

3815

FEBRUARY 29, 1960

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1959-60

1 DIV. 888

The State of Alabama

vs.

George Argiro and Gloria Argiro,

Baldwin Circuit Court, In Equity,  
No. 3788

and

1 DIV. 889

Hudson Oil Company of  
Missouri, a Corporation,  
etc.,

vs.

George Argiro and Manuel Clikas,

Baldwin Circuit Court, In Equity,  
No=3815

IT IS ORDERED BY THE SUPREME COURT OF ALABAMA on the petitions of the Register of the Circuit Court of Baldwin County, Alabama, in the two above-styled causes, that the Register of said Circuit Court be and is hereby directed as provided by Revised Supreme Court Rule 41, to send up and transmit to the Supreme Court of Alabama for inspection and consideration with and as a part of the transcripts in the above causes, the following

specified Exhibits, being identical Exhibits introduced in evidence on the submission of both cases in the lower court, and which are of such a nature or character as to make it impracticable to attach or incorporate same in said transcripts:=

1. Respondent Argiro's Exhibit 1 = being a  
) photograph of the Bay Breeze;
3. Complainant's Exhibit 3 = being an  
aerial photograph of lands in question;
4. Complainant's Exhibit 4 = being Engineers'  
map of lands in question;
5. Complainant's Exhibit 5 = being an aerial  
photograph of lands in question;
6. Complainant's Exhibit 6 = being an aerial  
photograph of lands involved;
7. Complainant's Exhibit 7 = being an aerial  
photograph of area in question;
8. Complainant's Exhibit 8 = being a photostat  
of an surveyors map of 1845, depicting land  
in question;
9. Complainant's Exhibit 9 = being an aerial  
photograph mounted on beaverboard, Approximately  
4 x 6 feet;
10. Complainant's Exhibit 10 = being an everlay map  
of lands in question;
11. Complainant's Exhibit 11 = being an engineer's  
map of area in question;
13. Complainant's Exhibit 13 = being a scale relief  
model of lands involved in suit approximate  
2 x 3=1/2 feet in size with two model buildings;
16. Respondents' Argiro and Clikas Exhibit 16 = being  
an affidavit of William L. Durant former engineer  
and surveyor, together with plat or map of surveyed  
area;
- 18.] Argiro and Clikas' Exhibits 18 and 19 = being a  
19.] photograph of grass cutting machinery;

21. Argiro and Clikas' Exhibit 21 = being a photograph of part of the area in question;

A. Complainant's Exhibit A = being a photograph of Bay Breeze;

A. Argiro and Clikas' Exhibit A = being a surveyor's and plat map of area in question;

B. Argiro and Clikas' Exhibit B = being U. S. Geological survey map of lands in question;

C. Complainant's Exhibit C = being a map of part of the area in question.

STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1959=60

1st Div., No. 888  
889

[888] = The State of Alabama  
vs.

George Argiro and Gloria Argiro, ~~XXXXXXXXXX~~  
Appellant,

and

[889] Hudson Oil Company of Missouri,  
a Corporation, etc.,

vs.

George Argiro and Manuel Clikas, ~~XXXXXXXXXX~~  
Appellee,

From Baldwin Circuit Court.  
In Equity  
Nos=3788 and 3815

The State of Alabama. }  
City and County of Montgomery. }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to three inclusive, contain a full, true, and correct copy of the ORDER TO THE REGISTER TO SEND UP SPECIFIED EXHIBITS IN THE ABOVE CASES PURSUANT TO REVISED SUPREME COURT RULE 14, MADE BY said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, this the 29th day of  
February 19 60.

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

OCTOBER TERM 1959=60  
THE SUPREME COURT OF ALABAMA

888  
1st Div., No. 889

THE STATE OF ALABAMA  
vs.

GEORGE ARGIRO AND GLORIA ARGIRO  
~~Appellants~~

and

HUDSON OIL COMPANY OF MISSOURI,  
A CORPORATION, ETC.,  
vs.

GEORGE ARGIRO AND MANUEL CLIKAS,  
~~Appellees~~

From Baldwin Circuit Court,  
In Equity

Nos=3788 and 3815

Certified Copy of

ORDER TO REGISTER TO SEND UP  
EXHIBITS = RULE 41.

BROOK PRINTING CO., MONTGOMERY

FEBRUARY 29, 1960

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 61=62

To the Register of the Circuit Court of 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 Hudson Oil Company of Missouri, a Corp., et al., Appellant S, and George Argiro, et al., Appellee S,

wherein by said Court it was considered adversely to said appellant S., were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant S.:

Now, it is hereby certified, That it was thereupon considered, ordered, adjudged, and decreed by our Supreme Court on the 2nd day of November, 19 61, that said Decree of said Circuit Court be reversed and annulled, and the cause remanded to said court for further proceedings therein, and that it was further considered, ordered, adjudged, and decreed that the appellee pay this Court proceeding to render the decree that the Circuit Court, In Equity, should have rendered, doth consider, ORDER, ADJUDGE AND DECREE that the bill of complaint of George Argiro and Manuel Clikas be and the same is hereby dismissed.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the costs of appeal of this Court and all of the costs of the Circuit Court, In Equity, be taxed against the appellees, George Argiro and Manuel Clikas, for which costs let execution issue.

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

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, 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. 889

Hudson Oil Company of  
Missouri, a Corp., et al.,  
Appellants

vs.

George Argiro, et al.  
Appellee. s

From Baldwin Circuit Court.

In Equity No. 8815  
CERTIFICATE OF  
REVERSAL

The State of Alabama, }  
County. } Filed

this day of 19

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 889

Hudson Oil Company of Missouri, a Corp., etc., et al., Appellant

vs.

George Argiro and Manuel Clikas, Appellee,

From Baldwin Circuit Court.

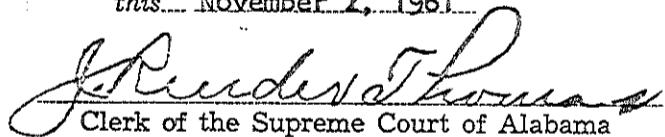
In Equity

The State of Alabama, }  
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to ten inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

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

this November 2, 1961

  
Clerk of the Supreme Court of Alabama



---

---

THE SUPREME COURT OF ALABAMA

October Term, 1961-62

1st Div., No. 888  
State of Ala. ex rel Attorney General  
vs.  
George Argiro & Gloria Argiro

*Appellee*

1st Div. No. 889

Hudson Oil Co., of Missouri, a Corp.  
etc., et al.  
vs.  
The George Argiro & Manuel Clikas  
*Appellee.*

From Baldwin Circuit Court.  
In Equity

---

---

COPY OF OPINION

---

---



STATE OF ALABAMA  
DEPARTMENT OF CONSERVATION  
MONTGOMERY 4, ALABAMA

DIVISIONS:  
ADMINISTRATIVE  
FORESTRY  
GAME AND FISH  
SEAFOODS  
STATE LANDS  
STATE PARKS  
WATER SAFETY

WILLIAM C. YOUNGER  
DIRECTOR  
JOSEPH O. KILGORE  
ASSISTANT DIRECTOR

December 28, 1959

Mrs. Alice J. Duck, Register  
Circuit Clerk of Baldwin County  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Appeals in Argiro Cases

Enclosed herewith are copies of the petition to the Supreme Court requesting permission to send the actual exhibits with the transcript. It will be necessary for you to get with Louise Dusenbury and get a description of each exhibit and fill it in the blank space which I have left in the petition for this purpose. Just insert as many pages as you need to make the descriptions of the exhibits.

Please send me a copy of the completed petition showing the date on which it was sent to the Supreme Court.

I would also appreciate your sending me a copy of the Citation of Appeal which you issue in each of the Argiro cases, showing dates of service on John Chason, as Attorney of record for Argiro.

Sincerely yours,

DEPARTMENT OF CONSERVATION

*John D. Bonham*  
John D. Bonham  
Attorney

JDB:LL

*88-96*

February 24, 1960

Hon. J. Render Thomas,  
Clerk, Supreme Court  
Montgomery, Alabama

Dear Mr. Thomas:

Re: GEORGE ARGIRO and MANUEL CLIKAS  
VS.  
HUBSON OIL COMPANY

Case No. 3815

STATE OF ALABAMA  
VS.

GEORGE ARGIRO AND GLORIA ARGIRO

Case No. 3788

You will find enclosed two Petitions to Send Actual Exhibits to the Supreme Court and I assume that these originals will be used in the transcript that will be forthcoming, however if we need to send other originals, please notify me in time for me to include these in my transcript.

Yours very truly

---

Register in Equity

COPY

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

Complainant

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws of  
the State of Kansas

Respondent

In the Circuit Court of  
Baldwin County, Alabama

In Equity

CASE No. 3815

X  
X  
X  
X  
X  
X  
X  
X  
X  
X  
X  
X

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:

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To GEORGE ARGIRO and MANUEL CLIKAS

Or To Hon. John Chason, Solicitors of record.

Whereas, on the 4th day of January, 1960, HUDSON OIL

COMPANY OF MISSOURI, a Corporation, Incorporated under the laws of the State of Kansas,

took an appeal from the decree rendered on the 23rd day of November

1959, by the Circuit Court of said county, in the cause of \_\_\_\_\_

GEORGE ARGIRO and MANUEL CLIKAS

versus HUDSON OIL COMPANY OF MISSOURI

A Corporation, Incorporated under the Laws of the State of Kansas

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 4th day of January, 1960.

*Wm. J. Spuck*  
Register in Chancery.

3815

Received 7 day of Jan 1960

and on 8 day of Jan 1960

received a copy of the within Citation

John Chason, City

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

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.

W. A. Talbot

GEORGE ARGIRO and

MANUEL CLIKAS Complainant

vs.

HUDSON OIL COMPANY OF MISSOURI, a  
corporation, incorporated under the  
Laws of the State of Kansas Respondent

**CITATION OF APPEAL**

IN EQUITY

Issued 4th day of January, 1960

Do be served on  
Mr. John Chason

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To GEORGE ARGIRO, and MANUEL CLIKAS

Or To JOHN CHASON, Solicitors of record.

Whereas, on the 21 day of Dec., 19 59,

State of Alabama, as Intervenor

took an appeal from the decree rendered on the 23rd day of November

19 59, by the Circuit Court of said county, in the cause of

GEORGE ARGIRO, and MANUEL CLIKAS

versus HUDSON OIL COMPANY OF MISSOURI

a Corporation, incorporated under the laws of the State of Kansas

State of Alabama, as Intervenor

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 Dec., 19 59.

Alice J. Wickett  
Register in Chancery.

3815

Received 23 day of Dec 1959  
and on 23 day of Dec 1959  
I served a copy of the within Citation  
on John Carson  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By [Signature]  
O. Meles

GEORGE ARGIRO, and  
GLORIA CLIKAS Complainant

vs.

HUDSON OIL COMPANY OF MISSOURI, a Corp.  
Inc. under the laws of the State of Kansas  
Respondent  
State of Alabama, as Intervenor

**CITATION OF APPEAL**

IN EQUITY

Issued \_\_\_\_\_ day of Dec., 1959

So the service was  
made on the above



GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants

V.

HUDSON OIL COMPANY OF MISSOURI, a  
corporation, incorporated under  
the laws of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. 3815

PETITION TO INTERVENE

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

Your Petitioner, W. H. Drinkard, in his official capacity as Director of the Department of Conservation of the State of Alabama, respectfully shows unto your Honor:

1. That he is Director of the Department of Conservation of the State of Alabama and that said Department is an agency of the State of Alabama.

2. That Complainants, George Argiro and Manuel Clikas, are residents of the County of Mobile in the State of Alabama and are each over the age of twenty-one (21) years.

