

No. 5886. Equity.

Ans, well it was all pay out money with one and no income, and I just tried to get out of it.

16x Int. After the dissolution and the Mortgage made to you, you had no further interest in the property.

Ans I did not consider I had until he had me come in here to see Mr. Nelson and take advice on it and after that I considered I had an interest in the property. Of course I expected my money from the Mortgage. The reason that I answered this question in that way was that I considered that Mr. Cassell's Mortgage came in ahead of mine as it was signed by the firm's name, until Mr. Nelson told me to the contrary.

17x Int. After conferring with Mr. Nelson did you exercise any acts of ownership over the property?

Ans No sir, no further than any interest in the Mortgage.

18x Int. did the Mortgage cover the Machinery & tools?

Ans Yes Sir.

19x Int. when you retired from the firm and the settlement of the firm by way of the Mortgage as testified to by you was the firm solvent or insolvent? (Excepted)

Ans - He claimed that there was plenty there to pay off all indebtedness and some left.

20x Int. Did you examine the books to see for yourself?

Ans No Sir.

21x Int. were there not creditors of the firm at that time pushing the firm for their claims? (Excepted)

Ans. Not that I know of.

22x Int. Had Mr. Cassell instituted proceedings at that time to foreclose this mortgage?

Ans No Sir.

23x Int. was anything between you and your brother at the time of this alleged settlement about the Mortgage from him being given to protect the property from claims that might be brought up by Mr. Cassell, the understanding being that you were merely to retire from the active management of the Concern? (Excepted)

Ans Never a word uttered.

24x Int. At the time of the settlement did you ask your brother to let you see the books.

Ans No sir I did not.

25x Int. Did he give the figures of the firm's assets and indebtedness at that time or did he merely state that the assets of the firm were more than enough to pay the firm's liabilities? (Excepted)

Ans Nothing at all said about whether the assets were enough to meet the firm's liabilities.

26x Int. who sold the Engine and a Saw Mill? (Excepted)

Ans In the first place he came to me and wanted to have the Engine and boiler off for a portable engine and said that if I expected him to pay me my mortgage I would have to let him shift the engine and saw mill around so that he could raise the money to do it. And I gave him the privilege of doing it. Then the portable Engine and boiler he disposed of the boiler as he had some notes on which