

used to do my legal work, I was in there one morning to see him and he says, 'On the way down I was to order some coal and I did not do it,' and he gave me the money, I think it was \$12, I do not know just what it was, he gave me the money and asked me to order it for him. Instead of going up to order it I telephoned it, I said, send it to that address and charge it to me, and I had the money. Mr. Kent had no telephone; he asked me to do it; he was going to drop in and he did not do it.

With reference to the account of Mr. L. S. Levee, the Coal Company's books showed that Mr. L. S. Levee ordered coal from the company and Mr. Wheeler gave evidence as follows:

Q.—The Levee account starts in March 27th, 1908 and was a pretty active account until June 9th, 1909?

A.—Yes. (In the old ledger).

Q.—At which time it amounted to \$346.55 and on which nothing had been paid?

A.—Yes.

Q.—This was partly business and partly house?

A.—Yes, I think it was all that way, partly business and partly the house, and his sons' too.

Q.—That account is charged to the Slocum Medicine Co. in your new ledger and runs up to \$497.41 through 1908-9-10-11?

A.—Yes.

Q.—In 1910 you got cash \$100 on account of this?

A.—Yes.

Q.—Then you got a dividend of \$176.97 in liquidation?

A.—Yes, that is just recently?

Q.—December 1912; so that the account stands now \$220 on the wrong side unpaid today?

A.—There is more than that, because his sons' comes in.

Q.—He started doing business with you at this house in March 1908 and ran down to January 31st of the current year?

A.—Yes, a very slow account.

Q.—The total charge to Mr. Levee is \$192.45; you got nothing on account of it between 1908 when it opened and January 12th, 1912 when you got \$10.60?

A.—As I say; he wanted me from time to time to accept his notes and I did not want to do that.

Q.—You let that account run on all that time without getting that account?

A.—Yes, we had sent after it to try and get it.