3. That Respondent, Hudson Oil Company of Missouri, is a corporation incorporated under the laws of the State of Kansas.

4. That on, to-wit, the 21st day of March, 1956, Petitioner, in his official capacity, did lease to the Respondent the following described land situated and located in Baldwin County, Alabama:

Begin at the east end of the concrete slab of Tensaw and Spanish River Bridge on Mobile Bay Causeway; thence eastwardly along the centerline of U. S. Highway #90 a distance of 2,334.4 ft. more or less; thence at right angle to the centerline of the Highway in a southerly direction a distance of 150 ft. 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 westwardly along the south right-of-way line of U. S. Highway #90, a distance of 600 ft; thence at right angles to centerline of U. S. Highway #90 in a southerly direction a distance of 300 ft; thence eastwardly parallel to the centerline of U. S. Highway #90 a distance of 600 ft; thence in a northerly

direction a distance of 300 ft. back to the point of beginning. Thus describing a tract of land lying south of the Mobile Bay Bridge Causeway, Baldwin County, Alabama.

5. Your Petitioner alleges that the leased property above described is owned by the State of Alabama, and by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554, said land is under the exclusive jurisdiction, management and control of your Petitioner.

6. Your Petitioner further alleges that the said lease was made by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554.

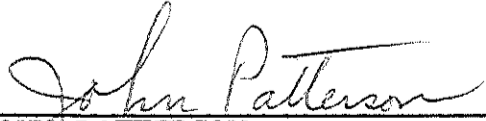
7. Your Petitioner further alleges that as required by the provisions of Act No. 341, above referred to, the said lease was approved by the Governor of Alabama and attested to by the Secretary of State.

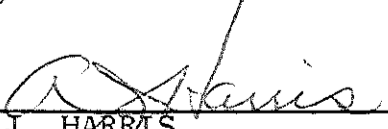
8. Your Petitioner further alleges that on or about the 22nd day of June, 1956, the above Complainant filed a Bill in this Honorable Court claiming to own title to the land in question and above described and further prayed for a permanent injunction to restrain and enjoin Petitioners' lessee, the above original respondent, from entering upon said land.

9. Your Petitioner further shows, therefore, from the premises hereof that he has an interest in the subject matter in litigation and in the success of said litigation.

10. Petitioner further prays that as a party respondent to said cause, he be allowed to adopt any answer, motion or demurrer of the original respondent which has been filed in this Honorable Court; and further prays that he be allowed to file any pleadings to the said original Bill as respondent intervenor as he shall deem proper; and further prays for any other, further or different relief to which he may be entitled.

Respectfully submitted,

  
\_\_\_\_\_  
JOHN PATTERSON  
Attorney General

  
\_\_\_\_\_  
A. J. HARRIS  
Assistant Attorney General  
Solicitors for Respondent Intervenor

GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants

V.

HUDSON OIL COMPANY OF MISSOURI, a  
corporation, incorporated under  
the laws of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. 3815

PETITION TO INTERVENE

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

Your Petitioner, W. H. Drinkard, in his official capacity as Director of the Department of Conservation of the State of Alabama, respectfully shows unto your Honor:

1. That he is Director of the Department of Conservation of the State of Alabama and that said Department is an agency of the State of Alabama.

2. That Complainants, George Argiro and Manuel Clikas, are residents of the County of Mobile in the State of Alabama and are each over the age of twenty-one (21) years.

3. That Respondent, Hudson Oil Company of Missouri, is a corporation incorporated under the laws of the State of Kansas.

4. That on, to-wit, the 21st day of March, 1956, Petitioner, in his official capacity, did lease to the Respondent the following described land situated and located in Baldwin County, Alabama:

Begin at the east end of the concrete slab of Tensaw and Spanish River Bridge on Mobile Bay Causeway; thence eastwardly along the centerline of U. S. Highway #90 a distance of 2,334.4 ft. more or less; thence at right angle to the centerline of the Highway in a southerly direction a distance of 150 ft. 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 westwardly along the south right-of-way line of U. S. Highway #90, a distance of 600 ft; thence at right angles to centerline of U. S. Highway #90 in a southerly direction a distance of 300 ft; thence eastwardly parallel to the centerline of U. S. Highway #90 a distance of 600 ft; thence in a northerly

direction a distance of 300 ft. back to the point of beginning. Thus describing a tract of land lying south of the Mobile Bay Bridge Causeway, Baldwin County, Alabama.

5. Your Petitioner alleges that the leased property above described is owned by the State of Alabama, and by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554, said land is under the exclusive jurisdiction, management and control of your Petitioner.

6. Your Petitioner further alleges that the said lease was made by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554.

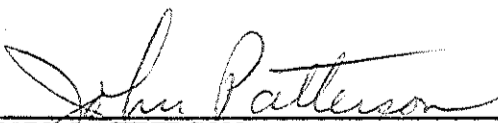
7. Your Petitioner further alleges that as required by the provisions of Act No. 341, above referred to, the said lease was approved by the Governor of Alabama and attested to by the Secretary of State.

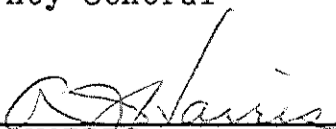
8. Your Petitioner further alleges that on or about the 22nd day of June, 1956, the above Complainant filed a Bill in this Honorable Court claiming to own title to the land in question and above described and further prayed for a permanent injunction to restrain and enjoin Petitioners' lessee, the above original respondent, from entering upon said land.

9. Your Petitioner further shows, therefore, from the premises hereof that he has an interest in the subject matter in litigation and in the success of said litigation.

10. Petitioner further prays that as a party respondent to said cause, he be allowed to adopt any answer, motion or demurrer of the original respondent which has been filed in this Honorable Court; and further prays that he be allowed to file any pleadings to the said original Bill as respondent intervenor as he shall deem proper; and further prays for any other, further or different relief to which he may be entitled.

Respectfully submitted,

  
\_\_\_\_\_  
JOHN PATTERSON  
Attorney General

  
\_\_\_\_\_  
A. J. HARRIS  
Assistant Attorney General  
Solicitors for Respondent Intervenor

GEORGE ARGIRO and MANUEL  
CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the  
laws of the State of  
Kansas,

Respondent.

X IN THE CIRCUIT COURT

X OF BALDWIN COUNTY,

X ALABAMA.

X IN EQUITY.

X NO. 3815

X

X

This cause having been submitted for a final decree upon the pleadings, the decree pro confesso taken against the Respondents, Winslow M. Cady and Joyce D. Cady, the latter being one and the same person as J. L. Driver, by which name said Respondent was known prior to her marriage to the Respondent Winslow M. Cady, hereinafter for convenience sometimes referred to as the "Cadys", together with the evidence taken ore tenus in open court and all exhibits, and documents offered in evidence, and the same having all been considered by the Court, the Court is of the opinion, and so holds and finds, that Complainants are entitled to relief:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT,

1. That the respondent Hudson Oil Company of Missouri, a corporation, hereinafter for convenience sometimes referred to as "Hudson," having filled in with sand, silt, dirt and other material the bottoms of Mobile Bay and Tensaw River adjoining and contiguous on the East to the lands of Complainants, for an approximate distance of 100 feet South of the right-of-way of Highway 90, and for a distance westwardly of approximately 600 feet, making the filled in portion of said bottoms a parcel of land firm, solid and substantial, and elevated to the level of lands contiguous thereto, in Baldwin County, Alabama, rectangular in shape, having practically a uniform width of 100 feet, more or less, extending South from the right-of-way

of Highway 90, with practically a uniform length of 600 feet, more or less, westwardly from Complainants' said land, which man-created, built up, filled in and made parcel of land shall hereinafter be sometimes referred to as the "Accreted Parcel of Land," over the written protest and objection of the Complainants prior to the filling in of said bottoms; which Accreted Parcel of Land so created, built up, and made, impedes, obstructs, destroys and cuts off Complainants' riparian rights of ingress and egress westwardly from their said lands to Tensaw River; wherefore,

(a) The Respondent Hudson be and it is hereby ordered, commanded and enjoined to remove within forty-five (45) days from the date of this decree, from said Accreted Parcel of Land above described at its own expense, all improvements thereon, including but not limited to its oil storage tanks, filling stations and buildings, and other like property or equipment erected, constructed or placed by it upon said land, or by others for its use or benefit; and the failure of the Respondent Hudson to so remove the said improvements from said Accreted Parcel of Land within a period of forth-five (45) days from the date hereof as herein required shall terminate its right and privilege to so remove the same, which improvements in such event are hereby condemned and shall then become the property of Complainants with absolute rights and privileges of ownership in them, to remove, use, enjoy and dispose of the same as they may elect; and

(b) The Respondents the Cadys be and they are hereby ordered, commanded and enjoined to remove from that part of the said Accreted Parcel of Land used or occupied by them, at their own expense, all improvements thereon, including but not limited to their oil storage tanks, filling stations and buildings, and other like property or equipment erected, constructed or placed upon the part of said land by them or by

others for their use or benefit; and the failure of the Respondent Cadys to remove their said improvements from said Accreted Parcel of Land within a period of forty-five (45) days from the date hereof as herein required shall terminate their right and privilege to so remove the same, which improvements in such event are hereby condemned and shall then become the property of Complainants with absolute rights and privileges of ownership in them to remove, use, enjoy and dispose of the same as they may elect.

(c) The privilege to remove said improvements from said Accreted Parcel of Land as herein decreed shall in no event extend for more than forty-five (45) days from the date of this decree, at the expiration of which period, or at the date of the completion of the removal of said improvements, whichever date is the earliest, the Respondent Hudson is hereby ordered, commanded and enjoined to remove said Accreted Parcel of Land, together with all sand, silt, dirt and other material making up, composing and comprising the same, so that the cubic space now occupied by the said Accreted Parcel of Land shall conform to and be in substantially its nature and condition immediately prior to the beginning of the creation, filling in, building up and making of said Accreted Parcel of Land; and moreover, so that Complainants as owners of the land on the East side of said Accreted Parcel of Land will have, possess and enjoy their riparian rights to and from Tensaw River, as were formerly owned, enjoyed and possessed by them, with rights of such owners of ingress and egress to and from Tensaw River, to and from their said land, free, unobstructed and unimpeded, with the channel running from Complainants' said land on the East side of said Accreted Parcel of Land to Tensaw River restored practically to its original condition;

(d) Should the Respondent the Cadys fail or refuse to remove from said land their improvements thereon within forty-five (45) days from the date of this decree, and shall

not surrender possession and occupancy of the land now used or occupied by them to the Respondent Hudson, that it may perform the requirements by it set forth in subparagraph (c) hereof, it is ordered that a writ of possession be issued out of and from this Court by the Register, upon the expiration of forty-five (45) days from this date, commanding the Sheriff of Baldwin County, Alabama, to dispossess and remove the said Respondents Winslow M. Cady and Joyce D. Cady, the latter being one and the same person as J. L. Driver, together with their agents, employees, tenants and subtenants, and putting the Complainants in possession of such improvements and land occupied by them; and all of the leasehold rights and any other title or interest of said Respondents Cadys in said land in such event, are hereby also condemned, and shall then also become the property of the Complainants, with absolute rights and privileges of ownership therein; subject, however, to the mandates, orders and requirements enjoined on the Respondent Hudson under subparagraph (c) hereof to remove all said Accreted Parcel of Land within ninety (90) days from this date, in the manner and to the extent thereon required.

(e) Should the Respondent Hudson refuse or fail to comply with the orders, commands and mandates of this Court as hereinabove enjoined upon it, it shall at the expiration of ninety (90) days from the date of this decree surrender possession of said Accreted Parcel of Land, and any improvements thereon, to Complainants; and all of such Accreted Parcel of Land is then hereby condemned, and shall also then become the property of Complainants with absolute rights of ownership in it; in default of the surrender of which, it is ordered that a writ of possession be issued out of and from this Court by the Register commanding the Sheriff of Baldwin County, Alabama, to dispossess and remove the Hudson Oil Company of Missouri, a corporation, together with its agents, servants, employees, tenants and subtenants and attorneys, from said Accreted Parcel of Land and any improvements thereon, and putting the Complainants in possession thereof;



2. Respondents Hudson and the Cadys be and they are hereby held, declared and decreed by the Court to have no right, title or interest in or to said Accreted Parcel of Land so created, filled in and made as aforesaid; and they and each of their respective officers, agents, servants and attorneys be and they are hereby perpetually restrained and enjoined from entering, encroaching or trespassing upon said Accreted Parcel of Land other than by this decree permitted and allowed.

