

UNITED STATES OF AMERICA,

-vs-

STEAMSHIP "BIDWELL"
(Owned by Sun Oil Co.)

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ADMIRALTY NO.

1828

* * *

LIBEL

* * *

62-7441
DEC 7
MARINE DIV.

NEW

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Brian S. Odem, United States Attorney in and for the Southern District of Texas, prosecuting for and on behalf of the United States of America in a suit for penalty under the navigation laws of the United States, and files this libel in rem against the steamship BIDWELL, owned by the Sun Oil Company, and alleges:

1.

That libellant is a corporation sovereign and body politic; that the steamship BIDWELL, owned by Sun Oil Company, is a vessel which at the time and place hereinafter set forth carried oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder; and that said vessel is now, or during the currency of process herein will be, in the Southern District of Texas, and within the jurisdiction of this Honorable Court.

2.

That on or about the 2nd day of September, A. D. 1944, in Galveston County, State of Texas, and within the jurisdiction of this Court, said steamship BIDWELL was tied up at Pan American

Dock No. 2, at Texas City, Galveston County, Texas; and that while so tied up at the aforesaid dock, or in the vicinity thereof, the steamship BIDWELL did unlawfully discharge into and upon the navigable waters of Galveston Bay a quantity of oil, commonly termed petroleum the exact kind and character of which being unknown to libellant, but peculiarly within the knowledge of the person in command or in charge of said vessel; and the person in command or in charge of said vessel did unlawfully suffer and permit the discharge by said steamship BIDWELL of a quantity of oil commonly termed petroleum, the exact kind and character of which being unknown to libellant, but peculiarly within the knowledge of the person in command of said vessel, into and upon the said waters of Galveston Bay, coastal navigable waters of the United States as aforesaid, while tied up to or in the vicinity of the above-described dock; contrary to the form of the statute in such case made and provided.

3.

That on or about the 4th day of October, A. D. 1944, in Galveston County, State of Texas, and within the jurisdiction of this Court, said steamship BIDWELL was tied up at Pier "B" at Texas City, in Galveston County, Texas; that while so tied up at the aforesaid Pier "B", or in its vicinity, the said steamship BIDWELL did unlawfully discharge into and upon the navigable waters of Galveston Bay a quantity of oil, commonly termed petroleum, the exact kind and character of which being unknown to libellant, but peculiarly within the knowledge of the person in command or in charge of said vessel; and the person in command or in charge of said vessel did unlawfully suffer and permit the discharge by said steamship BIDWELL of a quantity of oil commonly termed petroleum, the exact kind and character of which being unknown to libellant, but peculiarly within the knowledge of the person in command of said vessel, into and upon the said waters of Galveston Bay, coastal navigable waters of the United States

as aforesaid, while tied up to or in the vicinity of the above-described pier; contrary to the form of the statute in such case made and provided.

4.

That at the times said steamship BIDWELL discharged, and the person in command or in charge of said vessel permitted and suffered it to discharge, said oil into and upon the navigable waters of Galveston Bay, the said steamship BIDWELL was not involved in any emergency imperiling life or property, and was not in danger of unavoidable accident, collision or stranding; and that neither said vessel, nor the person in command thereof, had any permit by the Secretary of War to discharge said oil upon the waters of said Galveston Bay.

5.

That by so unlawfully discharging said oil into and upon the navigable waters of Galveston Bay, in Galveston County, Texas, and so unlawfully suffering and permitting said oil to be discharged upon said waters, the steamship BIDWELL, owned by Sun Oil Company, became, and is now liable and indebted to the libellant in the sum of Twenty-five Hundred Dollars (\$2500.00) for and as a penalty for each of the above-described violations, and that the said penalties in the total sum of Five Thousand Dollars (\$5,000.00) constitute a lien on said vessel in favor of libellant.

6.

That said penalties have not been paid to libellant, and are now due and owing.

Wherefore, libellant prays that this Honorable Court issue process of attachment, monition and warrant of seizure in due form of law, according to the course of this Honorable Court in causes of admiralty and maritime jurisdiction, against the steamship BIDWELL, owned by the Sun Oil Company, its furniture,

tackle and apparel, and that upon hearing, said steamship BIDWELL be adjudged to be liable and indebted to libellant for the penalties herein sued for, and that said penalties be adjudged to be a lien on said vessel in favor of libellant, and that said vessel be decreed to be sold to satisfy the judgment of this Court, and for such other and further relief as the Court deems just.

BRIAN S. ODEM,
United States Attorney,

By _____
J. K. Smith,
Assistant United States Attorney

STATE OF TEXAS,
COUNTY OF HARRIS.

Before me, the undersigned authority, on this day personally appeared J. K. Smith, who, after being duly sworn, deposes and says: That he is Assistant United States Attorney for the Southern District of Texas, and one of the proctors for libellant; that he has read the foregoing libel, and that the facts alleged therein are true to the best of his knowledge, information and belief, and that the source of his information and grounds for his belief are the statements of witnesses reduced to writing and now in his possession; and that the reason why this verification is made by deponent and not by libellant is that libellant is a sovereign power and body politic.

J. K. Smith,
Assistant United States Attorney.

Subscribed and sworn to before me this _____ day of
November, A. D. 1944.