

SUMMONS AND COMPLAINT

The State of Alabama, }

Baldwin County.

No.

CIRCUIT COURT.

Fall Term, 1917.

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Ed Green

to appear at the next term of the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of

John F Fuggazzi and Charles S Fuggazzi as partners doing business under the firm name and style of M Fuggazzi and Company.

Witness my hand, this 28th day of May 1917

J. W. Robinson Clerk

John F Fuggazzi and Charles S Fuggazzi, as partners doing business under the firm name and style of M Fuggazzi & Company Plaintiffs

vs.

Ed Green

Defendants

The plaintiff claim of the Defendant

twenty five hundred (\$2500) Dollars, and

damages for the conversion by him, on to wit, the 25th day of May, 1917 of the following chattels, viz one thousand bushels of Irish potatoes, the property of the plaintiff

J. H. Stone

J. W. Ann Beck

Plaintiffs Attorney

*1st Original*

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

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT.**

*M. Puggozzi and Co.,*

vs. Plaintiffs.

*Ed Green*

Defendants.

**SUMMONS AND COMPLAINT.**

Filed *May 26th* 191*7*

*J. W. McCombs* Clerk.

Defendant lives at

Plaintiff's Attorney.

Defendant's Attorney.

THE BALDWIN TIMES PRINT

Received in office

*5/28* 191*7*  
*W. E. Eubank* Sheriff

I have executed this Writ

this *5/28* 191*7*  
by leaving a copy of the within sum-  
mons and complaint with

*Ed Green*

*W. E. Eubank* Sheriff

Deputy Sheriff

\*\*\*\*\*  
John F. Fugazzi and Charles S. \*  
Fugazzi, as partners doing \*  
business under the firm name of \*  
M. Fugazzi & Company, Plaintiff, \*

IN CIRCUIT COURT OF

-VS-

BALDWIN COUNTY.

Ed Green, Defendant. \*  
\*\*\*\*\*

Interrogatories propounded by defendant to  
John F. Fugazzi, one of the plaintiffs in the above cause,  
as provided for by Section 4049 of the Code of 1907:

FIRST: Are you one of the plaintiffs in  
the above said cause? If so please state whether plaintiffs  
reside in Cincinnati, Ohio, and what business they are engaged  
in. Do you know the defendant Ed Green in person, and if so,  
how long have you known him?

SECOND: Please state where the plaintiffs  
title to the 1000 bushels of irish potatoes, which is alleged  
in the complaint was converted by the defendant, was derived  
from. Please state by whom the said 1000 bushels of potatoes  
were raised. Please state if plaintiffs right and title to the  
said 1000 bushels of potatoes was not derived by and through  
certain mortgages which were transferred by the Baldwin County  
Bank to the plaintiffs on or about the 25th day of May, 1917.  
If you answer in the affirmative, please state who were the  
mortgagors in the said instrument, when said mortgages were  
executed, and what was the debt secured by said mortgages, and  
what personal property was covered by said mortgages, and when  
said mortgage debt was due and payable. If you say that  
plaintiffs claim was based upon such mortgages, and you have  
said mortgages in your possession, please attach a copy of  
said mortgages to your answers and mark them as exhibit "A".  
If you say that your claim to the said potatoes was derived

from a mortgage or mortgages transferred to the plaintiffs by the Baldwin County Bank, please state if the debts secured by said mortgage or mortgages have not been paid, and if so, when such payment was made? If you say that your right to the said potatoes was not derived through such mortgages as above inquired about, please state in detail how your rights to the immediate possession of said potatoes was derived and secured by you or by the plaintiff.

Gordon & Edington  
ATTORNEYS FOR DEFENDANT.

STATE OF ALABAMA,  
MOBILE COUNTY.

Personally appeared before me, Edward Kramer,  
a Notary Public in and for said State and County, Robert E. Gordon,  
who being by me first duly sworn deposes and says as follows:  
That he is a member of the firm of Gordon & Edington, who are  
the attorneys of record for the defendant in the above cause,  
and that if the plaintiff John F. Fugazzi does truly answer  
the foregoing interrogatories, said answers will be material  
testimony for the defendant in the trial of the said cause.

Robt E Gordon

25th day of June, 1917.