3. That the State of Alabama, intervenor and respondent, has no right, title or interest in or to said parcel of land so filled in, made and created.

4. That the respondents and each of them be and they are hereby prohibited, restrained and enjoined from filling in and building up the remaining portion of the land described in the lease from the State of Alabama, acting by and through the Director of Conservation, as Lessor, to the respondent, Hudson Oil Company of Missouri, a corporation, as Lessee, said land so leased being described as follows:

Begin at the east end of the concrete slab of Tensaw and Spanish River Bridge on Mobile Bay Causeway; thence eastwardly along the centerline of U. S. Highway #90 a distance of 2,334.4 feet more or less; thence at right angle to the centerline of the 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 westwardly along the south right-of-way line of U. S. Highway #90 a distance of 600 feet; thence at right angles to centerline of U. S. Highway #90 in a southerly direction a distance of 300 feet; thence eastwardly parallel to the centerline of U. S. Highway #90 a distance of 600 feet; thence in a northerly direction a distance of 300 feet back to the point of beginning. Thus describing a tract of land lying south of the Mobile Bay Causeway, Baldwin County, Alabama.

5. That Complainants do have and recover of and from the Respondent Hudson Oil Company of Missouri, a corporation, all court costs in this case, for all of which let execution issue.

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

11

Hubert M. Stee  
JUDGE



9. Each Complainant denies the allegations of Paragraph Nine of Intervenor's Bill of Complaint as last amended and demands strict proof thereof.

10. Paragraph Ten of Intervenor's Bill of Complaint as amended appears to be the Intervenor's prayer for relief and does not require an answer.

**FILED**  
JUL 14 1959  
ALICE J. DUCK, Register  
Register

*Jason Stone*  
*Johnston, Anderson & Johnston*  
Solicitors for Complainants.

GEORGE ARGIRO and MANUEL CLIKAS

vs.

HUDSON OIL COMPANY OF MISSOURI, a corporation  
WINSLOW M. CADY and JOYCE D. CADY

CIRCUIT COURT OF  
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 30th day of September 1925, a copy of the Bill of Complaint filed in this cause was sent to JOYCE D. CADY

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 18th day of October 1925, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said

JOYCE D. CADY

Defendant

This the 19th day of May 1925

*W. J. Smith* Register.

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

**CIRCUIT COURT OF BALDWIN  
COUNTY, ALA.**

**In Equity.**

vs.

**Decree Pro Confesso After  
Notice By Registered Mail.**

Filed in office this \_\_\_\_\_ day of

**FILED**

\_\_\_\_\_, 192

\_\_\_\_\_, 19

Register

**ALAN J. DUCK, CLERK  
REGISTERED**

Entered in O. B. \_\_\_\_\_ Page \_\_\_\_\_



The State of Alabama,  
Baldwin County.

No. 3815 CIRCUIT COURT, IN EQUITY.

GEORGE ARGIRO and MANUEL CLIKAS Complainant S

Vs.

HUDSON OIL COMPANY OF MISSOURI, a corporation, WINSLOW M. Cady and JOYCE D. Cady Defendant

Motion is hereby made for a Decree Pro Confesso against

JOYCE D. Cady 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 by Registered Mail, according to law, and that said Defendant.....ha. S failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 18th day of May, 1959.

CHASON & STONE

52

By: [Signature] Solicitor.

No. 3815

Page .....

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT, IN EQUITY

GEORGE ARGIRO ET AL.,

Vs.

HUDSON OIL COMPANY, a cor-  
poration, ET AL.

MOTION FOR DECREE PRO CONFESSO  
AFTER NOTICE BY REGISTERED MAIL

Filed ....., 19.....

FILED

MAY 19 1959

ALICE L. DUCK, CLERK Register.  
REGISTER

Recorded in ..... Record,

Vol. .... Page .....

Register.

Vertical text on the right margin, possibly a date or reference number.

Vertical text on the right margin, possibly a date or reference number.

Vertical text on the right margin, possibly a date or reference number.

Vertical text on the right margin, possibly a date or reference number.

Vertical text on the right margin, possibly a date or reference number.

LAW OFFICES OF  
VAN ANTWERP & RECTOR  
354 St. Francis Street  
MOBILE 13, ALABAMA

GARET VAN ANTWERP, III  
H. HAYDEN RECTOR

TELEPHONE HE 2-7526  
TELEPHONE HE 2-7527

4  
December  
1959

Mrs. Alice J. Duck  
Register in Chancery  
Circuit Court, Baldwin County  
County Court House  
Bay Minette, Alabama

Dear Mrs. Duck:

Please file the enclosed Application to Fix Supersedeas Bond and call the same to the Court's attention. We have this date mailed a copy of same to Mr. John Chason and one to Mr. Dan McCall.

With kind personal regards, we remain

Sincerely yours,

VAN ANTWERP & RECTOR



GARET VAN ANTWERP, III

GVA/mbl

Encl.



GEORGE ARGIRO and MANUEL CLIKAS

vs.

HUDSON OIL COMPANY OF MISSOURI, a corporation

WILSLOW M. CADY and JOYCE D. CADY

CIRCUIT COURT OF  
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 30th  
day of September 19x.58 a copy of the Bill of Complaint filed in this cause was  
sent to WINSLOW M. CADY

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom  
addressed," and return receipt demanded addressed to the Register of this Court; and that on the  
15th day of October 19x.58 such receipt was duly  
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer  
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,  
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all  
things taken as confessed against the said

WINSLOW M. CADY

Defendant

This the 19th day of May 19x59

*[Signature]*  
Register

FILED

MAY 19 1959

ALICE J. DUCK, CLERK  
REGISTER

The State of Alabama,

Baldwin County.

No. 3815

CIRCUIT COURT, IN EQUITY.

GEORGE ARGIRO and MANUEL CLIKAS

Complainant S.

Vs.

HUDSON OIL COMPANY OF MISSOURI, a corporation, WINSLOW

Defendant S.

M. CADY and JOYCE D. CADY

Motion is hereby made for a Decree Pro Confesso against

WINSLOW M. CADY

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 by Registered Mail, 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 18th day of May, 19.59.

CHASON & STONE

53

By: [Signature] Solicitor.





GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the  
laws of the State of  
Kansas,

Respondent.

X  
X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3815

ORDER SUSTAINING DEMURRER

This matter coming on to be heard on the Complainants' demurrer to an Intervenor's Bill of Complaint filed by the State of Alabama, in the above styled cause, 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 Complainants' demurrer to the Intervenor's Bill of Complaint filed by the State of Alabama, in said cause be, and the same hereby is, sustained, and the State of Alabama is allowed twenty (20) days from the date of this decree in which to amend its Bill of Complaint.

Done this 20th day of August, 1957.

*Robert M. Hall*  
\_\_\_\_\_  
Judge

FILED  
AUG 20 1957  
ALICE I. ASCA, Register

m (21)

GEORGE ARGIRO and MANUEL CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF MISSOURI, a corporation, incorporated under the laws of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3815

ORDER SUSTAINING DEMURRER

8/20/57

18

[Faint, mostly illegible text from a document, possibly a petition or complaint, with some lines of text visible.]

GEORGE ARGIRO and MANUEL CLIKAS,	I	
	Complainants,	I IN THE CIRCUIT COURT OF
vs.		
HUDSON OIL COMPANY OF MISSOURI,	I	BALDWIN COUNTY, ALABAMA
a corporation, Incorporated under		
the laws of the State of Kansas,	I	IN EQUITY NO. 3815.
	Respondent.	I

Come the complainants, George Argiro and Manuel Clikas, separately and severally, and demur to the intervenor's Bill of Complaint filed in the above entitled cause on the following separate and several grounds:

1. Because the description of the land in intervenor's bill is vague and indefinite.
2. Because said land description is so vague and indefinite as to render its location incapable.
3. Because the description of the land in question fails to locate the concrete slab referred to.
4. Because the description fails to identify which concrete slab of the Tensaw and Spanish River Bridge of Mobile Bay Causeway is referred to.
5. Because the description fails to locate the point of beginning on the concrete slab referred to.
6. Because the description does not give a point of beginning which can be located.
7. Because the description fails to state where the description shall commence on the east end of the concrete slab.
8. Because the land description fails to state at what point on the east end of the concrete slab the description shall commence.
9. Because for aught appearing the lands claimed by complainants and described in their amended bill are entirely different from those described in the intervenor's bill of complaint.
10. Because for aught appearing the land allegedly leased by the intervenor to the respondent is not the same land as that of which complainants are seized.

11. Because the land described in the intervenor's bill is not sought to be the same land as that described in complainants' amended bill.

12. Because the allegation that the intervenor owns the land described is a conclusion of the pleader without there being any averment to show how the intervenor derived its title.

13. Because the averment that the intervenor has an interest in the subject matter in litigation is a conclusion without any facts averred to show such ownership.

14. Because for aught appearing from the averments of the intervenor's bill, the State of Alabama has no interest in this litigation.

15. Because the intervenor's bill fails to show such interest in the litigation as will entitle the intervenor to intervene.

16. Because the intervenor's bill is without equity.

17. Because the intervenor's bill fails to contain equity.

18. Because the intervenor's bill shows on its face that to grant the relief prayed therein would deprive the complainants of their property without due process of law.

19. Because the intervenor's bill shows on its face that to grant the relief prayed therein would deny the complainants the equal protection of the law.

20. Because the intervenor's bill shows on its face that to grant the relief prayed therein would deprive the complainants of their riparian rights.

21. Because for aught appearing the intervenor is attempting to lease the bed of navigable waters with the intent and purpose of depriving the complainants of their riparian rights.

22. Because complainants' amended bill shows on its face that the wrong complained of was the respondent's wrongfully filling in the bed of navigable waters along complainants' shoreline while the intervenor's bill apparently described fast land which is not the same land described in the complainants' bill.



23. Because intervenor's bill shows on its face that the State of Alabama has no legal title to the lands described in the lease to respondent.

24. Because intervenor's bill shows on its face that the State was without authority to close the bed of navigable waters so that it might be filled in to the detriment of complainants who are riparian owners.

*James S. Stone & B. H. Sharr*  
*John W. Hall & Houston*  
Solicitors for George Argiro and  
Manuel Clikas.

*Filed*  
*7-10-57*



GEORGE ARGIRO and  
MANUEL CLIKAS,  
Complainants,

Vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation, in-  
corporated under the laws of  
the State of Kansas,  
Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3815

INTERVENOR'S BILL OF COMPLAINT

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

Your Petitioner, Intervenor, the State of Alabama, through its Attorney  
General, John Patterson, respectfully shows unto your Honor:

1. That W. H. Drinkard is Director of the Department of Conservation  
of the State of Alabama and that said Department is an agency of the State of Alabama.
2. That Complainants, George Argiro and Manuel Clikas, are residents  
of the County of Mobile in the State of Alabama and are each over the age of twenty-  
one (21) years.
3. That Respondent, Hudson Oil Company of Missouri, is a corporation  
incorporated under the laws of the State of Kansas.
4. That on, to-wit, the 21st day of March, 1956, the said W. H. Drinkard,  
in his official capacity, did lease to the Respondent the following described land  
situated and located in Baldwin County, Alabama:

Begin at the east end of the concrete slab of Tensaw and Spanish  
River Bridge on Mobile Bay Causeway; thence eastwardly along  
the centerline of U. S. Highway # 90 a distance of 2,334.4 ft. more  
or less; thence at right angle to the centerline of the Highway in a  
southerly direction a distance of 150 ft. to a point where the pre-  
sent timber retaining wall intersects the south right-of-way line  
of U. S. Highway # 90 which said point is the point of beginning;  
thence westwardly along the south right-of-way line of U. S. High-  
way # 90, a distance of 600 ft; thence at right angles to centerline  
of U. S. Highway # 90 in a southerly direction a distance of 300 ft;  
thence eastwardly parallel to the centerline of U. S. Highway # 90  
a distance of 600 ft; thence in a northerly direction a distance of  
300 ft. back to the point of beginning. Thus describing a tract of  
land lying south of the Mobile Bay Bridge Causeway, Baldwin  
County, Alabama.

