October Term 1885.

December twenty-eight, 1882; please state when the debt due you from Merchant was contracted; and, if you know, whether all creditors became so after said date?

Ans. These particular bills which he owed us when he failed, are all subsequent to the date above, but he has been in our debt previous to that and he never had us up, he was always in our debt for the last three or four years; as he paid us from time to time, we applied it to the back bills; I am not advised fully about the other creditors.

9 question. Did the information as to Mr. Merchant's property, which you mention above, induce you to give him credit for the bills now due you?

Ans. Yes.

Cross-Examined by Mr. Busey:

1 X question. I understand you to say that all debts due by Mr. Marchant to you at the time of the execution of the deed marked "Complainant's Exhibit C. T. No. 1," have been paid by him; am I correct?

X ans. As I said before, he was in our debt all the time; what we call an open account; we would make charges, and credit what cash he paid on the oldest bills, keeping the account open all the time; since my examination in chief I have examined all the claims filed by the creditors and passed by the Auditor in the trust estate of John B. Marchant in the Circuit Court, and find that all were contracted and accrued since the making of the Aberg deed, that is in the latter part of the year 1883, and the early part of 1884, except a few items in the account of John T. Mitchell and Brothers, aggregating fifty to fifty-five dollars, which are evidently a mistake in the year, it being doubtless 1883; a clerical error it might be.