note No. 4, and you replying, "will settle to morrow?"

Ans. No, sir, I do not.

The commission was then adjourned to June 13th, 1879, at three O'clock in the afternoon, and at 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:

Catherine Kirby, a witness heretofore examined on behalf of the complainant, being recalled on that behalf, Mr. Linthicum on behalf of the respondent, Frances Ann Towns, object to the further examination of this witness, for the reason that she has been examined, cross-examined, re-examined and discharged from the stand.

It was admitted that notice had been given by complainant's solicitor to respondent's solicitor, at the last meeting of the commission, to produce the policy of insurance spoken of by this witness, in response to which respondent's solicitor now produced "Commission Exhibit Fireman's Book."

24 question. In response to the 13th question, you have said that your father-in-law brought the policy of insurance and gave it to you and told you to give it to Neddy; would you know or recognize the policy or paper that you spoke of, were it shown to you?

Ans. I would know that it was a book like that; (referring to Commission Exhibit Fireman's Book;) cannot say it was that book; did not open it.

Amelia J. Benthal, a witness of lawful age, produced on behalf of the complainants, being by me first duly sworn on the Holy Evangely of Almighty God, makes oath, deposes and says:

1 quest. State your residence and occupation?

Ans. I live with my sister, 303 E. Pratt st.

2 quest. Do you know the parties to this suit?

Ans. I know all but the complainant.

3 question. Were you ever present on the occasion of Edward Kirby, Senior, coming into Edward Kirby, Junior's house, and bringing with him a book or paper, which he gave Mrs. Catherine Kirby, your sister; if so, state what time it was?

(Objected to as leading.)

Ans. Yes, sir, it was over seven years ago; it has been some time ago.

4 question. Would you recognize the book or paper were you to see it?

Ans. I think I would.

(Commission Exhibit Fireman's Book being shown.)

5 question. Do you recollect of ever having seen this book?

Ans. The book I speak of, looked very much like that; I would not like to swear positively it was that book. I did not have it in my hand.

6 quest. Do you recollect what conversation took place, if any, between Mr. Edward Kirby, Senior, and your sister, at the time, in reference to the book; if yea, what was it?

Ans. I was sitting in my sister's bed-chamber when Mr. Kirby, Senior, brought in the Fireman's Insurance Book, and said "Katy, here is the Fire Insurance Book, Neddy will need it."

7 quest. Do you recollect of having heard Edward Kirby, Senior, inquire of any member of the family of Edward Kirby, Junior, concerning a deed; and if so, when was it, and what was said by him to them and they to him?

(Objected to.)

Ans. I never heard him inquire.

Cross Examined by Mr. Linthicum

1x quest. Were you present at the marriage of your sister, with John E. Kirby, by the Rev. Hezekiah Best; if so, state whether the Catherine or Kate McCormick, who was so married on the 20th of July, 1854, to the said John Edward Kirby, was your