5. Your Petitioner, Intervenor, alleges that the leased property above described is owned by the State of Alabama, and by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554, said land is under the exclusive jurisdiction, management and control of the Department of Conservation of the State of Alabama.

6. Your Petitioner, Intervenor, further alleges that the said lease was made by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554.

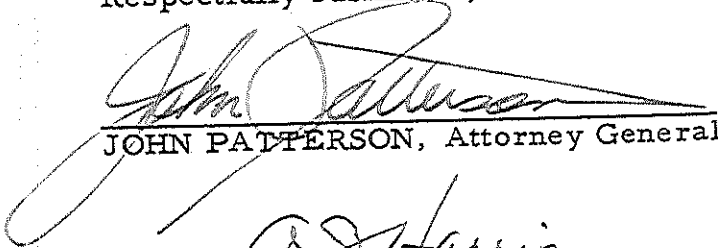
7. Your Petitioner, Intervenor, further alleges that as required by the provisions of Act No. 341, above referred to, the said lease was approved by the Governor of Alabama and attested to by the Secretary of State.

8. Your Petitioner, Intervenor, further alleges that on or about the 22nd day of June, 1956, the above Complainants filed a Bill in this Honorable Court claiming to own title to the land in question and above described and further prayed for a permanent injunction to restrain and enjoin the Respondent, Lessee of the Department of Conservation of the State of Alabama, from entering upon said land. Your Petitioner, Intervenor, further alleges that on or about the 19th day of October, 1956, the Complainants amended their original Bill of Complaint, which amended Bill of Complaint is now before this Honorable Court for consideration.

9. Your Petitioner, Intervenor, further shows, therefore, from the premises hereof that the State of Alabama has an interest in the subject matter in litigation and in the success of said litigation.

10. Petitioner, Intervenor, further prays that he be allowed to adopt any answer, motion or demurrer which has been filed in this Honorable Court; and further prays that he be allowed to file any pleadings to the said original Bill as he shall deem proper; and further prays for any other, further or different relief to which he may be entitled.

Respectfully submitted,

  
JOHN PATTERSON, Attorney General

  
A. J. HARRIS  
Assistant Attorney General

Solicitors for Petitioner, Intervenor

*Filed*  
*5-21-57*

GEORGE ARGIRO AND  
MANUEL OLIVAS,

COMPLAINANTS

VS

WILSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

RESPONDENT

0

0

0

0

0

0

0

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3815

Comes now the Respondent in the above styled cause and for answer to  
the Complainants' Amended Complaint says:

1.

The Respondent admits the allegations of paragraph 1 of said complaint.

2.

The Respondent neither admits nor denies the allegations of paragraph  
2 and demands strict proof thereof.

3.

The Respondent denies the allegations of paragraph 3 of said complaint.

4.

The Respondent denies the allegations of paragraph 4. Further answering  
paragraph 4 the Respondent says that on the 21st day of March, 1956, the State  
of Alabama, acting by and through its Director of Conservation, W. H.  
Drinkard, did lease to your Respondent the following described property  
in Baldwin County, Alabama, to-wit:

Begin at the east end of the concrete slab of Tensaw and Spanish  
River Bridge on Mobile Bay Causeway; thence eastwardly along  
the centerline of U. S. Highway # 90 a distance of 2,334.4 feet,  
more or less; thence at right angle to the centerline of the  
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 westwardly along the south right-  
of-way line of U. S. Highway # 90, a distance of 600 feet at right  
angles to centerline of U. S. Highway # 90 in a southerly direction  
a distance of 300 feet; thence eastwardly parallel to the centerline  
of U. S. Highway # 90 a distance of 600 feet; thence in a northerly  
direction a distance of 300 feet back to the point of beginning.  
Thus describing a tract of land lying south of the Mobile Bay  
Bridge Causeway, Baldwin County, Alabama.

Respondent alleges that the above described property is owned by the  
State of Alabama. Further your Respondent alleges that it has filled in  
with dirt and other fill these lands. Further that the lands above des-  
cribed do not bound, join, touch or any other manner connect any lands  
owned or possessed by the Complainants.

5.

The Respondent denies the allegations in paragraph 5.

6.

The Respondent denies the allegations in paragraph 6.

7.

The Respondent denies the allegations in paragraph 7.

8.

The Respondent denies the allegations in paragraph 8 of the said complaint. Further answering paragraph 8 the Respondent says that the only lands in which it is claiming any possessory right in Baldwin County, Alabama, are those described in paragraph 4 of this answer.

9.

The Respondent denies the allegations in paragraph 9.

Wilters & Brantley

BY Henry J. Wilters, Jr.  
Solicitors for the Respondent

Filed  
4-16-57

(12)

3815'

GEORGE ARGIRO AND  
MANUEL CILIKAS,

COMPLAINANTS

VS

HUDSON OIL COMPANY OF MISSOURI  
a corporation, incorporated  
under the laws of the State  
of Kansas,

RESPONDENT

ANSWER

Filed 4-16-57  
Accepted  
Recy

GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants,

Vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation, in-  
corporated under the laws of  
the State of Kansas

Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3815

MOTION FOR INTERVENTION

The Respondents' demurrer having heretofore been sustained by the court to the original Motion for Intervention filed by complainant in the above entitled cause, comes now the complainant and with leave of this Honorable Court having been first obtained, amends its Motion for Intervention so that same will read as follows:


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

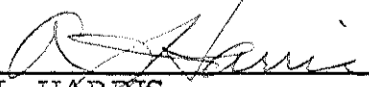
NOW COMES the State of Alabama, as Petitioner, on motion of its Attorney General, John Patterson, and moves the Court to enter an order allowing said State to intervene in the above cause and shows unto the Court the following facts, to-wit:

That on, to-wit, the 19th day of October, 1956, the above Complainants amended an original Bill heretofore filed in this Honorable Court in which they claim to own certain land described in said Bill. That the State of Alabama has an interest in said land and is vitally interested in the litigation in which said land is involved.

Your Petitioner attaches hereto, as an Exhibit, a copy of his Bill of Complaint which further shows the facts which entitle Petitioner to intervene in the above cause.

THE PREMISES CONSIDERED, your Petitioner and Movant prays that an order be made and entered in this cause allowing the State of Alabama to intervene and become a party to said cause and prays for such other and further relief as may seem proper to the Court.

  
JOHN PATTERSON  
Attorney General  
Attorney for the State of Alabama  
and

  
A. J. HARRIS  
Assistant Attorney General  
Attorney for the State of Alabama

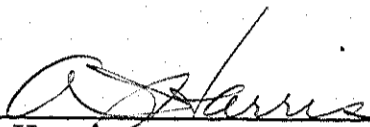
STATE OF ALABAMA }  
MONTGOMERY COUNTY)

Before me, Lozetta M. Lutz, a Notary Public in and for said State and County, personally appeared A. J. Harris, who, being known to me and being by me first duly sworn, on oath, deposes and says:



That he is Assistant Attorney General for the State of Alabama and has filed the above Motion requesting Leave for the State of Alabama to Intervene in the above styled cause which is now pending in the Circuit Court of Baldwin County, Alabama.

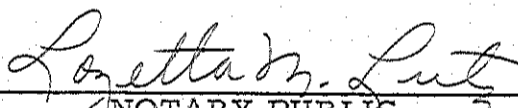
That to the best of his knowledge, information and belief, the facts which are alleged in the Motion to Intervene and in the attached Intervenor's Bill of Complaint, are true.



A. J. Harris  
Assistant Attorney General  
Attorney for the State of Alabama

Sworn to and subscribed before me on this the 15<sup>th</sup> day of

February, 1957.

  
Loretta M. Lut  
NOTARY PUBLIC J

GEORGE ARGIRO and MANUEL CLIKAS	Y	
	Y	IN THE CIRCUIT COURT OF
Complainants,	Y	
	Y	BALDWIN COUNTY, ALABAMA
vs.	Y	
HUDSON OIL COMPANY OF MISSOURI,	Y	IN EQUITY
a corporation, incorporated under the	Y	
laws of the State of Kansas,	Y	NO. 3815
	Y	
Respondent.	Y	

ANSWER OF RESPONDENT INTERVENOR TO COMPLAINANT'S BILL

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

Now comes the Respondent Intervenor and for answer to the Bill herein filed  
by Complainants says as follows:

1. Respondent Intervenor admits that the Complainants are over the age of twenty-one years and reside in the County of Mobile, State of Alabama, and that the Respondent, Hudson Oil Company of Missouri is a Corporation, Incorporated under the laws of the State of Kansas and is presently engaged in doing business in the County of Mobile, State of Alabama.
2. Respondent Intervenor denies that Complainants are seized of any interest in the real property situated in Baldwin County which Complainants describe in their complaint.
3. The Respondent Intervenor denies that the real property which Complainants describe in their complaint is bounded on the west by the Tensas River into which the surface waters drain from Complainants land.
4. Respondent Intervenor denies that the real property which Complainants describe in their complaint is a part of the mainland formed by the confluence of the Tensas River, and the Choccolocco Bay.
5. Respondent Intervenor denies that Complainants are the owners of the shore or littoral or riparian rights along the shoreline of the real property which they describe in their Bill of complaint.
6. Respondent Intervenor denies that the Complainants are entitled to the right of access to and from the Tensas River by virtue of a claimed ownership of the real property described in their complaint.

7. Respondent Intervenor denies that original Respondent did any act which interfered with or obstructed Complainants in any way.

8. Respondent Intervenor denies that original Respondent did any act which obstructed Complainants from having access to the Tensas River.

9. Respondent Intervenor denies that original Respondent has done any act which will cut off or deprive Complainants of any littoral or riparian rights which they might have in Mobile Bay or in the Tensas River.

10. Respondent Intervenor denies that title to the area of man-made land filled in by the original Respondent is vested in Complainants, and also denies that Complainants are entitled to possession of said area.

11. Respondent Intervenor denies that the original Respondent has trespassed upon or invaded any rights of the Complainants in and about Mobile Bay or the Tensas River.

12. Respondent Intervenor denies that Complainants own that part of the bed of Mobile Bay which Respondent Intervenor leased to the original Respondent.

13. Respondent Intervenor denies that the original Respondent committed a wrongful act in filling the submerged land described in Complainant's Bill.

14. Respondent Intervenor denies that the Complainants, as a matter of fact and law, own the property described in Complainant's Bill, or have any legal claim to it.

15. Respondent Intervenor admits that the original Respondent filled in certain submerged lands, but denies that Complainants own or have any interest in the said submerged land or fill material used.

16. Respondent Intervenor denies that the lease made to the original Respondent, or the subsequent filling of the leased area affect in any way any riparian or littoral rights of Complainants.

17. Respondent Intervenor denies that the Complainants own land south of the Mobile Bay Causeway which is bounded on the west by the Tensas River.

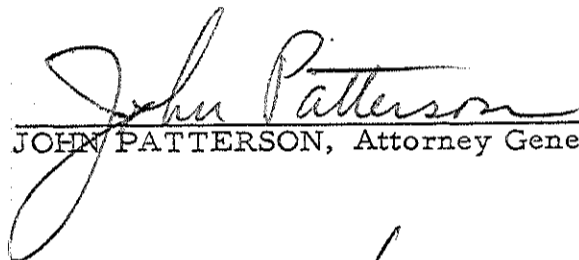
18. Respondent Intervenor denies that there is any land south of the Mobile Bay Causeway in Section 20, Township 4 South, Range 1 East, which borders the Tensas River.

