

JOHN CLARKE)
Plaintiff *
)
VS *
)
HENRY SHIVER *
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW # 3303

MOTION FOR CONSOLIDATION OF CAUSES

Comes now the defendant, by his attorneys, and moves the Court for an order removing the above entitled action from the Law side to the Equity side, and for an order consolidating said above entitled action and the Equity cause pending wherein JOHN D. CLARKE is complainant and F.M. SHIVERS and HENRY SHIVERS are respondents, #4077, for trial as provided by Code 1940, Title 7, Section 259, and for grounds of said motion respectfully shows:

(1) That both of said actions are now pending in this Court, are between the same parties, and might have been joined in one action;

(2) That consolidation of the actions will avoid multiplicity of suits;

(3) That a consolidation will avoid unnecessary costs and expenses;

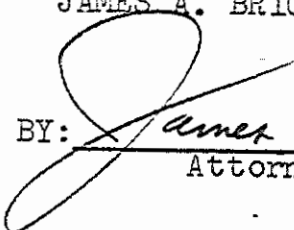

(4) That the issues involved in the actions are closely interrelated and can more properly be decided in one consolidated cause.

The premises considered, the defendant prays that said actions hereinabove described be consolidated.

CHASON & STONE

JAMES A. BRICE

BY:

 
Attorneys for Defendant

JOHN CLARKE,

Plaintiff,

-vs-

HENRY SHIVER,

Defendant.

IN THE JUSTICE COURT OF

M. R. HOWELL, BEAT #14,

Foley, Alabama

ORDER

Before me, M. R. Howell, a Justice of the Peace of Baldwin County, Alabama;

This day came the Plaintiff and the Defendant in the above entitled cause, and after hearing the evidence, I do find that the said Henry Shiver, the Defendant, is now in possession of the property sued for, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); and the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section thirteen (13), Township eight (8) South, Range four (4) East, Baldwin County, Alabama;

That he holds said premises after his right of possession has terminated, and after Plaintiff had demanded the same; and it is therefore,

ORDERED AND ADJUDGED by me that the said Henry Shiver, the Defendant, forthwith deliver to the said John Clarke, the Plaintiff, the full and quiet possession of the following described property, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); and the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section thirteen (13), Township eight (8) South, Range four (4) East, Baldwin County, Alabama.

DONE this the 24 day of July, 1957.

M R Howell

Justice of the Peace, Beat #14

John G. Clarke)
Plaintiff)
VS.)
Henry Shiver)
Defendant)

IN THE JUSTICE COURT OF
M.R. HOWELL AT FOLEY,
BALDWIN COUNTY, ALABAMA

Comes now the defendant, Henry Shiver, by his attorney, and prosecutes this his appeal from the judgement of this Court rendered in above cause on the 24th day of July, 1957, to the Circuit Court of Baldwin County;

Done this 25th day of July, 1957.

James A. Babin
Attorney for Defendant

DEMAND FOR JURY TRIAL

The defendant, Henry Shiver, demands trial by jury.

James A. Babin
Attorney for Defendant

John G. Clarke
Plaintiff

VS

Henry Shiver
Defendant

IN THE JUSTICE COURT OF
M.R. HOWELL AT FOLEY,
BALDWIN COUNTY, ALABAMA

To: Tolbert Brantley, attorney for Plaintiff in above cause:

You are hereby notified that Henry Shiver, the defendant in the above cause, has prayed an appeal from the judgment rendered therein by me, and the said Henry Shiver having complied with the requirements of the law in such cause, the same has been granted, to the next term of the Circuit Court of Baldwin County, Alabama.

Given under my hand this 25th day of July, 1957.

M R Howell
Justice of the Peace

Balbrin

County, Ala.

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COST
	John B Clarke Plaintiff V.S. Henry Shivers Defendant	Suing for possession of real estate owned by plaintiff	Justice's Fees Issuing Summons.....\$ 50 Issuing Alias Summons..... 50 Issuing Subpoena... for each witness.. 15 Issuing Execution and Taxing Cost.. 50 Issuing Summons to Garnishee and taking answer..... 50 Issuing Attachment Writ..... 50 Attachment Bond and Affidavit..... 1 50 Garnishment Bond and Affidavit..... 50 Appeal or Certiorari, including Bond 1 00 Bond..... 50 Administering Oath and certifying same... 50 Certificate not otherwise provided for 25 Docketing Cause..... 10 Judgment on Forthcoming Stay or Replevin Bond..... 50 Judgment on Summary Proceeding..... 75 Issuing Venire Facias..... 50 Transcript of Proceeding..... 50 Attending Trial or Right of Property.... 1 00 Sci. Fa. or notice in nature thereof... 50 Making Return of Certiorari..... 50 Notice to Defendant..... 15 Release..... 25 CONSTABLE'S FEES Serving Summons..... 1 00 Serving Summons on each Witness... 25 Serving Garnishment..... 25 Levying Execution under \$50.00..... 1 00 Levying Attachment under \$50.00..... 1 00 Making Money, 3 per cent. not less than.. 75 Serving Notice, etc. on each party therein.. 25 Serving Sci. Fa. or other like Notices..... 50 Taking Bail or other Bond..... 50 Keeping Property Levied on..... WITNESS' FEES Witness Days..... 50 Garnishee's Fee.....
		DISPOSITION OF CASE	
	Bond and Affidavit Filed		
	Summons and Complaint Issued Ret.	July 24th 1957	
	Ret. Executed By Sheriff		
	Hearing was had in this case on July 24th, and judgment rendered in favor of Plaintiff and against said defendant. The said defendant appeal the case to the Circuit Court full term. bond set at \$500.00		
	M. R. Howell, Jr.		

SUPERSEDEAS BOND

STATE OF ALABAMA,) Before M.R. Howell, a Justice of the
BALDWIN COUNTY) Peace for Baldwin County.

Know All Men by These Presents, That we, Henry Shiver as principal and the undersigned as surety are held and firmly bound unto Taylor Wilkins, Sheriff of Baldwin County in the sum of Five Hundred dollars, for the payment of which, well and truly to be made, we bind ourselves, and each of us, our heirs, executors and administrators, jointly, severally and firmly by these presents, and as part of this undertaking we hereby waive all our rights under the Constitution and Laws of the State of Alabama, to have any of our property, real or personal, exempt from levy and sale in satisfaction hereof.

Sealed with our seals and dated this 25 day of July, 1957.

Whereas, at the July 24 term, 1957, of the Justice Court of M.R. Howell, of and for said County, on, to wit: the 24 day of July, 1957, John G. Clarke recovered a judgment in said Court against Henry Shiver for the possession of NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T8S, R4E, and the further sum of _____ dollars, the cost in that behalf expended; and whereas on this day the said Henry Shiver, as such defendant, has made application for an appeal from said judgment to the next term of the Circuit Court of Baldwin County to be holden of and for said State, to reverse said judgment, and also for a supersedeas of the execution of said judgment, which has been granted on entering into this bond,

Now, therefore, the condition of the foregoing obligation is such, that if the said Henry Shiver shall prosecute his said appeal to effect, and satisfy such judgment as the Circuit Court may render in this case and pay the plaintiff all damages he may sustain by prosecution of this appeal, then the said obligation to be null and void, otherwise to remain in full force and effect.

Henry Shiver (L.S.)

Mrs J E Gay (L.S.)

Approved:

M R Howell,
Justice of the Peace.