity as Attorney General for this State would be substituted in the place



of John Patterson as Attorney General in every place on the Bill of Complaint where his said name appears, and will permit the style of said cause, insofar as the party complainant is concerned, to read, as follows:

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant,"

and will grant such other and further relief in this connection as your petitioner will forever pray.

MACDONALD GALLION  
Attorney General for the  
State of Alabama

By:



IRA DEMENT  
Assistant Attorney General

SUBSTITUTION CONSENTED TO:

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Counsel for Respondents

Div. No. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Equity Cases.)

No. 3788

STATE OF ALABAMA

Complainant.

vs.

GEORGE ARGIRO and GLORIA ARGIRO

Respondent.

I, Alice J. Duck

Register of the Circuit Court In Equity,

Baldwin

County, Alabama, hereby certify that in the cause of

STATE OF ALABAMA

Complainant,

vs.

GEORGE ARGIRO and GLORIA ARGIRO

Respondent,

which was tried and determined in this Court on the 23rd day of

November

1959, in which there was a decree in favor of the

Respondents.

On the 21 day of December 1959, the State of Alabama

took an appeal to the

Supreme Court

of Alabama, to be holden of and for said State.

I further certify that No Bond was filed by State of Alabama

as

~~ordered~~ security for cost of appeal, to the Supreme Court,

~~on the~~ xxxxxx day of xxxx, ~~and that~~

~~are executed on the appeal bond~~

I further certify that notice of said appeal was on the 23 day of Dec, 1959, served on Hon. John Chason as attorney of record for said appellee.

Witness my hand and the seal of this Court, this the 24 day of December, 1959

Register of the Circuit Court In Equity of

Baldwin

County, Alabama.

STATE OF ALABAMA EX REL  
MACDONALD GALLION AS  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

No. 3788

ORDER SUBSTITUTING PARTY COMPLAINANT

This matter coming to be heard on the motion to substitute party complainant filed by complainant in the above styled cause and the Court having considered the same is of the opinion that the motion to substitute party complainant should be and the same hereby is granted.

It is therefore CONSIDERED, ORDERED, ADJUDGED, and DECREED by the Court that the motion to substitute party complainant be and the same hereby is granted and that MacDonald Gallion as Attorney General of the State of Alabama be and he is hereby substituted in the place of John Patterson as Attorney General for the State of Alabama in each and every place on the Bill of Complaint and on all subsequent pleadings where his said name appears and that the style of said cause insofar as the party complainant is concerned be and the same is hereby changed to read as follows

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant."

Done this \_\_\_\_\_ day of July, 1959, A.D.

HUBERT M. HALL, Judge

STATE OF ALABAMA EX REL  
MACDONALD GALLION AS  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,  
  
Complainant,  
  
vs.  
  
GEORGE ARGIRO AND GLORIA  
ARGIRO,  
  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
  
IN EQUITY.  
  
No. 3788

ORDER SUBSTITUTING PARTY COMPLAINANT

This matter coming to be heard on the motion to substitute party complainant filed by complainant in the above styled cause and the Court having considered the same is of the opinion that the motion to substitute party complainant should be and the same hereby is granted.

It is therefore CONSIDERED, ORDERED, ADJUDGED, and DECREED by the Court that the motion to substitute party complainant be and the same hereby is granted and that MacDonald Gallion as Attorney General of the State of Alabama be and he is hereby substituted in the place of John Patterson as Attorney General for the State of Alabama in each and every place on the Bill of Complaint and on all subsequent pleadings where his said name appears and that the style of said cause insofar as the party complainant is concerned be and the same is hereby changed to read as follows

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant."

Done this \_\_\_\_\_ day of July, 1959, A.D.

HUBERT M. HALL, Judge

STATE OF ALABAMA EX REL  
MACDONALD GALLION AS  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

No. 3786

ORDER SUBSTITUTING PARTY COMPLAINANT

This matter coming to be heard on the motion to substitute party complainant filed by complainant in the above styled cause and the Court having considered the same is of the opinion that the motion to substitute party complainant should be and the same hereby is granted.

It is therefore CONSIDERED, ORDERED, ADJUDGED, and DECREED by the Court that the motion to substitute party complainant be and the same hereby is granted and that MacDonald Gallion as Attorney General of the State of Alabama be and he is hereby substituted in the place of John Patterson as Attorney General for the State of Alabama in each and every place on the Bill of Complaint and on all subsequent pleadings where his said name appears and that the style of said cause insofar as the party complainant is concerned be and the same is hereby changed to read as follows

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant."

Done this \_\_\_\_\_ day of July, 1959, A.D.

HUBERT M. HALL, Judge

STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.  
NO. 3788

MOTION TO SUBSTITUTE PARTY COMPLAINANT

Comes now the State of Alabama and represents unto the Court as follows:

1. That John Patterson, in whose name this suit was originally brought ex rel as Attorney General of Alabama, and in his official capacity as such, is no longer Attorney General for the State of Alabama, as his term of office as Attorney General expired on, to wit, January 19, 1959.
2. That MacDonald Gallion is now the duly elected and constituted Attorney General for the State of Alabama, and that he has been such since, to wit, January 19, 1959.
3. That MacDonald Gallion, in his official capacity as Attorney General for the State of Alabama, should now be substituted ex rel Attorney General in said cause in lieu of John Patterson, whose name as Attorney General now appears in the style of said cause.