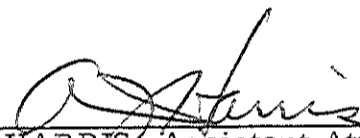
19. Respondent Intervenor denies that there is any land south of the Mobile Bay Causeway in Section 20, Township 4 South, Range 1 East, which draws into the Tensas River.

20. Respondent Intervenor denies that any part of the land which Respondent Intervenor leased to the original Respondent is in or is a part of Section 20, Township 4 South, Range 1 East.

21. Respondent Intervenor denies that Complainants own any riparian or littoral rights at the confluence of the Tensas River and Mobile Bay.

Respectfully submitted,

  
\_\_\_\_\_  
JOHN PATTERSON, Attorney General

  
\_\_\_\_\_  
A. J. HARRIS, Assistant Attorney General

Solicitors for Respondent Intervenor

*Filed*  
*9-17-57*  
*Alice J. Duck,*  
*Register*

GEORGE ARGIRO and  
MANUEL CLIKAS,  
Complainants

Vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation, in-  
corporated under the laws of  
the State of Kansas,  
Respondent.

Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 3815

NOTICE OF FILING OF PETITION FOR LEAVE TO INTERVENE

This day came John Patterson, as Attorney General for the State of Alabama, and filed herein his verified petition asking leave to intervene in the above styled cause; and upon consideration of same, it is,

ORDERED, ADJUDGED, DECREED by the Court that said verified petition for leave to intervene be and the same is hereby set for hearing before the Court on the 18 day of December, 1956.

ORDERED FURTHER, that a copy of said verified petition for leave to intervene, together with a copy of this order setting same for hearing, be served forthwith by the Sheriff upon all parties of record.

Done this 23 day of November, 1956.

FILED

NOV 23 1956

ALICE J. DUCK, Register

Hubert M. Hall  
CIRCUIT JUDGE

GEORGE ARGIRO and  
MANUEL CLIKAS,  
Complainants,

Vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation, in-  
corporated under the laws of  
the State of Kansas,  
Respondent.

Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 3815

MOTION FOR INTERVENTION

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

NOW COMES the State of Alabama, as Petitioner, on motion of its Attorney  
General, John Patterson, and moves the Court to enter an order allowing him to in-  
tervene in the above cause and shows unto the Court the following facts, to-wit:

That on, to-wit, the 19th day of October, 1956, the above Complainants  
amended an original Bill heretofore filed in this Honorable Court in which they claim  
to own certain land described in said Bill. That the State of Alabama has an interest  
in said land and is vitally interested in the litigation involved.

Your Petitioner attaches hereto, as an Exhibit, a copy of his Bill of Com-  
plaint which further shows the facts which entitle Petitioner to intervene in the above  
cause.

THE PREMISES CONSIDERED, your Petitioner and Movant prays that an  
order be made and entered in this cause allowing him to intervene and become a  
party to said cause and prays for such other and further relief as may seem proper  
to the Court.

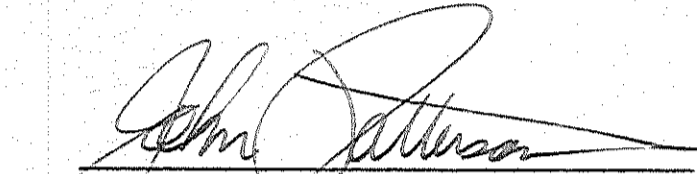
  
JOHN PATTERSON  
Petitioner and Movant

STATE OF ALABAMA )  
                                  )  
MONTGOMERY COUNTY)

Before me, Eda Lee Dyer, a Notary Public  
in and for said State and County, personally appeared John Patterson, who, being  
known to me and being by me first duly sworn, on oath, deposes and says:

That he is Attorney General for the State of Alabama and has filed the above Motion requesting Leave to Intervene in the above styled cause which is now pending in the Circuit Court of Bandwin County, Alabama.

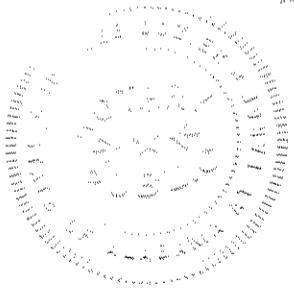
That to the best of his knowledge, information and belief, the facts which he alleges in his Motion to Intervene and in the attached Intervenor's Bill of Complaint, are true.

  
\_\_\_\_\_  
JOHN PATTERSON  
Attorney General  
PETITIONER AND MOVANT

Sworn to and subscribed before me on this the 20 day of November, 1956.

FILED  
NOV 21 1956  
ALICE J. BUCK, Clerk

  
\_\_\_\_\_  
NOTARY PUBLIC



GEORGE ARGIRO and  
MANUEL CLIKAS,  
Complainants,

Vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation, in-  
corporated under the laws of  
the State of Kansas,  
Respondent.

Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3815

INTERVENOR'S BILL OF COMPLAINT

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

Your Petitioner, Intervenor, the State of Alabama, through its Attorney  
General, John Patterson, respectfully shows unto your Honor:

1. That W. H. Drinkard is Director of the Department of Conservation  
of the State of Alabama and that said Department is an agency of the State of Alabama.
2. That Complainants, George Argiro and Manuel Clikas, are residents  
of the County of Mobile in the State of Alabama and are each over the age of twenty-  
one (21) years.
3. That Respondent, Hudson Oil Company of Missouri, is a corporation  
incorporated under the laws of the State of Kansas.
4. That on, to-wit, the 21st day of March, 1956, the said W. H. Drinkard,  
in his official capacity, did lease to the Respondent the following described land  
situated and located in Baldwin County, Alabama:

Begin at the east end of the concrete slab of Tensaw and Spanish  
River Bridge on Mobile Bay Causeway; thence eastwardly along  
the centerline of U. S. Highway # 90 a distance of 2,334.4 ft. more  
or less; thence at right angle to the centerline of the Highway in a  
southerly direction a distance of 150 ft. to a point where the pre-  
sent timber retaining wall intersects the south right-of-way line  
of U. S. Highway # 90 which said point is the point of beginning;  
thence westwardly along the south right-of-way line of U. S. High-  
way # 90, a distance of 600 ft; thence at right angles to centerline  
of U. S. Highway # 90 in a southerly direction a distance of 300 ft;  
thence eastwardly parallel to the centerline of U. S. Highway # 90  
a distance of 600 ft; thence in a northerly direction a distance of  
300 ft. back to the point of beginning. Thus describing a tract of  
land lying south of the Mobile Bay Bridge Causeway, Baldwin  
County, Alabama.



5. Your Petitioner, Intervenor, alleges that the leased property above described is owned by the State of Alabama, and by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554, said land is under the exclusive jurisdiction, management and control of the Department of Conservation of the State of Alabama.

6. Your Petitioner, Intervenor, further alleges that the said lease was made by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554.

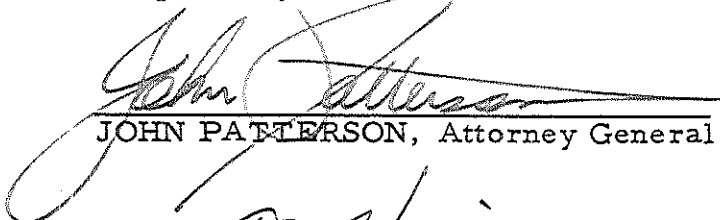
7. Your Petitioner, Intervenor, further alleges that as required by the provisions of Act No. 341, above referred to, the said lease was approved by the Governor of Alabama and attested to by the Secretary of State.

8. Your Petitioner, Intervenor, further alleges that on or about the 22nd day of June, 1956, the above Complainants filed a Bill in this Honorable Court claiming to own title to the land in question and above described and further prayed for a permanent injunction to restrain and enjoin the Respondent, Lessee of the Department of Conservation of the State of Alabama, from entering upon said land. Your Petitioner, Intervenor, further alleges that on or about the 19th day of October, 1956, the Complainants amended their original Bill of Complaint, which amended Bill of Complaint is now before this Honorable Court for consideration.

9. Your Petitioner, Intervenor, further shows, therefore, from the premises hereof that the State of Alabama has an interest in the subject matter in litigation and in the success of said litigation.

10. Petitioner, Intervenor, further prays that he be allowed to adopt any answer, motion or demurrer which has been filed in this Honorable Court; and further prays that he be allowed to file any pleadings to the said original Bill as he shall deem proper; and further prays for any other, further or different relief to which he may be entitled.

Respectfully submitted,

  
JOHN PATTERSON, Attorney General

  
A. J. HARRIS  
Assistant Attorney General

Solicitors for Petitioner, Intervenor

FILED

NOV 21 1956

MADE A. HARRIS, 1956

GEORGE ARGIRO AND MANUEL  
OLIKAS,

COMPLAINANTS

VS

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

CASE NO. 3815

Comes now the Respondent in the above styled cause and files the following demurrers to the Complainants' amended Complaint:

1.

The Complaint is inconsistent as to the ownership of the land giving rise to this cause of action, in Sections 4, 5, and 6 the Complaint shows the title to this land to be in someone other than the Complainants and in Section 7 thereof avers that the title is vested in the Complainants.

2.

The Complainants are not entitled to the relief they seek. They seek to enjoin the Respondent from doing acts, which, according to the Bill of Complaint have been completed by your Respondent.

3.

That the prayer for relief is improper and inconsistent.

Walters & Brantley

BY:

*Albert M Brantley*  
Solicitors for the Respondent

*Filed*  
*11-20-56*

3815- (12)

GEORGE ARGIRO AND MANUEL CLIKAS,

COMPLAINANTS

VS

HUDSON OIL COMPANY OF MISSOURI,  
a corporation, incorporated  
under the laws of the State of  
Kansas,

RESPONDENT

DEMURRERS

FILED

NOV 20 1956

ALICE J. BUCK, Clerk

✓

Chas. D. St.

GEORGE ARGIRO and MANUEL CLIKAS,	X	IN THE CIRCUIT COURT OF
	X	
Complainants,	X	
vs.	X	BALDWIN COUNTY, ALABAMA.
HUDSON OIL COMPANY OF MISSOURI, a corporation, incorporated under the laws of the State of Kansas,	X	
	X	
Respondent.	X	IN EQUITY. NO. 3815.

The Respondent's demurrer having heretofore been sustained by the Court to the Original Bill of Complaint in the above entitled cause, come now the Complainants and amend their 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 Complainants, George Argiro and Manuel Clikas, would respectfully represent and show unto Your Honor as follows:

1. That Complainants are each over the age of twenty-one (21) years and reside in the County of Mobile, State of Alabama, and that the Respondent, Hudson Oil Company of Missouri, is a corporation, incorporated under the laws of the State of Kansas, presently engaged and doing business in the County of Baldwin, State of Alabama.

2. That Complainants are tenants in common, each being seized of an undivided one-half interest in that certain real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

All that portion of Fractional Section 20, Township 4 South, Range 1 East of St. Stephens Meridian which lies South of the right-of-way of Cochrane Bridge roadway, also known as U.S. Highway 31 and 90.

