erection of them; sold the two houses in question. 303 and 305 E. Pratt st, to Mrs. Kirby, as I then supposed.

4 quest. Do you know why it was, that the lease, instead of being made to you, was made to Mr. Kirby?

Ans. At the time that I leased that ground, I was actively engaged in house building, it being my business; to save expense, when I leased the lot I had from Mr. Logue, the owner of the fee, an agreement to lease the lot for a certain amount of ground rent, expressed in said agreement, to have separate leases given for said lots whenever they were improved; that accounts for the lease having been made to him instead of to me: I having the leases made to the parties buying the houses to save the expense of an assignment from me to them.

5 quest. You have said, you supposed you sold the houses to Mrs. Kirby; what was the price, and who paid you the purchase money?

Ans. I dont recollect the price, but the money was paid me in instalments by Mrs. Kirby.

6 quest. Did you ever have a conversation about 2 years ago, with Mr. Kirby, the elder, in reference to these houses; if so, state what it was?

(Objected to as leading)

Ans. I did, on several occasions; I had generally been consulted by Mrs. and Mr. Kirby, relative to their general business; had several conversations relative to the disposition of some of their property; I was asked to suggest, what I supposed would be the best disposition of a part of the property among the three children; I mean Mrs. Towns Jas. T. and Edward Kirby; after several interviews, I made the proposition that 305 E. Pratt street be given to Frances A. Towns; a house on Gough st. to James L. Kirby, and 303 E. Pratt st. to Edward Kirby; Mr. and Mrs Kirby accepted my suggestion.

7 Quest. Have you ever had any conversation with Mr. Kirby, the elder, in reference to the property in controversy, and a mortgage of the same; if so, state it and when?

(Objected to as leading)

Ans. I did; Mr. Kirby, the elder, as was his habit, mentioned to me, that Edward had applied to him for some money, and asked me if I knew what he wanted it for: I told him, that he wanted it to carry on a contract he had taken; he said he had not the money, and Edward wants to mortgage the house; it was some 5 or 6 years ago, the second season after the commencement of the City Hall.

8 quest. How long have you known Edward Kirby, the younger, and by what name have you known him during that period?

Ans. I have been married in the family 30 odd years, and know him all that time, always by the name of Edward Kirby.

9 quest. Do you know, whether or not, your brother-in-law has ever gone by the name of J. Edward Kirby; if so, how long since?

(Objected to)

Ans. Only until recently, that I heard him going by that name; cant tell the date.

Cross-Examined.

1 x. Who built 303 and 305 E. Pratt st?

Ans. Jacob Yiesly and I.

2 x. Were you and Yiesly in partnership, or merely jointly engaged in those building?

Ans. Not in partnership, but merely jointly engaged in building those houses.

3 x. Were you in the habit of visiting the house of your wife's step-father?

Ans. Not recently; during Mrs Kirby's lifetime I was.

4 x. When were you there last?