PREMISES CONSIDERED, your petitioner prays that this Honorable Court will substitute MacDonald Gallion, as Attorney General in this cause, and in whose relationship said suit is brought, in the place of John Patterson, as the Attorney General for this State, and will permit the style of said cause to read accordingly, and MacDonald Gallion in his official capacity as Attorney General for this State would be substituted in the place

of John Patterson as Attorney General in every place on the Bill of Complaint where his said name appears, and will permit the style of said cause, insofar as the party complainant is concerned, to read, as follows:

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant,"

and will grant such other and further relief in this connection as your petitioner will forever pray.

MACDONALD GALLION  
Attorney General for the  
State of Alabama

By:

*Ira Dement*

IRA DEMENT  
Assistant Attorney General

SUBSTITUTION CONSENTED TO:

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Counsel for Respondents

STATE OF ALABAMA

Complainant

vs.

GEORGE ARGIRO and GLORIA ARGIRO

Respondents

X  
X  
X  
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X  
X  
X  
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

ALABAMA

IN EQUITY No. 3788

Come the Respondents, GEORGE ARGIRO and GLORIA ARGIRO, and each, separately and severally, answering the Bill of Complaint, as last amended, exhibited against them in the above and titled cause, say:

1. Each Respondent admits the allegations of Paragraph 1 of the Bill, as last amended.

2. Each Respondent denies the allegations of Paragraph 2 of the Bill as last amended and denies that the State of Alabama owns any right, title or interest in the real property described in said Paragraph 2.

3. Each Respondent admits the allegations of Paragraph 3 of the Bill, as amended.

4. Each Respondent denies the allegations of Paragraph 4 of the Bill, as amended, and denies that the State of Alabama is the owner of the real property, described in said Bill.

5. Each Respondent denies the allegations of Paragraph 5 of the Bill, as amended, and demands strict proof thereof.

6. Each Respondent admits the allegations of Paragraph 6 of the Bill, as amended.

7. Each Respondent admits the allegations of Paragraph 7 of the Bill, as amended, and demands strict proof thereof.

8. Each Respondent denies the allegation of Paragraph 8 of the Bill, as amended, and demands strict proof thereof.

9. Answering Paragraph 9 of the Bill, as amended, the Respondents aver that they acquired title to the real property described in the Bill of Complaint, as last amended, by Warranty Deed executed by James W. Gray and Gabriella B. Gray; his wife, Emily G. McCorvey and



Guesner F. McCorvey; her husband, Eleanor G. Elsberry and William E. Elsberry; her husband and Josephine W. Gray, a widow, on, to-wit, June 1, 1950 and recorded in Deed Book 154 pages 205-07 of the Probate Court records of Baldwin County, Alabama.

10. Each Respondent admits the allegations of Paragraph 10 of the Bill, as amended.

*Houston, M<sup>c</sup>Call & Houston*  
*By Hlaw M<sup>c</sup>Call*  
Solicitors for Respondent

*Filed*  
*9-30-58*

*Chason & Stone*  
*By Hlaw Chason*  
Solicitors for Respondent

STATE OF ALABAMA,	)	
Complainant.	(	
	)	IN THE CIRCUIT COURT
Vs.	(	OF
	)	BALDWIN COUNTY, ALABAMA, IN EQUITY
GEORGE ARGIRO and	(	CASE NO. _____
GLORIA ARGIRO,	)	
Respondents.	(	

BILL TO QUIET TITLE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the above named Complainant, the State of Alabama, and shows unto your Honor the facts following:

1. The lands described as follows: —

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90, a distance of 2338 feet, more or less; thence at right angle to the centerline of said highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90 which said point is the point of beginning; thence approximately 160 feet eastwardly along the south right of way line of U. S. Highway #90 to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Causeway; thence in a southerly direction perpendicular to the said right of way line of U. S. Highway #90 to a point on the timber retaining wall; thence northwesterly along said timber retaining wall to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

AND ALSO, a parcel of land described as follows: —

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90 a distance of 2338 feet, more or less; thence at right angle to the centerline of said Highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90; thence approximately 160 feet eastwardly along the south right of way line of said Highway to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Bay Causeway, which point is the point of beginning; thence in a southeastwardly direction along the said shoreline of Tensas River prior to the building of said Causeway to a point where the said original shoreline intersects the present timber retaining wall; thence in a northwestwardly direction along the said timber retaining wall to a point where the said retaining wall intersects a line perpendicular to the south right of way line of U. S. Highway #90 and passing through the point of beginning; thence in a northerly direction to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

are located and situate within the jurisdiction of this Honorable Court.


2. That the above named Complainant, the State of Alabama, is the owner of the above described real estate.

3. That the above named Respondents, George Argiro and Gloria Argiro, claim, or are reputed to claim, some right, title or interest in, or encumbrance upon, said lands.

4. And the above named Complainant, the State of Alabama, calls upon said Respondents, George Argiro and Gloria Argiro, to specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

5. Your Complainant would further show that there is no suit now pending to enforce or test the validity of such title, claim or encumbrance.

PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this its cause of action and that by proper process of this Court the above named Respondents be made a party to this proceedings and that they be required to plead, answer or demur to this bill of complaint within the time allowed by law for a pleading, or in default of such pleading, suffer a decree pro confesso to be entered against them. That upon final submission of this cause, your Honor will make and enter a decree settling the title to the above described lands and clear up all doubts or disputes concerning the same. Your Complainant further prays that if it is in any wise mistaken in the relief herein sought, then your Complainant prays for such other, different or further relief to which it may be entitled in the premises and which to your Honor may seem meet and proper. And your Complainant will ever pray.

  
JOHN PATTERSON  
Attorney General


  
A. J. HARRIS  
Assistant Attorney General


SOLICITORS FOR COMPLAINANT

NOTE:

The above named Respondents are required to answer each allegation contained in Paragraphs Nos. 1 to 5 inclusive, hereof but not under oath, for answer under oath is hereby expressly waived.

*Filed*  
*5-15-56*

  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 3788

MOTION TO SUBSTITUTE PARTY COMPLAINANT

Comes now the State of Alabama and represents unto the Court as follows:

1. That John Patterson, in whose name this suit was originally brought ex rel as Attorney General of Alabama, and in his official capacity as such, is no longer Attorney General for the State of Alabama, as his term of office as Attorney General expired on, to wit, January 19, 1959.

2. That MacDonald Gallion is now the duly elected and constituted Attorney General for the State of Alabama, and that he has been such since, to wit, January 19, 1959.

3. That MacDonald Gallion, in his official capacity as Attorney General for the State of Alabama, should now be substituted ex rel Attorney General in said cause in lieu of John Patterson, whose name as Attorney General now appears in the style of said cause.

PREMISES CONSIDERED, your petitioner prays that this Honorable Court will substitute MacDonald Gallion, as Attorney General in this cause, and in whose relationship said suit is brought, in the place of John Patterson, as the Attorney General for this State, and will permit the style of said cause to read accordingly, and MacDonald Gallion in his official capacity as Attorney General for this State would be substituted in the place

of John Patterson as Attorney General in every place on the Bill of Complaint where his said name appears, and will permit the style of said cause, insofar as the party complainant is concerned, to read, as follows:

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant,"

and will grant such other and further relief in this connection as your petitioner will forever pray.

MACDONALD GALLION  
Attorney General for the  
State of Alabama

By:



IRA DEMENT  
Assistant Attorney General

SUBSTITUTION CONSENTED TO:

  
Counsel for Respondents

*Filed*  
*7-14-59*

STATE OF ALABAMA	I	
Complainant,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
GEORGE ARGIRO and GLORIA ARGIRO,	I	IN EQUITY NO. 3788
Respondents.	I	

This cause having been submitted for a final decree upon the pleadings and the evidence taken ore tenus in open court on the trial of the case, together with the exhibits offered in evidence, and the matter having been fully considered by the Court, the Court is of the opinion that the complainant, State of Alabama, is not entitled to relief, and that the relief as prayed for by the complainant in its bill of complaint should be denied.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bill of complaint filed in this cause by the State of Alabama be, and the same is, hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the complainant, State of Alabama, has no right, title, interest or ownership in or to the lands described in Paragraph 2 of its bill of complaint, which said lands being situated in the County of Baldwin, State of Alabama, are described as follows:

PARCEL I

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway # 90, a distance of 2338 feet, more or less; thence at right angle to the centerline of said highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right-of-way line of U. S. Highway # 90 which said point is the point of beginning; thence approximately 160 feet eastwardly along the south right-of-way line of U. S. Highway # 90 to a point where the said right-of-way intersects the shoreline of Tensas River prior to the building of the Mobile Causeway; thence in a southerly direction perpendicular to the said right-of-way line of U. S. Highway # 90 to a point on the timber retaining wall; thence northwesterly along said timber retaining wall to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

PARCEL 2

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original center line of U. S. Highway # 90 a distance of 2338 feet, more or less; thence at right angle to the centerline of said Highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right-of-way line of U. S. Highway # 90; thence approximately 160 feet eastwardly along the south right-of-way line of said Highway to a point where the said right-of-way line intersects the shoreline of Tensas River prior to the building of the Mobile Bay Causeway, which point is the point of beginning; thence in a southeastwardly direction along the said shoreline of Tensas River prior to the building of said Causeway to a point where the said original shoreline intersects the present timber retaining wall; thence in a northwestwardly direction along the said timber retaining wall to a point where the said retaining wall intersects a line perpendicular to the southern right-of-way line of U. S. Highway # 90 and passing through the point of beginning; thence in a northerly direction to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all costs of court incurred in this cause be, and the same are hereby, taxed against the complainant.

ORDERED, ADJUDGED AND DECREED this 23 day of November, 1959.

Robert M. Hall  
JUDGE



STATE OF ALABAMA )  
 Complainant )  
 ) IN THE CIRCUIT COURT  
 ) OF  
 Vs. ) BALDWIN COUNTY, ALABAMA, IN EQUITY  
 )  
 GEORGE ARGIRO and ) CASE NO. \_\_\_\_\_  
 GLORIA ARGIRO, )  
 Respondents. )

BILL TO QUIET TITLE

The Respondents' demurrer having heretofore been sustained by the Court to the original Bill of Complaint in the above entitled cause, comes now the Complainant and amends its said bill so that the same will read as follows:

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Humbly complaining, your complainant, the State of Alabama, respectfully shows unto your Honor as follows:

1. That the State of Alabama is a sovereign State of the United States of America.

2. That the above named complainant, the State of Alabama, owns certain real property situated in the County of Baldwin, State of Alabama, described as follows:

PARCEL 1

Parcel 1 is a tract of accreted land adjacent to and on the south side of the Mobile Bay Bridge Causeway, a section of U. S. Highway No. 90 and it lies to the west of Fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian, Baldwin County and to the east of Tensas River Bridge.