Subscribed and sworn to before me this the

Edward Kramer  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

Original

Finguzzi rev

vs

Ed Green

sent copy  
via John F. Finguzzi

Filed 6/26-1917

T. H. McInerney  
Clerk

Entered 6/26-17  
by serving copy of  
petition on J. P. C. Stone  
atty for Dept.

W. E. Eubank  
Attorney

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon Henry Lee

if to be found in your county, at the instance of the Deft  
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on  
the 21 day of May 1918, then and there to testify,  
and the truth to say, in a certain case pending, wherein

M. F. Ingalls Plaintiff,  
Ed. Green vs. Wm. Ruple, Wm. Roberts & Co. & Stewart Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this 16 day of May A. D., 1918.

ATTEST:

\_\_\_\_\_  
Clerk.

*Copy*

No. ....

THE STATE OF ALABAMA  
Baldwin County.

Vs.     {     SUBPOENA FOR

Circuit Court

WITNESSES:

*Henry Lee*

SET FOR TRIAL

*21* day of *May* 191*8*

Times Print—Bay Minette.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon *J B Stuart, Eli Barker,*  
*L D M<sup>r</sup> Clear, L G Richardson, H A Stewart,*  
*Henry Lee, W M Stuart, R M Price, M H Vickner*  
if to be found in your county, at the instance of the *Deft's*  
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on  
the *21* day of *May* 191*8*, then and there to testify,  
and the truth to say, in a certain case pending, wherein

*M Fingert* Plaintiff,  
*Ed Green, W M Ruple, W J Robert* Defendant,  
and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this *6* day of *May* A. D., 191*8*.

ATTEST:

*J M Vickner* Clerk.

Original  
E

No. ....

THE STATE OF ALABAMA  
Baldwin County.

*M. Fingers*

Vs.

SUBPOENA FOR

*Ed Green, Wm Ruple,*

*W. J. Roberts, Stuart & Co.*

Circuit Court

WITNESSES:

*J. B. Stuart &  
Eli Gagnor, &  
L D Mc Clair,  
L F Richardson &  
H A Stuart &  
W. M. Stuart &  
R M. Price &  
W. H. Hickman &*

SET FOR TRIAL

*21* day of *May* 191*8*

Times Print—Bay Minette.

*Executed May 18 1918  
Henry Lee & returned not found  
C E Eckhardt Sheriff  
J. B. Eckhardt  
175*

\*\*\*\*\*

John F. Fugazzi and Charles S. \*  
Fugazzi, as partners doing \*  
business under the firm name of \*  
M. Fugazzi & Company, \*  
Plaintiff, \*

IN CIRCUIT COURT OF

-VS-

BALDWIN COUNTY.

Ed Green. Defendant. \*  
\*\*\*\*\*

Now comes the defendant in the above entitled  
cause, and for answer to the complaint filed therein, pleads as  
follows:

Not guilty.

Gordon & Edington  
ATTORNEYS FOR DEFENDANT.

Defendant demands a trial by jury of the above  
said cause.

Gordon & Edington  
ATTORNEYS FOR DEFENDANT.

Fingaggi vco

nr

Ed Green

Filed 6/26 - 1917

J. W. Richmond  
Clerk.

Received  
of \$100.00  
from  
Ed Green

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

JOHN F. FUGAZZI, and CHARLES  
S. FUGAZZI, as partners doing  
business under the firm name  
and style of M. Fugazzi & Co.,

Plaintiffs,

vs.

AT LAW NO. \_\_\_\_\_.

ED GREEN,

Defendant.

INTERROGATORIES PROPOUNDED BY THE PLAINTIFFS  
TO ED GREEN, DEFENDANT IN THE ABOVE CAUSE, AS PROVIDED  
FOR BY SECTION 4049 IN THE CODE OF 1907.

FIRST: Are you the defendant in the foregoing cause?  
What business are you engaged in? Do you know L. F. Richardson, L. D. McLain and R. E. McKinney?