GEORGE ARGIRO and MANUEL  
CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF MISSOURI,  
a corporation, incorporated  
under the laws of the State of  
Kansas,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY            NO. 3815

AMENDED BILL OF  
COMPLAINT

LESS AND EXCEPTING THEREFROM that portion conveyed by complainants and their respective wives to Bertha Siteman by warranty deed dated March 6, 1950, and recorded in the Probate Court of records of Baldwin County, Alabama, on June 8, 1950, in Deed Book 154, Page 233-8, the same being more particularly described as follows:

All that portion of fractional Section 20 Township 4 South, Range 1 East more particularly described as follows: From the center of Fractional Section 30, Township 4 South, Range 2 East, run South 259 feet to the North Side of the pavement on Alabama State Highway No. 31, thence Westwardly along said pavement to its intersection with U. S. Highway No. 90, thence continue Westwardly along said Highway, 28,133.7 feet to a point in the Eastern Point of a marsh at the mouth of Tensaw River; thence Southwardly and at right angles to the right-of-way line of said Highway to the point which is 150 feet Southwardly from the center line of said Highway, being on the south line of the right-of-way thereof, for the point of beginning; said point being also 27,557.1 feet West and 3,851.7 feet North from the said center of said Section 30; said point also being 2,953.5 feet Eastwardly from the Eastern end of the concrete slab of the roadway on Tensaw-Spanish River Bridge or Span on said Highway No. 90 (measured along the North side of the pavement strip of said Highway and 160 feet Southwardly from the North line of said pavement, measured along a line at right angles thereto) and from said point of beginning thence run Westwardly along the South right-of-way line of said Highway No. 90, 300 feet to a point; thence run Southwardly and at right angles to said right-of-way line 175 feet more or less to the Northerly shore line of Mobile Bay; thence run Eastwardly along the meanderings of said shore line of Mobile Bay 330.3 feet more or less to a point where a line, running Southwardly and at right angles to said right-of-way line from the point of beginning would intersect said Northerly shore line, thence running Northwardly along the last described course 314 feet more or less to the place of beginning. All of said measurements being according to a survey by Durant Engineering Company dated Sept. 9, 1949, and revised in April of 1950.

3. That said real property of Complainants, hereinabove described, is bounded on the West by the Tensaw River, into which the surface waters drain from Complainants' land, and on the East by Chacaloochee Bay and is now and has been for many years part of the main land formed by the confluence of the Tensaw River and Chacaloochee Bay and was and is fast land.

4. That Complainants are the owners of the shore, or littoral or riparian rights along the shore line of said real property described in Paragraph 2 of this Bill of Complaint and

are entitled to the right of access to and from said Tensaw River bounding on the West thereof and to pass along the shore bordering said river without interference, invasion or obstruction by private persons or parties. That said western shore line of said real property of the Complainants, being bounded by said Tensaw River, was held and possessed by them until recently when the Respondent, while acting by and through its agents, servants, employees or contractors, over the vigorous protest and objection of the Complainants, filled in with dirt and other fill the submerged lands in said Tensaw River, adjoining the westerly shore line of Complainants' real property, extending in the direction toward said Tensaw River so as to raise the bed of said Tensaw River along the westerly shore line of Complainants' real property above the surface of the water and above the surface level of Complainants' said land on the east, thus, ~~interposing an area of artificial or manmade land between the~~ westerly shore line of said real property of your Complainants and the navigable waters of the Tensaw River, thereby invading, interfering with, obstructing and cutting off the Complainants' said real property from access to the navigable waters of the Tensaw River.

5. That Complainants are entitled to free access to and from the navigable waters of said Tensaw River along the entire of the westerly shore line of their said real property; and Complainants aver that the Respondent, by its said wrongful act of filling in the bed of the stream along Complainants' westerly boundary and interposing an area of dry land between Complainants' real property and the navigable waters of said Tensaw River, have cut off and deprived your Complainants of their shore or littoral or riparian rights.

6. Complainants further aver that the Respondent by so filling in the bed of said Tensaw River above the surface of the water and above the surface level of Complainant's <sup>have</sup> said real property, interfered with and obstructed the natural flow or drainage of the surface waters from the property of the Complainants and have caused the same to back up on, overflow and stand upon the property of the Complainants for long periods of time and to damage and impede Complainants in the ordinary course of their business and the use of their said real property, and to cause the Complainants irreparable loss and damage.

7. Complainants aver that the title to said area of manmade land filled in upon the submerged lands of the Tensaw River, adjoining the said westerly shore line of Complainants and extending toward said Tensaw River, is vested in your Complainants, and that Complainants are entitled to possession of said area of land without interference, invasion or trespass thereon by said Respondent, its agents, servants, employees or contractors.

8. That Respondent is claiming some possessory interest or right in and to said area of manmade land and is continuously entering upon and trespassing thereon by having its agents go to and fro across the same, and Respondent has informed your Complainants that it will continue to enter thereon.

9. Your Complainants further show that they do not have a full, complete and adequate remedy at law.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, Complainants pray that Hudson Oil Company of Missouri, a corporation, be made a party Respondent to this Bill of Complaint and that process be issued against and served upon said Respondent according to the laws and practice of this Honorable Court, and that said Respondent be required to plead, answer or demur to this Bill of Complaint within the time required by law.



PRAYER FOR RELIEF

The premises considered, the Complainants pray that this Honorable Court will cause to be issued a permanent writ of injunction to be directed to the Respondent, Hudson Oil Company of Missouri, a corporation, restraining and enjoining the Respondent, its agents, servants, employees and contractors from entering upon the land adjoining the westerly boundary of your Complainants and constructed by the artificial filling of the bed of the Tensaw River and the other land of your Complainants described herein, and from going to and fro across the same and from invading, interfering, obstructing and cutting off your Complainants from access to said navigable waters of Tensaw River as the same extends along the westerly shore line of Complainants' said real property, and from putting dirt and other fill in the bed of the Tensaw River and raising its level above the surface of the Complainants' land described in Paragraph 2 hereof, and from interfering with and obstructing the natural flow or drainage of the surface waters from the real property of your Complainants and from causing said surface waters to back up on, overflow and stand upon the real property of your Complainants', and your Complainants pray for such other, further, different <sup>OR</sup> ~~and~~ general relief as they may be entitled to in the premises, including compensation from the Respondent for any damage, injury or destruction to your Complainants' property as in duty bound, your Complainants will forever pray.

*Phason Stone*  
*By John Stone*

*Johnston McCall + Johnston*  
Solicitors for Complainants.

*Filed*  
*10-19-56*

3815 (11)

AMENDED BILL OF COMPLAINT

GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3815

FILED

OCT 19 1956

ALICE J. DUCK, Register

GEORGE ARGIRO AND  
MANUEL CLIKAS

COMPLAINANTS

VS

HUDSON OIL COMPANY OF  
MISSOURI, A corporation,  
incorporated under the laws  
of the State of Kansas,

RESPONDENT

Ø

Ø

Ø

Ø

Ø

Ø

Ø

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

NO. \_\_\_\_\_

Comes now the Respondent, Hudson Oil Company of Missouri, a corporation, and demurs to the Complainant's Bill of Complaint 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 Complainants have a complete and adequate remedy at law.

4.

The Bill of Complaint shows on its face that the Complainants have a complete and adequate remedy at law.

5.

Because the Bill of Complaint is multifarious, vague and indefinite.

6.

Because the Bill fails to adequately describe the real property set forth in Paragraph 2 thereof.

7.

Because the description of the real property set forth in Paragraph 2 thereof is vague, indefinite and uncertain.

8.

Because the description of the real property set forth in Paragraph 2 of said Bill is so vague as not to apprise the Respondent of the location of said real property.

9.

Because the description of the real property set forth in Paragraph 2 of said bill fails to locate where the same is situated.

10.

Because the Bill fails to adequately describe the real property set forth in Paragraph 4 thereof.

11.

Because the description of the real property set forth in paragraph 4 thereof is vague, indefinite and uncertain.

12.

Because the description of the real property set forth in Paragraph 4 of said bill is so vague as not to apprise the Respondent of the location of said real property.

13.

Because the description of the real property set forth in Paragraph 4 of said Bill fails to locate where the same is situated.

14.

Because the allegation that the Complainants are owners of the lands described in said Bill is a conclusion of the Pleader.

15.

For aught appearing, all owners of the entire legal title to said real property described in paragraph 4 in said Bill have not been joined as parties.

16.

For aught appearing, all owners of the entire legal title to said property described in Paragraph 4 of the Complaint are not before the court.

Wilters & Brantley

BY:

*Gay Wilters*  
Solicitors for the Respondent

*Filed*  
*8-29-56*

3815 (9)

GEORGE ARGIRO AND  
MANUEL CLIKAS

COMPLAINANTS

VS

HUDSON OIL COMPANY OF MISSOURI,  
A CORPORATION, INCORPORATED UNDER  
THE LAWS OF THE STATE OF KANSAS

RESPONDENT

DEMURRERS

FILED

AUG 29 1956

MARK J. BUCK, Register

*[Handwritten signature and notes]*

AG

GEORGE ARGIRO and MANUEL  
CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

On July 31, 1956, W. H. Drinkard, in his official capacity as Director of the Department of Conservation of the State of Alabama, acting by and through John Patterson, Attorney General, and A. J. Harris, Assistant Attorney General, filed his petition to intervene in the above styled cause and on July 31, 1956, this Court entered its decree allowing the said W. H. Drinkard, in his official capacity as Director of the Department of Conservation of the State of Alabama, to intervene in said cause.

And it further appearing to the Court after a further consideration of said matter that such decree should not have been rendered and such intervention should not have been allowed,

It is therefore ORDERED AND DECREED by the Court that the decree rendered by this Court on July 31, 1956, allowing W. H. Drinkard, in his official capacity as Director of the Department of Conservation of the State of Alabama, to intervene, be and the same is hereby set aside and held for naught.

Done this August 21, 1956.

*John M. Nee*  
Judge

GEORGE ARGIRO and MANUEL CLIKAS,	⌘	IN THE CIRCUIT COURT
	⌘	OF BALDWIN COUNTY,
Complainants,	⌘	ALABAMA.
-vs-	⌘	IN EQUITY.
HUDSON OIL COMPANY OF MISSOURI, a corporation, incorporated under the laws of the State of Kansas,	⌘	NO. 3815
	⌘	
Respondent.	⌘	

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS that we, Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, Winslow M. Cady, Joyce D. Cady, as principals, and National Surety Corporation of New York, a corporation, as surety, are held and firmly bound unto Alice J. Duck, Register in Chancery of Baldwin County, Alabama, in the just and full sum of Ten Thousand and No/100 (\$10,000.00) Dollars, for the payment of which, well and truly to be made and done, we bind ourselves, and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

Sealed with seals and dated this 4th day of ~~December~~, <sup>January, 1960</sup> 1959.

The condition of the above obligation is such that, Whereas George Argiro and Manuel Clikas, as Complainants, obtained a decree in the above styled cause in the Circuit Court, In Equity, for said County and State, on the 23rd day of November, 1959, from which decree the said Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, and Winslow M. Cady and Joyce D. Cady, have obtained an appeal returnable to the next term of the Supreme Court of Alabama.

NOW, THEREFORE, if the said Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, and the said Winslow M. Cady and Joyce D. Cady shall prosecute said appeal to effect and if they fail in the appeal they will pay such judgment as said Appellate Court may render in the premises, and all such costs and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension

of the execution of the said decree of said Circuit Court, then this obligation is to be null and void, otherwise to remain in full force and effect.

And we, and each of us, hereby waive all rights to or claim of exemption as to personal property we, or either of us, have now or may hereafter have, under the constitution and laws of Alabama, and we hereby severally certify that we have property free from all encumbrances to the full amount of the above bond.

WITNESS our hands and seals on this the 14 day of

~~January, 1960.~~  
~~December, 1959.~~

ATTEST:

Miriam Brunfield

HUDSON OIL COMPANY OF MISSOURI,  
a corporation, incorporated under the  
laws of the State of Kansas

By: [Signature]  
Its Attorney-in-Fact

WINSLOW M. CADY

BY: [Signature]  
His Attorney in Fact

JOYCE D. CADY

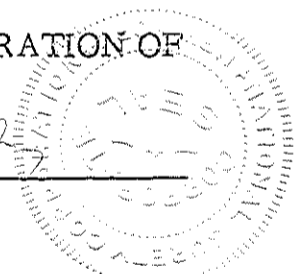
BY [Signature]  
Her Attorney in Fact

ATTEST:

Miriam Brunfield

NATIONAL SURETY CORPORATION OF  
NEW YORK, a corporation.