This tract is more particularly described as follows:

Beginning at a point 1,176.6 feet north and 25,559.6 feet west of the northwest corner of Section 30, Township 4 South, Range 2 East, which point lies south and west of the boundary of Fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian as surveyed and platted in the year 1842 by David B. Scott, Deputy Surveyor for the United States Government, field notes of the survey being recorded in the office of the Secretary of State of the State of Alabama, Montgomery, Alabama, in Volume 68, Page 124 through 144, and the plat showing said fraction being recorded in the said Secretary of State's Office on Page 92 in Volume 1 of the St. Stephens Meridian South of 31 degree Parallel and on Page 32 of the Supplemental Plat Book; thence from said point of beginning 160 feet more or less eastwardly along the present south boundary line of the right-of-way of above said U. S. Highway No. 90 to a point where said boundary intersects the shore line of Tensas River prior to the building of the Mobile Bay Bridge Causeway; thence in a southerly direction perpendicular to said right-of-way boundary line to a point on a timber retaining wall; thence northwesterly along said timber retaining wall to the point of beginning.

In accordance with a precedent set by the State of Alabama Department of Conservation in the describing of leased tracts since acquisition of the Mobile Bay Bridge Causeway, the above described point of beginning may also be described as follows;

Begin at the east end of the concrete floor slab of the Tensas River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the centerline of the original or south lane roadway a distance of 2,338 feet, more or less; thence at right angles to the said centerline and in a southerly direction 150 feet to the said point of beginning.

The above described tract is graphically shown as Parcel 1 on State of Alabama Department of Conservation, Engineering Section Drawing No. 5-L-51, bearing title "Certain Tracts of Land lying along Mobile Bay Bridge Causeway between Tensas River Bridge and Fractional Section 20, Township 4 South, Range 1 East."

Thus, in the above, is described a parcel of built up or accreted land lying south of U. S. Highway No. 90, east of the Tensas River Bridge and west of Fractional Section 20 and lying within the extended boundaries of Township 4 South, Range 1 East, St. Stephens Meridian, Baldwin County, Alabama.

AND ALSO, a parcel of land described as follows:-

#### PARCEL 2.

Parcel 2 is a tract of accreted land on the south side of the Mobile Bay Bridge Causeway, a section of U. S. Highway No. 90 and adjacent to and lying southwesterly of Fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian, Baldwin County and to the east of Tensas River Bridge.

This tract is more particularly described as follows:

Begin at a point 1,176.6 feet north and 25,559.6 feet west of the northwest corner of Section 30, Township 4 South, Range 2 East, which point lies south and west of the boundary of Fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian as surveyed and platted in the year 1842 by David B. Scott, Deputy Surveyor for the United States Government, field notes of the survey being recorded in the Office of the Secretary of State of the State of Alabama, Montgomery, Alabama, in Volume 68, Page 124 through 144, and the plat showing said fraction being recorded in the said Secretary of State's Office on Page 92 in Volume 1 of the St. Stephens Meridian South of 31 degree Parallel and on Page 32 of the Supplemental Plat Book; thence 160 feet more or less eastwardly along the present south boundary line of the right-of-way of above said U. S. Highway No. 90 to the point where said boundary intersects the shore line of Tensas River prior to the building of the Mobile Bay Bridge Causeway which point is the point of beginning; thence in a southeastwardly direction along the said shore line of Tensas River prior to the building of said Causeway to a point where the said original shore line intersects the present timber retaining wall; thence in a northwestwardly direction along the said timber retaining wall to a point where the said retaining wall intersects a line perpendicular to the south right-of-way line of U. S. Highway No. 90 and passing through the point of beginning; thence in a northerly direction to the point of beginning.

In accordance with a precedent set by the State of Alabama Department of Conservation in the describing of leased tracts since acquisition of the Mobile Bay Bridge Causeway, the above described point of beginning may also be described as follows:

Begin at the east end of the concrete floor slab of the Tensas River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the centerline of the original or south lane roadway a distance of 2,498 feet, more or less, thence at right angles to the said centerline and in a southerly direction 150 feet to the said point of beginning.

The above described tract is graphically shown as Parcel 2 on the State of Alabama Department of Conservation, Engineering Section Drawing No. 5-L-51, bearing title "Certain Tracts of Land lying along Mobile Bay Bridge Causeway between Tensas River Bridge and Fractional Section 20, Township 4 South, Range 1 East."

Thus, in the above, is described a parcel of built-up or accreted land lying south of U. S. Highway No. 90, east of the Tensas River Bridge and west of Fractional Section 20 and lying within the extended boundaries of Township 4 South, Range 1 East, St. Stephens Meridian, Baldwin County, Alabama.

3. That the above described real estate is located and situated within the jurisdiction of this Honorable Court.

4. That the above named complainant, the State of Alabama, is the owner of the above described property.

5. The State of Alabama acquired title to said land by purchase through the Alabama Bridge Commission from the Cochran Bridge Corporation.

6. That the above named respondents, George Argiro and Gloria Argiro claim, or are reputed to claim, some right, title or interest in, or encumbrance upon, said lands.

