

# **Bond Case Briefs**

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## **PUBLIC LANDS - MISSISSIPPI**

### **State v. Aldrich**

**Supreme Court of Mississippi - April 4, 2024 - So.3d - 2024 WL 1455595**

Owners of acre of coastal land and others filed complaint challenging Secretary of State's preliminary drawing of map demarcating boundary line between owner's property and State-owned Public Trust Tidelands.

State answered and filed counterclaim that it held fee simple title to disputed property.

The Chancery Court granted State's motion to dismiss plaintiffs' complaint for failure to prosecute, but did not dismiss State's counter-claim, granted motions by city, county, and public school district to intervene.

After both owners passed, owner's son filed amended answer to State's counterclaim. Following bench trial, the Chancery Court entered judgment for owner's son, and State appealed.

The Supreme Court held that:

- City, county, and public school district were entitled to intervene as of right;
- State did not acquire disputed acre of coastal land from United States in 1817 when Mississippi became state;
- Chancery court's dismissal with prejudice of son's complaint for failure to prosecute did not conclusively establish boundaries in map as final and therefore no longer subject to revision, on son's answer to State's counterclaim that was not dismissed;
- Evidence supported finding that artificial accretions to subject coastal land from accumulation of oyster shells that were replanted on reefs and dredging operations by United States Army Corps of Engineers prior to July 1, 1973 were done pursuant to legislative enactment and for higher purpose, and thus property accretions accrued to owner's son, and not State; and
- Supreme Court would not apply doctrine of equitable estoppel to estop State from asserting that disputed acre of coastal land that lay north of shoreline was included in Public Trust Tidelands.