SECOND: Did you during the year 1917, especially in the months of May and June of said year, purchase either from L. F. Richardson, L. D. McLain or R. E. McKinney any irish potatoes? If so, how many did you purchase from L. F. Richardson? How many did you purchase from L. D. McLain? How many did you purchase from R. E. McKinney? Give the dates of the respective purchases mentioned above. How much per bushel did you pay for potatoes purchased from ~~either~~ <sup>each</sup> of the foregoing parties? Did you pay the parties for the potatoes by check or with cash? If you paid L. F. Richardson for the irish potatoes purchased from him by check, please attach to your answer to this interrogatory a copy of said check. If you purchased them with cash, please state the amount you paid him for the same. Please attach an itemized list of the amounts

paid to L. F. Richardson for irish potatoes, together with the number of irish potatoes purchased from the said L. F. Richardson. Did you pay the said L. D. McLain for the irish potatoes by check or with cash? If you answer you paid him by check, please attach a copy of said check to your answer to this interrogatory; if with cash, attach to your answer to this interrogatory an itemized invoice of the purchases of the said potatoes. State whether or not you paid the said R. E. McKinney for the potatoes purchased from him by check or with cash. If you purchased same by check, attach to your answer to this interrogatory a copy of said check - if by cash, please attach a copy of the invoice of said purchases, showing the amount paid the said R. E. McKinney, together with the irish potatoes purchased from him.

THIRD: At what places did you purchase said irish potatoes from each of the foregoing parties on the dates mentioned above? Who was present at the time of each of the purchases? Where were these irish potatoes grown? To whom did you sell the irish potatoes purchased from L. F. Richardson? How much did you receive for them? To whom did you sell the irish potatoes purchased from L. D. McLain? How much did you receive for them? To whom did you sell the irish potatoes purchased from R. E. McKinney?

*Frank Stone & Son*  
*Amherst Johnston & McCullon*  
 ATTORNEYS FOR THE PLAINTIFFS.

STATE OF ALABAMA,    |  
 MOBILE COUNTY,       |

Personally appeared before me, Virgie M. Finklea, a Notary Public in and for said State and County, S. M. Johnston, who being by me first duly sworn deposes and says as follows:

3.

That he is a member of the firm of Ambrecht, Johnston & McMillan, who are the attorneys of record for the plaintiffs in the above cause, and that if the defendant Ed Green does truly answer the foregoing interrogatories, said answers will be material testimony for the plaintiffs in the trial of the said cause.

J. M. Johnston

Subscribed and sworn to before me this the 2nd day of October, 1918.

Virgie M. Finklea  
Notary Public, Mobile County,  
Alabama.

We hereby accept service of the foregoing interrogatories, and acknowledge that we have received copies of same this day of October, 1918.

Griffin & Thompson  
Attorneys for the Defendant.

John F. Fugazzi, and Charles  
S. Fugazzi, as partners doing  
business under the firm name  
and style of H. Fugazzi & Co.  
Plaintiffs,

Vs.

Ed Green, Defendant.

In Circuit Court of Baldwin  
County, Alabama.

At Law.

ANSWER of defendant, Ed Green, to interrogatories propounded  
by Plaintiffs in the above entitled cause, under Section 4049  
of the Code of Alabama of 1907.

ANSWERING THE FIRST INTERROGATORY THE DEFENDANT SAYS:

I am the defendant in the foregoing cause. I am engaged in a  
General Mercantile business. I know L.F. Richardson, L.D. McLain  
and R.B. McKinney.

ANSWERING THE SECOND INTERROGATORY THE DEFENDANT SAYS:

During the year 1917, on the 26th, day of May of that year, I  
purchased from L.F. Richardson potatoes for which I paid him  
\$238.00. On the same day I purchased from L.D. McLain potatoes  
for which I paid him \$113.40. On the same day I also purchased  
from R.B. McKinney Irish potatoes for which I paid him \$390.60.  
I cannot name the number of bushels nor pounds I purchased from  
said parties. I made all of the above named purchases on May  
26th, 1917. I paid the parties for the potatoes with cash, I paid  
all of said parties with cash. I have no itemized invoice of  
the purchases of said potatoes.