7. That the said George Argiro and Gloria Argiro are each over the age of twenty-one years and are residents of Mobile, Alabama.

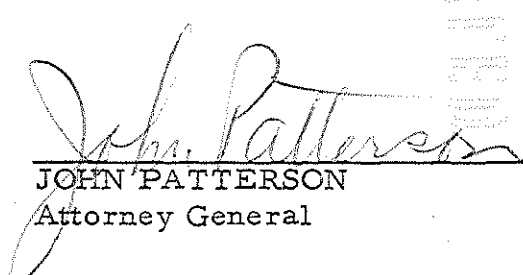
8. Your complainant further shows that it does not have an adequate remedy at law to perfect its title to the said land.

9. That the complainant, the State of Alabama, calls upon said respondents, George Argiro and Gloria Argiro to specify their title, claim, interest, or encumbrance, and how and by what instrument the same is derived and created.

10. Your complainant further shows that there is no suit now pending to enforce or test the validity of such title, claim, or encumbrance.

PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this its cause of action and that by proper process of this Court the above named Respondents be made a party to this proceedings and that they be required to plead, answer or demur to this bill of complaint within the time allowed

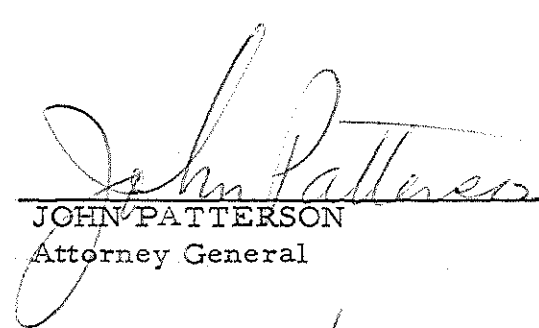
by law for a pleading, or in default of such pleading, suffer a decree Pro Confesso to be entered against them. That upon final submission of this cause, your Honor will make and enter a decree settling the title to the above described lands and clear up all doubts or disputes concerning the same. Your Complainant further prays that if it is in any wise mistaken in the relief herein sought, then your Complainant prays for such other, different or further relief to which it may be entitled in the premises and which to your Honor may seem meet and proper. And your Complainant will ever pray.


  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

The above named Respondents are required to answer each allegation contained in Paragraphs Nos. 1 to 10 inclusive, hereof but not under oath, for answer under oath is hereby expressly waived.

  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

*Filed*  
*1-18-58*

STATE OF ALABAMA,

Complainant.

Vs.

GEORGE ARGIRO and  
GLORIA ARGIRO,

Respondents.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA, IN EQUITY  
CASE NO. \_\_\_\_\_

BILL TO QUIET TITLE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the above named Complainant, the State of Alabama, and shows  
unto your Honor the facts following:

1. The lands described as follows: —

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90, a distance of 2338 feet, more or less; thence at right angle to the centerline of said highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90 which said point is the point of beginning; thence approximately 160 feet eastwardly along the south right of way line of U. S. Highway #90 to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Causeway; thence in a southerly direction perpendicular to the said right of way line of U. S. Highway #90 to a point on the timber retaining wall; thence northwesterly along said timber retaining wall to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

AND ALSO, a parcel of land described as follows: —

Beginning at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90 a distance of 2338 feet, more or less; thence at right angle to the centerline of said Highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90; thence approximately 160 feet eastwardly along the south right of way line of said Highway to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Bay Causeway, which point is the point of beginning; thence in a southeastwardly direction along the said shoreline of Tensas River prior to the building of said Causeway to a point where the said original shoreline intersects the present timber retaining wall; thence in a northwestwardly direction along the said timber retaining wall to a point where the said retaining wall intersects a line perpendicular to the south right of way line of U. S. Highway #90 and passing through the point of beginning; thence in a northerly direction to the point of beginning. Thus describing a tract of land lying south of Mobile Bay Bridge Causeway in Township 4 South, Range 1 East, Baldwin County, Alabama.

are located and situate within the jurisdiction of this Honorable Court.


2. That the above named Complainant, the State of Alabama, is the owner of the above described real estate.

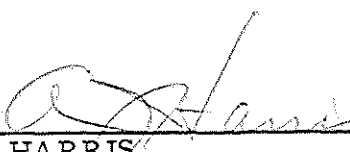
3. That the above named Respondents, George Argiro and Gloria Argiro, claim, or are reputed to claim, some right, title or interest in, or encumbrance upon, said lands.

4. And the above named Complainant, the State of Alabama, calls upon said Respondents, George Argiro and Gloria Argiro, to specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

5. Your Complainant would further show that there is no suit now pending to enforce or test the validity of such title, claim or encumbrance.

PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this its cause of action and that by proper process of this Court the above named Respondents be made a party to this proceedings and that they be required to plead, answer or demur to this bill of complaint within the time allowed by law for a pleading, or in default of such pleading, suffer a decree pro confesso to be entered against them. That upon final submission of this cause, your Honor will make and enter a decree settling the title to the above described lands and clear up all doubts or disputes concerning the same. Your Complainant further prays that if it is in any wise mistaken in the relief herein sought, then your Complainant prays for such other, different or further relief to which it may be entitled in the premises and which to your Honor may seem meet and proper. And your Complainant will ever pray.