By: [Signature]  
Its' Attorney in Fact



Taken and approved this the 14 day of ~~December~~ <sup>January 60</sup>, 1959.

[Signature]  
Register in Chancery



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that we, Hudson Oil Company of Missouri, a corporation incorporated under the laws of the State of Kansas, Winslow M. Cady, Individually, and Joyce D. Cady, Individually, have made, constituted and appointed, and by these presents do make, constitute and appoint Garet Van Antwerp, III of Mobile County, Alabama our true and lawful attorney for us and in our name, place and stead to execute a Supersedeas Bond in the amount of Ten Thousand and No/100 (\$10,000.00) Dollars. Said bond being necessary to and to be used in and in connection with an appeal being taken by us from the decree rendered against us by the Circuit Court of Baldwin County, Alabama, in Equity, rendered by said Court on November 23, 1959 in that certain cause styled "George Argiro and Manuel Clikas vs. Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, Docket No. 3815", in which bond we shall appear as principals and National Surety Corporation of New York shall appear and execute the same as Surety, giving and granting unto our said attorney full power and authority in the premises to do, execute, perform, fulfill and conclude for us and in our names and stead, all and singular, the acts, matters and things whatsoever which shall be expedient and necessary concerning the premises in as ample a manner as we might do if personally present; and we hereby certify and confirm all that our said attorney shall lawfully do by virtue hereof in the premises.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 29 day of December, 1959.

ATTEST:

Winslow M. Cady  
Assistant Secretary

HUDSON OIL COMPANY OF MISSOURI

By: [Signature]  
President

Winslow M. Cady  
Winslow M. Cady

[Signature]  
Joyce D. Cady

FILED

JAN 4 1960

ALICE I. DUCK, CLERK REGISTER

STATE OF KANSAS,

COUNTY OF JOHNSON,

I, Mildred E. McBrayer, a Notary Public in and for said County in said State, hereby certify that Mary Hudson, whose name as President of Hudson Oil Company of Missouri, a corporation incorporated under the laws of the State of Kansas, is signed to the foregoing Power of Attorney, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Power of Attorney he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 29 day of December, 1959.



Mildred E. McBrayer  
Notary Public, State of Kansas, County of Johnson.

My Commission expires: \_\_\_\_\_

STATE OF KANSAS,

My Commission Expires Oct. 29, 1963

COUNTY OF JOHNSON,

I, Mildred E. McBrayer, a Notary Public in and for said County, in said State, hereby certify that Winslow M Cady and Joyce D. Cady, whose names are signed to the foregoing Power of Attorney, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing Power of Attorney, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 29 day of December,

1959.



Mildred E. McBrayer  
Notary Public, State of Kansas, County of Johnson.

My Commission expires: \_\_\_\_\_

My Commission Expires Oct. 29, 1963

# NATIONAL SURETY CORPORATION

*New York*

A Member of The **FUND** Insurance Companies  
**GENERAL POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that NATIONAL SURETY CORPORATION, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, N. Y., hath made, constituted and appointed, and does by these presents make, constitute and appoint B. F. ADAMS, JR. & E. S. JENKINS

JOINTLY OR SEVERALLY

of MOBILE and State of ALABAMA

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver ANY AND ALL BONDS, RECOGNIZANCES, CONTRACTS, AGREEMENTS OF INDEMNITY AND OTHER CONDITIONAL OR OBLIGATORY UNDERTAKINGS, PROVIDED, HOWEVER, THAT THE PENAL SUM OF ANY ONE SUCH INSTRUMENT EXECUTED HEREUNDER SHALL NOT EXCEED ONE MILLION (\$1,000,000.00) DOLLARS

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following provisions of the By-laws of NATIONAL SURETY CORPORATION:

## "ARTICLE XII. RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.

"Section 1.—The Chairman, President or any Vice-President may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the corporation and the Chairman, President, or any Vice-President, the Board of Directors or the Executive Committee may at any time suspend or revoke the powers and authority given to any such Resident Vice-President, Resident Assistant Secretary and Attorney-in-Fact, and also remove them from office. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 1.—The President, Executive Vice-President or any Vice-President may, from time to time, appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and the President, Executive Vice-President or any Vice-President, the Board of Directors or the Executive and Finance Committee may at any time suspend or revoke the powers and authority given to any such Resident Vice-President, Resident Assistant Secretary or Attorney-in-Fact, and also remove any of them from office. (As amended May 25, 1933. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 1.—Appointment.—The President, Executive Vice President or any Vice President may, from time to time, appoint Resident Vice Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation. (As amended April 27, 1943. Applies to all powers of attorney executed on or after that date).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority to execute, acknowledge and deliver for and in the name and on behalf of the Corporation any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the Chairman or the President and sealed and attested by the Secretary. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority to execute, acknowledge and deliver for and in the name and on behalf of the Corporation any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended May 25, 1933. Applies to all powers of attorney executed prior to July 30, 1935).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any and all notices and documents cancelling or terminating the corporation's liability thereunder, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the corporation as if signed by the President and sealed and attested by the Secretary. (As amended July 30, 1935. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the Corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings, and any and all notices and documents cancelling or terminating the Corporation's liability thereunder, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended April 27, 1943. Applies to all powers of attorney executed prior to April 28, 1953.)

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the Corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings, and any and all consents and releases incident thereto, and any and all notices and documents cancelling or terminating the Corporation's liability thereunder, and any such instrument so executed by such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended April 28, 1953. Applies to all powers of attorney executed on or after that date.)

"Section 7.—Attorneys-in-Fact.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to a copy of the By-laws of the Corporation or any Article or Section thereof. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 7.—Attorneys-in-Fact.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to copies of the By-laws of the corporation or any Article or Section thereof. (As amended May 25, 1933. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 7.—Attorneys-in-Fact—Verifications.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts, agreements of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to copies of the By-laws of the Corporation or any Article or Section thereof. (As amended April 27, 1943. Applies to all powers of attorney executed prior to June 27, 1944).

"Section 7.—Attorneys-in-Fact—Verifications—Certifications.—Attorneys-in-Fact are hereby authorized to verify, by affidavit or otherwise, the authority to execute bonds, recognizances, contracts, agreements of indemnity, and other conditional or obligatory undertakings; and to certify, by affidavit or otherwise, as to the inspection or examination of assets of the estates, where the fiduciary responsible for such assets is bonded by the Corporation; and they are also authorized and empowered to certify to copies of the By-laws of the Corporation or any Article or Section thereof. (As amended June 27, 1944. Applies to all powers of attorney executed on or after that date).

## "ARTICLE VIII. APPOINTMENT AND AUTHORITY OF RESIDENT ASSISTANT SECRETARIES, AND ATTORNEYS-IN-FACT, AND AGENTS TO ACCEPT LEGAL PROCESS AND MAKE APPEARANCES.

Section 30. Appointment. The President, any Vice President, or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation. (Adopted October 25, 1955. Applies to all Powers of Attorney executed on and after that date.)

Section 31. Authority. The authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment. (Adopted October 25, 1955. Applies to all Powers of Attorney executed on and after that date.)

IN WITNESS WHEREOF, NATIONAL SURETY CORPORATION has caused these presents to be signed by its Vice President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed this 11th day of MAY A.D., 1953.

NATIONAL SURETY CORPORATION

(Seal)

By S. G. DRAKE

Vice President

ATTEST: A. N. MacDOUGALL

F. 2014 REV. 1/56

Assistant Secretary

STATE OF NEW YORK,  
COUNTY OF NEW YORK,

ss. :

On this 11th day of MAY A.D., 1953.

before me personally came S. G. DRAKE, to me known, who, being by me duly sworn, did depose and say, that he resides in the City of New York; that he is Vice President of NATIONAL SURETY CORPORATION, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed

his name thereto by like order. And said S. G. DRAKE

further said that he is acquainted with A. N. MacDOUGALL and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

ELIZABETH C. KING

(Notarial seal affixed)

Notary Public

STATE OF GEORGIA  
COUNTY OF FULTON

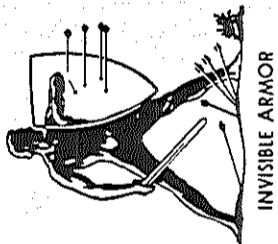
ss. :

I, NELLIE COOK, Resident Assistant Secretary and Attorney-in-Fact of NATIONAL SURETY CORPORATION, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney (including applicable By-law sections), executed by said NATIONAL SURETY CORPORATION, which is still in force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of ATLANTA this 14th day of January A.D., 1953.

*Nellie Cook*  
Nellie Cook

Resident Assistant Secretary and Attorney-in-Fact



**NATIONAL SURETY CORPORATION**  
*New York*

A Member of The FUND Insurance Companies

GENERAL  
POWER OF ATTORNEY

—TO—

ON

DATE

19

F. 201 1/2

GEORGE ARGIRO and MANUEL  
CLIKAS,

Complainants,

VS.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.

IN EQUITY.

NO. 3815

APPLICATION TO FIX SUPERSEDEAS BOND

Now come the respondents, Hudson Oil Company of Missouri, a corporation, and Winslow M. Cady and Joyce D. Cady, and show unto the Court that they desire to appeal to the Supreme Court of Alabama from the decree made and entered in this cause on November 23, 1959, wherein and whereby the Court ordered, adjudged and decreed that the land fill, the subject of this action, made by respondent, Hudson Oil Company of Missouri, to the westward of lands of complainants constituted an impediment and obstruction to and destroys and cuts off riparian rights of complainants of ingress and egress westwardly from their lands to Tensaw River; that respondents be commanded and enjoined to remove improvements placed by them on said land fill within forty-five (45) days after the rendition of the decree and that complainants become absolute owners of such improvements if the same be not so removed; that respondent Hudson Oil Company of Missouri be commanded and enjoined to remove the land fill so as to return the area occupied by said fill to approximately its former condition; that any and all improvements not so removed be condemned and declared the property of complainants and that complainants be placed in possession thereof either by surrender by respondents or by way of writ of possession to be executed by the Sheriff of Baldwin County, Alabama; that respondents have no right, title or interest in or to said land fill and that they are permanently enjoined from entering thereon; that the State of Alabama has no right, title or interest in or to said land fill; and enjoining respondents from any further use of the area covered by the lease to respondent Hudson Oil Company of Missouri from the State of Alabama on which said land fill is located.

Respondents desire to appeal and supersede said judgment or decree and moves the Court for an order fixing the amount of the bond to be filed in this cause to supersede said judgment or decree.

VAN ANTWERP & RECTOR

By: [Signature]  
Solicitors for Respondents

FILED

DEC 7 1959

ALICE J. DICK, CLERK  
REGISTER

12/22/59 Supersedes bond filed  
at \$70,000.  
Hubert M. Hall

GEORGE ARGIRO and  
MANUEL CLIKAS,

Complainants

V.

HUDSON OIL COMPANY OF MISSOURI, a  
corporation, incorporated under  
the laws of the State of Kansas,

Respondent.

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. \_\_\_\_\_

PETITION TO INTERVENE

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

Your Petitioner, W. H. Drinkard, in his official capacity  
as Director of the Department of Conservation of the State of Alabama,  
respectfully shows unto your Honor:

1. That he is Director of the Department of Conservation  
of the State of Alabama and that said Department is an agency of the  
State of Alabama.

2. That Complainants, George Argiro and Manuel Clikas,  
are residents of the County of Mobile in the State of Alabama and are  
each over the age of twenty-one (21) years.

3. That Respondent, Hudson Oil Company of Missouri, is  
a corporation incorporated under the laws of the State of Kansas.

