

No. 5816 Equity

active management of the business leaving you to conduct the business and if so state the circumstances (Except to as leading and generally)

Ques. He did in the spring of 1873 owing to the failure of Albert Foreman paying for the house which he promised to pay for. It left the firm of Waesche Bros & Co in straitened circumstances they having a lot of notes going to market and suit being threatened on some and entered on others, we found that it became necessary to collect the money that was out on the book of Waesche Bros & Co and also to take out a Mechanics Lien on Foreman, Jas. Waesche agreed to draw out from the active management of the firm and leave me to collect the money due on the books and pay it over on account owing by the firm. He demanded security of me and I gave him a mortgage on the real Estate, Machinery & C as mentioned in the testimony, as collateral security that I would collect the money and apply it properly.

Q. Did Jas. Waesche at the time of the execution of that mortgage claim or did you in fact owe him the sum of \$5000 or any amount? (Except to)

Ans. He did not and I did not owe him said amount or any other amount.

Q. Did you at that time in fact pay him \$500? (Except to)

Ans. I did not - not a cent, not for that purpose.

Q. State whether or not in the spring of 1874 you & Jas. Waesche borrowed from the 1st Nat. Bank of Washington \$2500, with Thomas Waesche & C. Cressell as sureties? How much of said indebtedness has been paid by the proceeds of the firm's property? (Except to)

Ans. We did \$1775 of it was paid by the sale of Machinery, and between \$200. & \$300 of rent was applied on the note.

Q. State how the notice of dissolution in the "Clarion" came to be published? (Except to)

Ans. To get Albert Foreman out of the firm and preventing him from collecting any of the assets.

Q. Since publication of said notice has J. S. Waesche rented any of the property described and sold any of the Machinery? How were the notes for the same taken? (Except to)

Ans. He has. The notes have been taken in the names L. R. H. J. S. Waesche.

Q. Since said notice have you & J. S. Waesche conducted business there under the old partnership? (Except to)

Ans. We have as is shown by Exhibits L. R. H. Nos 1, 2, & 3 herewith filed, we have also consulted together about the renting of the property.

Q. Did J. S. Waesche ever make demand on you for part of mortgage or interest? if so when? (Except to)

Ans. He never did.

Q. Did he since said mortgage was executed offer to sell his interest in the property to you? if so when & for