  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

NOTE:

The above named Respondents are required to answer each allegation contained in Paragraphs Nos. 1 to 5 inclusive, hereof but not under oath, for answer under oath is hereby expressly waived.



JOHN PATTERSON  
Attorney General



A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3788

May TERM, 1956

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

GEORGE ARGIRO and GLORIA ARGIRO

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

GEORGE ARGIRO AND GLORIA ARGIRO

Respondent  
Defendant

by

STATE OF ALABAMA

Complainant  
Plaintiff

Witness my hand this 15th day of May 1956

Ex 5-24-56

Miss J. Clark, Clerk



No. 3788

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

STATE OF ALABAMA

Plaintiffs

vs.

GEORGE ARGIRO and GLORIA ARGIRO

Defendants

SUMMONS and COMPLAINT

Filed May 15, 1956

Alice J. Duck, Clerk

The Sheriff claims 12  
miles at 10¢ per mile for  
a total of \$ 11.20  
Ray Bridges, Sheriff  
Mobile County, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

May 16, 1956

Sheriff

I have executed this summons

this May 24, 1956  
by leaving a copy with

George Argiro and  
Gloria Argiro

Ray D. Bridges, Sheriff  
A. V. Chatham, Deputy Sheriff

16 me Phillips St  
in mobile

STATE OF ALABAMA,	)	
Complainant	)	
	)	IN THE CIRCUIT COURT
Vs.	)	OF
	)	BALDWIN COUNTY, ALABAMA, IN EQUITY
GEORGE ARGIRO and	)	
GLORIA ARGIRO,	)	CASE NO. <u>3788</u>
Respondents.	)	

BILL TO QUIET TITLE

The Respondent's demurrer having heretofore been sustained by the Court to the original Bill of Complaint in the above entitled cause, comes now the Complainants and amend its said bill so that the same will read as follows:

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Humbly complaining, your complainant, the State of Alabama, respectfully shows unto your Honor as follows:

1. That the State of Alabama is a sovereign State of the United States of America.
2. That the above named complainant, the State of Alabama, owns certain real property situated in the County of Baldwin, State of Alabama, described as follows:

Begin at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90, a distance of 2338 feet, more or less; thence at right angle to the centerline of said highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90 which said point is the point of beginning; thence approximately 160 feet eastwardly along the south right of way line of U. S. Highway #90 to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Causeway; thence in a southerly direction perpendicular to the said right of way line of U. S. Highway #90 to a point on the timber retaining wall; thence northwesterly along said timber retaining wall to the point of beginning. Thereby is described a tract of land made from material dredged from adjacent State owned water bottom, said tract adjoining State owned land lying within the State Highway right of way, said State owned land within the Highway right of way having been made of material dredged from adjacent State owned water bottoms placed adjacent to fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian, Alabama, as shown and described on the plat of the original public land survey of said Township 4 South, Range 1 East, copies of which are recorded on Page 92 of St. Stephens South of 31st Parallel and Page 32 of Supplemental Plat Book in office of Secretary of State of Alabama.

AND ALSO, a parcel of land described as follows:-

Begin at the east end of the concrete slab of Tensas and Spanish River Bridge on Mobile Bay Bridge Causeway, thence eastwardly along the original centerline of U. S. Highway #90 a distance of 2338 feet, more or less; thence at right angle to the centerline of said Highway in a southerly direction a distance of 150 feet to a point where the present timber retaining wall intersects the south right of way line of U. S. Highway #90; thence approximately 160 feet eastwardly along the south right of way line of said Highway to a point where the said right of way line intersects the shoreline of Tensas River prior to the building of the Mobile Bay Causeway, which point is the point of beginning; thence in a southeastwardly direction along the said shoreline of Tensas River prior to the building of said Causeway to a point where the said original shoreline intersects the present timber retaining wall; thence in a northwestwardly direction along the said timber retaining wall to a point where the said retaining wall intersects a line perpendicular to the south right of way line of U. S. Highway #90 and passing through the point of beginning; thence in a northerly direction to the point of beginning. Thereby is described a tract of land made from material dredged from the adjacent State owned water bottoms, said tract adjoining fractional Section 20, Township 4 South, Range 1 East, St. Stephens Meridian, Alabama, as shown and described on the plat of the original public land survey of said Township 4 South, Range 1 East, copies of which are recorded on Page 32, Supplemental Plat Book and Page 92 St. Stephens South of 31st Parallel in the office of the Secretary of State of Alabama.

3. That the above described real estate is located and situated within the jurisdiction of this Honorable Court.

4. That the above named complainant, the State of Alabama, is the owner of the above described property.

5. That the above named respondents, George Argiro and Gloria Argiro, claim, or are reputed to claim, some right, title or interest in, or encumbrance upon, said lands.

6. Your complainant further shows that it does not have an adequate remedy at law to perfect its title to the said land.


7. That the complainant, the State of Alabama, calls upon said respondents, George Argiro and Gloria Argiro to specify their title, claim, interest, or encumbrance, and how and by what instrument the same is derived and created.

8. Your complainant further shows that there is no suit now pending to enforce or test the validity of such title, claim, or encumbrance.

PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this its cause of action and that by proper process of this Court the above named Respondents be made a party to this proceedings and that they be required to plead, answer or demur to this bill of complaint within the time allowed

by law for a pleading, or in default of such pleading, suffer a decree professo to be entered against them. That upon final submission of this cause, your Honor will make and enter a decree settling the title to the above described lands and clear up all doubts or disputes concerning the same. Your Complainant further prays that if it is in any wise mistaken in the relief herein sought, then your Complainant prays for such other, different or further relief to which it may be entitled in the premises and which to your Honor may seem meet and proper. And your Complainant will ever pray.


  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

The above named Respondents are required to answer each allegation contained in Paragraphs Nos. 1 to 8 inclusive, hereof but not under oath, for answer under oath is hereby expressly waived.

  
JOHN PATTERSON  
Attorney General

  
A. J. HARRIS  
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

*Filed*  
*1-14-57*

STATE OF ALABAMA EX REL  
MACDONALD GALLION AS  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO AND GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.  
No. 3788

ORDER SUBSTITUTING PARTY COMPLAINANT

This matter coming to be heard on the motion to substitute party complainant filed by complainant in the above styled cause and the Court having considered the same is of the opinion that the motion to substitute party complainant should be and the same hereby is granted.

It is therefore CONSIDERED, ORDERED, ADJUDGED, and DECREED by the Court that the motion to substitute party complainant be and the same hereby is granted and that MacDonald Gallion as Attorney General of the State of Alabama be and he is hereby substituted in the place of John Patterson as Attorney General for the State of Alabama in each and every place on the Bill of Complaint and on all subsequent pleadings where his said name appears and that the style of said cause insofar as the party complainant is concerned be and the same is hereby changed to read as follows

"STATE OF ALABAMA ex rel MACDONALD GALLION,  
as Attorney General of Alabama, Complainant."

Done this 14 day of July, 1959, A.D.

Hubert M. Hall  
HUBERT M. HALL, Judge

STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO and GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3788

Come the Respondents in the above styled cause, acting by and through John Chason as one of their solicitors of record, and move the court to dismiss the above styled cause for want of prosecution and as grounds for said motion shows unto this Court as follows: That the demurrer filed by the Respondents to the bill of complaint filed in said cause was sustained by this court on July 17, 1956, and such case has been called for further pleading on the third Tuesday in August, 1956, on the third Tuesday in September, 1956 and on this day and the Complainant has failed to amend its bill of complaint or to file further pleading in said cause.

Dated this October 16, 1956.

*Filed*  
*10-16-56*

*John Chason*  
As one of the solicitors for the Respondents in said cause

STATE OF ALABAMA

Complainant,

vs.

GEORGE ARGIRO and GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3788

This matter coming on to be heard on the demurrer filed by the Respondents, to the Bill of Complaint filed in said cause, and the Court having considered the same is of the opinion that the demurrer to the Bill of Complaint should be sustained.

It is therefore ORDERED, ADJUDGED AND DECREED by the court that the demurrer to the Bill of Complaint filed in said cause be and the same is hereby sustained.

Done this July 17, 1956.

Hubert M. Stall  
Judge

STATE OF ALABAMA,	§	IN THE CIRCUIT COURT OF
Complainant,	§	
vs.	§	BALDWIN COUNTY, ALABAMA.
GEORGE ARGIRO and GLORIA ARGIRO,	§	
Respondents.	§	IN EQUITY. NO. 3788
	§	

Come the respondents, George Argiro and Gloria Argiro, and each, separately and severally, demurs to the Bill of Complaint exhibited against them in the above entitled cause on the following separate and several grounds:

1. There is no equity in the bill.
2. The bill fails to contain equity.
3. For aught appearing, the complainant has a complete and adequate remedy at law.
4. Because the bill of complaint shows on its face that the complainant has a complete and adequate remedy at law.
5. Because the bill of complaint is multifarious.
6. Because the bill contains no Introduction.
7. Because the bill contains no Introduction consisting of an exact statement of the names and residence addresses of the respondents.
8. Because the bill fails to inform the respondents exactly who is complaining against them.
9. Because the bill fails to adequately describe the real property set forth in Paragraph 1 thereof.
10. Because the description of the real property set forth in Paragraph 1 thereof is vague, indefinite and uncertain.
11. Because the description of the real property set forth in Paragraph 1 of said bill is so vague as not to apprise the respondents of the location of said real property.
12. Because the description of the real property set forth in Paragraph 1 of said bill fails to locate where the same is situated.



13. Because the bill of complaint shows on its face that complainant is without a legal right to maintain said bill to quiet title in itself.

14. Because the bill fails to allege sufficient facts to enable the complainant, to maintain a bill of complaint to quiet title to the real property described therein.

15. Because the allegation that the complainant is the owner of the lands described in said bill is a conclusion of the pleader.

16. Because no facts are alleged to show how the complainant derived its alledged ownership.

17. For aught appearing, the ownership alledged by the complainant is insufficient to enable it to maintain a bill to quiet title.

18. Because said bill fails to allege of what estate, if any, the complainant is seized of in and to said real property.

19. Because said bill fails to allege that the complainant is seized of a fee simple estate in and to said real property.

20. For aught appearing, all persons having legal or equitable rights in the subject matter of said suit have not been made parties thereto.

21. For aught appearing, all owners of the entire legal title to said real property described in said bill have not joined the parties thereto.

22. For aught appearing, all owners of the entire legal title to said property are not before the court.

23. Because said bill fails to allege sufficient facts to show that the complainant has such a right as will enable it to maintain said bill.

