

No. 5886 Equity

Endorsed Summons

Filed December 16th 1891 Wm. H. Cromwell Sheriff

Answer

Answer of Leonard R. Waesche and Mollie M. Waesche

James J. Waesche

No. 5886 Equity

In the Circuit Court for Frederick County sitting as a Court of Equity

Leonard R. Waesche and Mollie M. Waesche his wife

To the Honorable, the Judges of said Court

Your respondents answering the Bill of Complaint in said Cause answer as follows

1 That they admit as true the facts set forth in the paragraphs 1 and 2 in said Bill.

2 That they admit as true the statement set forth in the third paragraph of said Bill as to the property therein referred to being treated as partnership property, but they deny that the Co-partnership therein referred was formed at the time of said deeds, as in fact the Co-partnership was formed about a year before that.

3 That they deny the facts set forth in the fourth paragraph, as they assert that the Albert Foreman therein mentioned did in fact have an interest in said partnership and did in fact make payment of certain sums as his portion to-ward the purchase of the partnership property.

4 That they deny the statement set forth in the fifth paragraph as to Leonard R. Waesche becoming the owner of the property therein mentioned and as to the agreement that he should stand seized and possessed of the partnership property and stand in the place of the said partnership, as in fact the partnership was never actually dissolved, said James J. Waesche and Albert Foreman merely retiring from active management and the said James J. Waesche having since the date of the alleged dissolution exercised acts of control and ownership individually and in connection with your respondent Leonard R. Waesche, over the said partnership property. And they deny that they were ever indebted to said Complainant in the sum of fifty eight hundred Dollars, as in fact said Complainant has for years and is now in debt to your respondent Leonard R. Waesche.

5 That they admit that no deed passed to your respondent but deny that it was because it was deemed unnecessary and they deny that the said Complainant claimed no interest in the property of the firm after his retirement from active participation in its management, as set forth in the 6th paragraph.

6th That as regards the alleged facts set forth in the 7th paragraph, your respondents say they admit that

General Replication

Defendant proceed as Fortin