ANSWERING THE THIRD INTERROGATORY THE DEFENDANT SAYS:

I purchased said Irish potatoes from each of the foregoing named  
parties on the dates above mentioned in the Town of Skyline,  
Alabama, in front of my store. No one was present at the time  
the purchases were made except the parties from whom I bought,  
that I remember of. I do not know where these Irish potatoes  
were grown. I do not remember to whom I sold the Irish potatoes  
purchased from L.F. Richardson, but I received for them \$238.00.  
I do not remember to whom I sold the potatoes purchased from  
L.D. McLain, for the potatoes I purchased from L.D. McLain I  
received \$113.40. I do not remember to whom I sold the Irish  
potatoes purchased from R.B. McKinney, I received for the potatoes  
purchased from McKinney \$390.60.

The State of Alabama,  
Baldwin County.

Ed Green

Personally appeared before me, Cornelia Hall,  
a Notary Public for said County in said State, Ed Green, who being  
by me first duly sworn, on oath deposes and says, that he is the  
defendant in the above entitled cause, and that the foregoing  
answers to the interrogatories propounded by Plaintiffs, are true  
of his own knowledge.

Ed Green

Sworn to and subscribed  
before me this 13th, day of Nov. 1918.

Cornelia Hall  
Notary Public

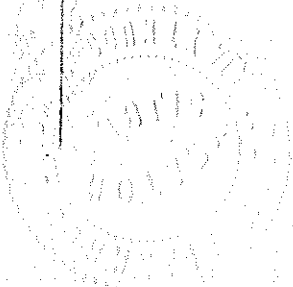
John F. Fugazzi & Chas. S.  
Fugazzi

Vs.

Ed Green.

In Circuit Court,  
Baldwin Co. Ala.

Filed 11/3-1918  
J. W. Beilman  
Clerk



JOHN F.FUGAZZI AND CHARLES  
S.FUGAZZI, as partners doing  
business under the firm name  
of M.FUGAZZI & COMPANY,

PLAINTIFFS

VS.

ED GREEN,

DEFENDANT.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA

ANSWER OF PLAINTIFF, JOHN F.FUGAZZI, TO INTERROGATORIES  
PROPOUNDED BY DEFENDANTS IN THE ABOVE ENTITLED CAUSE, UNDER SECTION  
4049 OF THE CODE OF ALABAMA OF 1907:

ANSWERING THE FIRST INTERROGATORY THE PLAINTIFF SAYS:

I was engaged in the fruit and produce business at Cincinnati, and resided at Cincinnati, during January 1917. I do not know the defendants personally. I did not see the defendants at all during the month of January, 1917. I am one of the plaintiffs in this cause.

ANSWERING THE SECOND INTERROGATORY THE PLAINTIFF SAYS:

That the title of M.Fugazzi & Company to the one thousand bushels of Irish potatoes, which it is alleged in the complaint were converted by defendant, was derived from L.F.Richardson, L.D.McLain and R.E.McKinney. Plaintiffs' right and title to said one thousand bushels of potatoes was derived by and through certain mortgages executed by the parties above named to the Baldwin County Bank, and also by certain crop lien notes executed by the said Richardson, McLain and McKinney to L.F.Rhodes, agent, and transferred to plaintiff. Plaintiff has not, in his possession at this time, copies of the mortgages to the Baldwin County Bank, but they are of record in the office of the Judge of Probate of Baldwin County, Alabama. The debt secured by the mortgages to the Baldwin County Bank were taken up by a junior mortgagee, to-wit, the Peoples Fertilizer Company, but this was not done until after the potatoes were converted. The crop lien notes of Richardson, McLain and McKinney were afterward paid by Richardson, McLain and McKinney to plaintiffs, but not until

after the potatoes were converted. Furthermore the crop lien notes and mortgage and agreement therein contained, gave the plaintiffs the right to the possession of the potatoes grown on the lands of Richardson, McLain and McKimney, even after the notes were paid.

6

John F. Fugazzi

STATE OF OHIO

COUNTY OF

Hamilton

Personally appeared before me,

Milton Hurty

a Notary Public in and for said County in said State, John F. Fugazzi, who being by me first duly sworn, on oath deposes and says that he is one of the plaintiffs in the above entitled cause, and that the foregoing answers to the interrogatories propounded by defendants are true of his own knowledge, except as to those matters therein stated to be on information and belief, and as to those he is informed and believes them to be true.

John F. Fugazzi

Subscribed and sworn to before me

this the 12<sup>th</sup> day of October,

A.D., 19.7.

Milton Hurty

Notary Public, Hamilton County,  
Ohio.