24. Because the bill fails to show that the complainant has such title to the real property described therein to enable it to maintain said bill.

25. Because complainant fails to state its title to said real property with sufficient certainty and clearness to enable the court to say that the complainant has such a right as to

enable it to maintain this bill.

26. Because the bill fails to allege how the complainant derived its title.

27. Because the bill fails to allege the residence of the respondents.

28. Because the bill fails to allege the ages of the respective respondents.

29. Because the bill fails to allege that the age of each respondent is over twenty-one (21) years.

*Filed*  
*6-9-54*

*Sharon Stone*  
*By John Stone*  
*John M. Stone*  
Solicitors for Respondents

STATE OF ALABAMA

Complainant,

vs

GEORGE ARGIRO and GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

IN EQUITY no. 3788

Come the Respondents, GEORGE ARGIRO and GLORIA ARGIRO,  
and each separately and severally demurs to the Bill of Com-  
plaint, as last amended, exhibited against them in the above  
entitled cause, on the same separate and several grounds of  
demurrer heretofore separately and severally assigned to the  
original Bill of Complaint filed in this cause.

*Charles P. Stone*  
*By John Stone*

*Filed*  
*2-6-57*

*John T. McCarver & John T. McCarver*  
Solicitors for Respondents.

8/

3788

DEMURRER

STATE OF ALABAMA,

Complainant,

vs.

GEORGE ARGIRO and GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3788

FILED

FEB 6 1957

ALICE J. DUCK, Register

STATE OF ALABAMA

Complainant

VS.

GEORGE ARGIRO and GLORIA  
ARGIRO,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

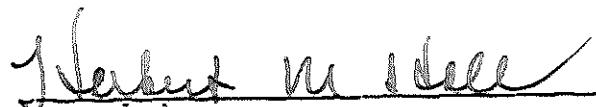
IN EQUITY. NO. 3788

ORDER SUSTAINING DEMURRER

This matter coming on to be heard on the demurrer filed by the Respondents in the above styled cause to the Bill of Complaint as last amended and the Court having considered the same is of the opinion that such demurrer should be sustained.

It is therefore ORDERED AND DECREED by the Court that the demurrer to the amended Bill of Complaint be, and the same hereby is, sustained and the Complainant is allowed twenty (20) days in which to amend its Bill of Complaint.

Done this the 20th day of August, 1957.

  
Judge

STATE OF ALABAMA

Complainant

vs.

GEORGE ARGIRO AND  
GLORIA ARGIRO

Respondents

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

IN EQUITY

CASE NO. 3788

NOTICE OF APPEAL

Now comes the State of Alabama and gives notice of appeal from the decree of the Circuit Court of Baldwin County, Alabama, in equity rendered in said cause on the 23rd day of November, 1959.

FILED

DEC 21 1959

ALICE L. DEX, CLERK  
REGISTER

*Mac Donald Gallion*

MACDONALD GALLION

Attorney General of Alabama

*N. S. Hare*

Nick Hare

Assistant Attorney General

*William G. O'Rear*

William G. O'Rear

Assistant Attorney General

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To GEORGE ARGIRO, and GLORIA ARGIRO

Or To JOHN CHASON

Solicitors of record.

Whereas, on the 21 day of December, 1959,

State of Alabama

took an appeal from the decree rendered on the 23 day of November  
1959, by the Circuit Court of said county, in the cause of


STATE OF ALABAMA, Complainant

versus

GEORGE ARGIRO, and GLORIA ARGIRO, Respondents

Now, therefore, you are cited to appear as required by law, before the Supreme Court of Alabama, to defend on said appeal, if you think proper so to do.

Witness my hand this 23 day of December, 1959.

  
Register in Chancery.

17

No. 3788

Received 23 day of Dec 1959  
and on 23 day of Dec 1959  
served a copy of the within Citation  
on John Carson

by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Salvest D. S.  
Q. M. Niles

STATE OF ALABAMA Complainant

vs.

GEORGE ARGIRO, and Respondent  
GLORIS ARGIRO

**CITATION OF APPEAL**

IN EQUITY

Issued \_\_\_\_\_ day of Dec., 19 59

to be served on

Am. John Carson



STATE OF ALABAMA, EX REL  
MACDONALD GALLION, AS  
ATTORNEY GENERAL OF ALABAMA

COMPLAINANT

VS

GEORGE ARGIRO AND

GLORIA ARGIRO

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3788

AMENDMENT TO BILL OF COMPLAINT

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

Now comes the Complainant, the State of Alabama, ex rel MacDonald Gallion,  
as Attorney General of Alabama, and with leave of the Court first had and obtained,  
amends its bill of complaint heretofore filed in the above styled cause,  
by adding the following:

1. That the Respondents, George Argiro and Gloria Argiro, are each over  
the age of twenty-one years.
2. That the Respondents, George Argiro and Gloria Argiro, reside in  
the City and County of Mobile and the State of Alabama.

*MacDonald Gallion*  
MacDonald Gallion  
Attorney General of Alabama

*N S Hare*  
Nicholas S. Hare  
Assistant Attorney General of Alabama

*William G. O'Rear*  
William G. O'Rear  
Assistant Attorney General of Alabama

*Ira Dement III*  
Ira Dement, III  
Assistant Attorney General of Alabama

Solicitors for Complainant

FILED

JUL 14 1959

ALICE J. DUCK, Register