

No. 5958. County

whether it is able to pay its debts, and whether or not it has any property except paid real estate?

Ans. It is insolvent and has no means to pay its indebtedness, and it has no property except the real estate and some funds amounting to fifty five dollars placed in the hands of the trustees.

16th Q^{ty}. What did the said directors believe and how did they act with reference to the legal title to said land being in said body corporate. (Excepted to)

Ans. we bought as directed and believed it belonged to the Mountain View Cemetery and never thought of anything else.

17th Q^{ty}. What was the intention of the parties to said deed from Rev. A. R. Krummer & wife as to the title to said land, and what was your intention as the draughtsman thereof?

Ans. (Excepted to) when I wrote that deed the intention was to convey it to the Mountain View Cemetery Co. as a body corporate and it was the intention of Mr. Krummer to convey it to the Cemetery Company.

18th Q^{ty}. State whether or not efforts have been made to have the legal title conveyed to said body corporate by said directors as trustees and what success has attended such efforts?

Ans. There were efforts made but not in that sense as I understand it. I understand it the efforts were to have these directors convey it to other parties for the purpose of a Cemetery and some of them refused to sign.

19th Q^{ty}. State whether or not said land has depreciated in value and can be sold for a price that will pay off the indebtedness of said body corporate or for as ^{much of} its original cost?

Ans. It has depreciated in value very much I do not think it can be sold for enough to pay off said indebtedness or for as its original cost.

20th Q^{ty}. State where the defendants Wm. S. Guthrie and Taylor Mott reside?

Ans. Guthrie resides in St. Joseph Missouri and Taylor Mott in Washington, D. C.

Cross-Examination of Henry Stokes.

1st Q^{ty}. Did the Mountain View Cemetery & Cemetery as a body corporate authorize you as its president to execute the promissory note Exhibit A, to Eugene S. Rowe?

Ans. No sir.

2nd Q^{ty}. Did you or not on any occasion state to W. S. Lough that you never thought said note was worth anything or was as to that effect?

Ans. I believe I did express my doubts as to the validity of the note in case of a default. I think I had a conversation of that kind with Mr. Lough, but when I gave the note I gave it in good faith expecting it to be paid.

3rd Q^{ty}. Did or did not E. S. Rowe as attorney for J. S. Johnson endeavor to collect his proportion of the New's Mott's note from the Cemetery Company?

Ans. Yes, he called on me for the money and as we