him, "Edward wants to mortgage the house;" do you recollect, whether you used those words?

(Objected to.)

Ans. I did not; one word I know I did not use.

11 quest. Do you recollect what you did say, or have you any explanation to make?

Ans. Instead of the words, "the house," I used the words, "his house."

12 quest. What house was meant by "his house?"

(Objected to.)

Ans. I am satisfied he alluded to 303 E. Pratt street.

13 quest. Did Edward own any other house, than that, that you know of?

(Objected to.)

Ans. Not to my knowledge.

14 quest. I see from the receipts shown you yesterday, and which are marked "Respondent's Commission, Exhibit F. A. T. Nos. 4, 5, 6, 7 and 8," it would appear that you were paid the money therein mentioned, in sums of $500. $118, $850 and $300; was the money, in point of fact paid that way?

(Objected to.)

Ans. My impression are, that it was not.

15 quest. If not paid that way, in what sums was it paid, and whether, or not, in point of fact, the money was paid in lesser sums from time to time, and when they would accumulate to several hundred dollars, these receipts were given as memoranda of the amounts paid up to the date of the receipts?

(Objected to as leading)

Ans. To the best of my recollection, the money was paid in smaller sums, and when it would reach some one, two, three or five hundred dollars, as the case might be, I would, draw up a receipt for the whole amount.

16 quest. These receipts seem to have been signed alone by you; you

have said, that the enterprise in building these houses, was that of Yiesly and yourself; why was it you receipted in your own name?

Ans. That was the express understanding between Yiesly and myself.

I. Recross-Examined by Mr. Smithsum.

37 x. How much money did you receive for these houses on the 2d of June, 1853, when you signed "Exhibit 8?"

Ans. Can't say how much I received then; may have received that balance in small sums, and it may have amounted to that at that time.

38 x. You signed two several receipts, each for the sum of $300, and dated June 20th, 1851; Sept. 5th, 1851; are you able to say that you did not receive on those two days the respective sums of $300?

Ans. I am not.

II. Re-Examined for Complainants.

17 quest. You have said the money for those houses was paid by Mrs. Kirby; can you explain how it was you gave receipts in the name of Mr. Kirby?

(Objected to.)

Ans. The dealings were with Mrs. Kirby almost exclusively, except out of courtesy to Mr. Kirby.

18 quest. Where was Mr. Kirby in 1851 and 1852?

Ans. I think he was out of the city, greater part of that time.

19 quest. What part of that time was he out of the city?

Ans. I do not know the time.

20 quest. Where was he?

Ans. I heard he was in Mobile; I do not know.

(Objected to.)

II. Recross-Examined by Mr. Smithsum.

39 x. Where was Mr. Edward Kirby residing in 1851, 1852, 1853?

Ans. I think part of the time on Thames street; I am not positive about his being in the city; his family was here.