only shown.)

Ans. I suppose it is mine; I recognize it, as supposing it to be mine.

24 X. Are you able to say, that these are receipts for the houses 303 and 305 E. Pratt st; and also state in whose handwriting they respectively are? Receipts shown witness.)

Ans. These receipts I believe are in my handwriting; this statement, or bill of items. I suppose to be in the handwriting of Jacob Yiesly; I believe these are the houses they refer to.

25 X. At the bottom of Exhibit 8, are the words June 2nd, 1853, rec'd payment in full- Jacob Yiesly, per Jas. Smith;" are those words in your handwriting? I believe they are; had you authority from Jacob Yiesly to sign those receipts?

Ans. Undoubtedly, I had.

26 X. Do you know, what became of Mr. Kirby's property, on Bough st, which you say you advised him to give to his son, James K?

Ans. Only from hearsay.

27 X. Was not the property sold by your wife's step-father, and if so, when?

Ans. Do not know when, or that it was sold; only heard so; I think Mr. Kirby told me he intended to sell all his property; did not think he alluded to that piece.

28 X. When did you suggest to Mr. Kirby, the division of the property, stated by you?

Ans. I suppose it was about 1853; I left the city in 1855; stayed away 3½ years; might have been 1854.

29 X. Where did you live in 1858, '59 and '60?

Ans. 1858 and '59, in the country; came back to the city in the Spring of 1860; am not positive about dates.

30 X. Mr. Kirby, the elder, was a man of some means, was he not?

Ans. Well, I think Mr. and Mrs. Kirby owned 4 or 5 houses jointly.

Answer objected to by Mr. Smithcam.)

The commission was then adjourned to March 7th, 1879, at three O'clock in the afternoon, and the same place; at which time and place the commission met, pursuant to adjournment, and I proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say:

James Smith, a witness heretofore produced on behalf of the complainant, and recalled by Mr. Smithcam, and cross examined for respondent, Frances Ann Towns:

31 X. Do you know the baptismal name of the defendant, Kirby in this suit?

Ans. I do not.

32 X. Did you ever inquire his name of baptism?

Ans. I have no recollection of ever having done so.

33 X. Do you know what men having been residing at 303 E. Pratt st. for the last ten years, by the surname of Kirby?

Ans. I know of none but Edward Kirby, himself; he has a son of that name also.

34 X. What is the Christian name of baptism of that son?

Ans. I don't know; I have always called him Alexander, or Alex, for short.

35 X. Who is the John Edward Kirby, Junior, or John E. Kirby, who resides at that house?

Ans. I don't know the John Edward Kirby, Jr, unless it be the son of Edward Kirby; and I don't know the J. Edward Kirby, or John E. Kirby, unless it be the Edward Kirby, defendant in this suit.

36 X. Did you see the marriage of the defendant, Kirby, in this suit, with Catherine McCormick published in the "Baltimore Sun," on the 24th of July 1854?

Ans. I cannot say, whether I did or not.

Re-Examined for Complainant.

10 Quest. In your answer to the seventh question, it is written down, the elder Kirby told you that the younger Kirby, told