4. That on, to-wit, the 21st day of March, 1956, Peti-  
tioner, in his official capacity, did lease to the Respondent the fol-  
lowing described land situated and located in Baldwin County, Alabama:

Begin at the east end of the concrete slab of  
Tensaw and Spanish River Bridge on Mobile Bay  
Causeway; thence eastwardly along the center-  
line of U. S. Highway #90 a distance of  
2,334.4 ft. more or less; thence at right angle  
to the centerline of the Highway in a southerly  
direction a distance of 150 ft. to a point  
where the present timber retaining wall inter-  
sects the south right-of-way line of U. S.  
Highway #90 which said point is the point of  
beginning; thence westwardly along the south  
right-of-way line of U. S. Highway #90, a dis-  
tance of 600 ft; thence at right angles to  
centerline of U. S. Highway #90 in a southerly  
direction a distance of 300 ft; thence east-  
wardly parallel to the centerline of U. S. High-  
way #90 a distance of 600 ft; thence in a northerly

direction a distance of 300 ft. back to the point of beginning. Thus describing a tract of land lying south of the Mobile Bay Bridge Causeway, Baldwin County, Alabama.

5. Your Petitioner alleges that the leased property above described is owned by the State of Alabama, and by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554, said land is under the exclusive jurisdiction, management and control of your Petitioner.

6. Your Petitioner further alleges that the said lease was made by virtue of the authority contained in Act No. 341, 1945 General Acts of Alabama, page 554.

7. Your Petitioner further alleges that as required by the provisions of Act No. 341, above referred to, the said lease was approved by the Governor of Alabama and attested to by the Secretary of State.

8. Your Petitioner further alleges that on or about the 22nd day of June, 1956, the above Complainant filed a Bill in this Honorable Court claiming to own title to the land in question and above described and further prayed for a permanent injunction to restrain and enjoin Petitioners' lessee, the above original respondent, from entering upon said land.

9. Your Petitioner further shows, therefore, from the premises hereof that he has an interest in the subject matter in litigation and in the success of said litigation.

10. Petitioner further prays that as a party respondent to said cause, he be allowed to adopt any answer, motion or demurrer of the original respondent which has been filed in this Honorable Court; and further prays that he be allowed to file any pleadings to the said original Bill as respondent intervenor as he shall deem proper; and further prays for any other, further or different relief to which he may be entitled.

Respectfully submitted,

*John Patterson*  
\_\_\_\_\_  
JOHN PATTERSON  
Attorney General

*A. J. Harris*  
\_\_\_\_\_  
A. J. HARRIS  
Assistant Attorney General  
Solicitors for Respondent Intervenor

1956  
JUN 22 10 15 AM  
COURT

*Filed*  
*7-31-56*



GEORGE ARGIRO and  
MANUEL CLIKAS,  
Complainants,

V.

HUDSON OIL COMPANY OF MISSOURI,  
a corporation, incorporated  
under the laws of the State of  
Kansas,

Respondent.

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. 3815

DECREE ALLOWING INTERVENTION

A Petition for Intervention having this day been presented to me in the above-styled cause and leave having been asked to file the same by Solicitors for the Intervenor named therein, and appearing that good cause exists therefor, it is

ORDERED AND DECREED that leave be and is hereby granted to file the same, and that the said W. H. Drinkard, in his official capacity, as Director of the Department of Conservation of the State of Alabama be permitted to intervene in said cause.

BE IT FURTHER ORDERED AND DECREED that the said Intervenor be allowed to adopt any pleadings filed in the above cause by the original Respondent, and said Intervenor is also permitted to file such other and additional pleadings in said cause as the Court may deem proper.

Dated this the 31<sup>st</sup> day of July, 1956.

Hubert M. Hall  
CIRCUIT JUDGE

*Filed*  
*7-31-56*  
*Acie J. Luck*  
*Register*

GEORGE WROTH AND  
MANUEL OLINAS

COMPLAINANTS

VS

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
Incorporated under the  
laws of the State of Kansas

RESPONDENT

PLEA IN ABATEMENT

Comes now the Respondent in the above styled cause and says that this  
suit should be abated and for grounds therefor says:

1.

That the Complainants seek injunctive relief but fail to verify  
their complaint.

2.

The Complainants seek injunctive relief yet fail to post a bond.

*Filed*  
*7-26-56*

BY:

*Garrett M. Brantley*  
Of Counsel

(3)

GEORGE ANGIRO AND  
SAMUEL OLIVAS,

COMPLAINANTS

VS

HUDSON OIL COMPANY OF MISSOURI  
a corporation, incorporated  
under the laws of the State of  
Kansas,

RESPONDENT

FILED IN ABANDONMENT

FILED

JUL 24. 1956

ALICE J. DAVIS, Registrar

104

GEORGE ARGIRO AND  
MANUEL CLIKAS

COMPLAINANTS

VS.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas

RESPONDENT

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

Come the Complainants in the above entitled cause and demur to the plea in abatement hereunto filed by the Defendant, on the following and separate and several grounds:

1. Because said plea is not sworn to.
2. Because said plea is not verified as required by law.
3. Because said plea is not verified by affidavit as required by Title 7 Section 226, Code of Alabama 1940.

*Thomas Stone*  
*By [Signature]*

*James M. [Signature]*  
Solicitors for Complainants

*Filed*  
*8-2-56*

GEORGE ARGIRO and MANUEL  
CLIKAS,

Complainants,

vs.

HUDSON OIL COMPANY OF  
MISSOURI, a corporation,  
incorporated under the laws  
of the State of Kansas,

Respondent.

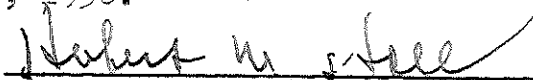
I  
I  
I  
I  
I  
I  
I

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

This matter coming on to be heard on the demurrer filed by the Complainants in said cause to the plea in abatement filed by the Respondent in said cause and the Court having considered the same is of the opinion that such demurrer to such plea in abatement should be sustained.

It is therefore ORDERED AND DECREED by the court that the Complainants demurrer to the Respondent's plea in abatement be and the same hereby is sustained.

Done this August 21, 1956.

  
\_\_\_\_\_  
Judge

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon the Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by George Argiro and Manuel Clikas, as Complainants, against Hudson Oil Company of Missouri, a corporation, incorporated under the laws of the State of Kansas, as Respondent.

Witness my hand this 27<sup>th</sup> day of June, 1956

*E.P.*  
6-27-56

*Alvin J. Duck*  
Register.

GEORGE ARGIRO and MANUEL CLIKAS,	Y	IN THE CIRCUIT COURT OF
	Y	
Complainants,	Y	
vs.	Y	BALDWIN COUNTY, ALABAMA.
HUDSON OIL COMPANY OF MISSOURI, a corporation, incorporated under the laws of the State of Kansas,	Y	
	Y	
Respondent.	Y	IN EQUITY. NO. _____.

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

Humbly complaining, your Complainants, George Argiro and Manuel Clikas, would respectfully represent and show unto Your Honor as follows:

1. That Complainants are each over the age of twenty-one (21) years and reside in the County of Mobile, State of Alabama, and that the Respondent, Hudson Oil Company of Missouri, is a corporation, incorporated under the laws of the State of Kansas, presently engaged and doing business in the County of Baldwin, State of Alabama.

2. That Complainants are tenants in common, each being seized of an undivided one-half interest in that certain real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

All that portion of Fractional Section 20, Township 4 South, Range 1 East of St. Stephens Meridian which lies South of the right-of-way of Cochrane Bridge.

LESS AND EXCEPTING THEREFROM that portion conveyed by complainants and their respective wives to Bertha Siteman by warranty deed dated March 6, 1950, and recorded in the Probate Court of records of Baldwin County, Alabama, on June 8, 1950, in Deed Book 154, Page 233-8, the same being more particularly described as follows:

All that portion of fractional Section 20 Township 4 South, Range 1 East more particularly described as follows: From the center of Fractional Section 30, Township 4 South, Range 2 East, run South 259 feet to the North side of the pavement on Alabama State Highway No. 31, thence Westwardly along said pavement to its intersection with U. S. Highway No. 90, thence

continue Westwardly along said Highway, 28,133.7 feet to a point in the Eastern Point of a marsh at the mouth of Tensaw River; thence Southwardly and at right angles to the right of way line of said Highway to the point which is 150 feet Southwardly from the center line of said Highway, being on the south line of the right of way thereof, for the point of beginning; said point being also 27,557.1 feet West and 3851.7 feet North from the said center of said Section 30; said point also being 2953.5 feet Eastwardly from the Eastern end of the concrete slab of the roadway on Tensaw-Spanish River Bridge or Span on said Highway #90 (measured along the North side of the pavement strip of said Highway and 160 feet Southwardly from the North line of said pavement, measured along a line at right angles thereto) and from said point of beginning thence run Westwardly along the South right of way line of said Highway #90, 300 feet to a point; thence run Southwardly and at right angles to said right of way line 175 feet more or less to the Northerly shore line of Mobile Bay; thence run Eastwardly along the meanderings of said shore line of Mobile Bay 330.3 feet more or less to a point where a line, running Southwardly and at right angles to said right of way line from the point of beginning would intersect said Northerly shore line, thence running Northwardly along the last described course 314 feet more or less to the place of beginning. All of said measurements being according to a survey by Durant Engineering Company dated Sept. 9, 1949, and revised in April of 1950.

3. That said real property of Complainants, hereinabove described, is bounded on the West by the Tensaw River, into which the surface waters drain from Complainants' land, and on the East by Chacaloochee Bay and is now and has been for many years part of the main land formed by the confluence of the Tensaw River and Chacaloochee Bay and was and is fast land.

4. That Complainants are the owners of the shore, or littoral or riparian rights along the shore line of said real property described in Paragraph 2 of this Bill of Complaint and are entitled to the right of access to and from said Tensaw River bounding on the West thereof and to pass along the shore bordering said river without interference, invasion or obstruction by private persons or parties. That said western shore line of said real property of the Complainants, being bounded by said Tensaw River, was held and possessed by them until recently when the Respondent, while acting by and through its agents, servants, employees or contractors, over the vigorous protest and objection of the Complainants, filled in with dirt and other fill the submerged lands in said Tensaw River, adjoining the westerly shore



line of Complainants' real property, extending in the direction toward said Tensaw River so as to raise the bed of said Tensaw River along the westerly shore line of Complainants' real property above the surface of the water and above the surface level of Complainants' said land on the east, thus, interposing an area of artificial or manmade land between the westerly shore line of said real property of your Complainants and the navigable waters of the Tensaw River, thereby invading, interfering with, obstructing and cutting off the Complainants' said real property from access to the navigable waters of the Tensaw River. The area of the bed of said Tensaw river which has been filled in is more particularly described as follows, to-wit:

Begin at the east end of the concrete slab of Tensaw and Spanish River Bridge on Mobile Bay Bridge Causeway; thence eastwardly along the centerline of U. S. Highway #90 a distance of 2,334.4 ft. more or less; thence at right angle to the centerline of the Highway in a southerly direction a distance of 150 ft. 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 westwardly along the south right-of-way line of U. S. Highway #90, a distance of 600 ft.; thence at right angles to centerline of U. S. Highway #90 in a southerly direction a distance of 300 ft.; thence eastwardly parallel to the centerline of U. S. Highway #90 a distance of 600 ft.; thence in a northerly direction a distance of 300 ft. back to the point of beginning. Thus describing a tract of land lying south of the Mobile Bay Bridge Causeway, Baldwin County, Alabama.

5. That Complainants are entitled to free access to and from the navigable waters of said Tensaw River along the entire of the westerly shore line of their said real property; and Complainants aver that the Respondent, by its said wrongful act of filling in the bed of the stream along Complainants' westerly boundary and interposing an area of dry land between Complainants' real property and the navigable waters of said Tensaw River, have cut off and deprived your Complainants of their shore or littoral or riparian rights and have obstructed the natural flow of the surface water from the property of the Complainants and have caused the same to back up on and stand upon the property of the Complainants.