

No. 5886 Equity.

7 Q. What were the terms of the dissolution?

A. He proposed to give me \$5000 for my interest in the Copartnership, which included real estate and everything and I was to take a mortgage for \$5000, and the \$8000 he was to pay me that summer along. He was to collect all bills due the firm and pay all the indebtedness of the firm.

8 Q. Were those terms accepted by you?

A. Yes Sir, and the mortgage Exhibit No 4 to the Bill was executed and delivered by him to me to carry out that agreement.

9 Q. Has that mortgage been paid?

A. No Sir, it is still due and unpaid with interest.

10 Q. Look at paper now shown you marked L. R. W. and say in whose hand writing it is (Excepted to admissibility of L. R. W.)

A. I look at it. It is in the hand writing of L. R. Waeche, one of the defendants in this cause and the same man who executed the mortgage above mentioned.

11 Q. When was Exhibit L. R. W. written by him?

A. About the year 1878.

12 Q. State the circumstances under which said paper was written?

A. He had unbeknown to me after he had given me my mortgage given a mortgage to Chas. E. Cassell in the firm name which mortgage June 16, 1873, which mortgage Mr. Cassell tried to foreclose and this paper was given to me after he started his foreclosure proceedings.

13 Q. What were you to do with the paper?

A. I was to fetch it in and show it to E. J. Nelson to satisfy myself whether my mortgage would stand in preference to Mr. Cassell's. I was to consult Mr. Nelson as Counsel and that paper was to be a statement of the condition of affairs between me and him and was prepared by L. R. Waeche himself.

14 Q. Did Mr. Nelson give you an opinion on the matter? If you were his opinion in writing and did your brother see it and when and produce the same (Excepted to)

A. He did. It was in writing. It was shown to my brother when I got it on Dec. 30, 1875. I now produce it marked Exhibit 5.

15 Q. Was there any notice published of the dissolution of this firm of L. R. Waeche Bro & Co.? If yes, who had it published, in what paper and when?

A. There was L. R. Waeche had it published in the "Cotton Clarion" (see proof of publication Excepted to) It was published in 1873.

16 Q. How long after the dissolution?

A. I supposed the next week. It was prior to April any how or about the first of April.

17 Q. Have you a copy of the "Clarion" containing said notice?

A. I had but I gave it to Mr. Nelson to use against Mr. Cassell's mortgage. I know of no other in existence now, as there is none at the "Clarion Office". There might be one in the possession of Ed. Rouse.

18 Q. What did said notice of dissolution contain? (Excepted to)

A. He gave me notice that he had bought me out, and he would pay all indebtedness of the firm, and collect all money due the firm.

Cross Exam.