years preceding the directory of 1879, there are two Kirby's, one John E., and the other John E., Jr., living at 303 E. Pratt street; please state to what two persons those names refer severally.

Ans. One of them is mine; the other I do not know.

3x quest. Have you heard of the name by which your father was baptized?

Ans. No, sir, I never asked.

4x quest. After whom were you named?

Ans. Could not say; I was too young.

5x quest. Have you never heard that you were named or called after your father?

Ans. Never, to my knowledge.

6x quest. Did you ever know your father to be called or addressed by the name of John E. Kirby?

Ans. Never heard it in my lifetime, until the case came up.

7x quest. Is there any Family Bible kept by your father and mother?

Ans. I don't know.

(It is admitted, that the family Bible does not contain any family record.)

8x quest. Did your grandfather seem to understand what he was talking about in these conversations you had with him?

Ans. On that subject thoroughly, at the whole three conversations.

The commission was then adjourned to June 24th 1879, at two 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:

Ammon Cate, the complainant, a witness of lawful age, being produced on behalf of the complainant, and by me first sworn on the Holy Evangels of Almighty God, in answer to the following interrogatories propounded in that behalf, makes oath,

deposes and says as follows, that is to say:

1 quest. What is your name, age, occupation and residence?

Ans. My name is Ammon Cate; age seventy years; retired lumber merchant; No. 243 North Charles street.

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

Ans. I am the complainant, and know Edward Kirby, Jr.; do not know the rest.

3 quest. When did you first become acquainted with Edward Kirby, the younger, and state the circumstances attending the loan of money mentioned in the bill of complaint?

Ans. I became acquainted with Edward Kirby during the month of March, 1878, between the 13th and 23d; I advertised, I think, on the 13th of March, 1878, money to loan, and received a communication from a Mr. Edward Kirby; I don't know when I had an interview with him, whether at his house or my office; but I had an interview with him, whereupon I agreed to loan him $2,500 for the term he asked, I think, three years; I was handed the deed, and took it to L. M. Reynolds, my counsel; when the mortgage was ready, the money was paid over to him; I first went and looked at the property, and considered it good for my loan.

4 quest. Had you at that time any knowledge of any other Edward Kirby?

Ans. No, sir, I did not.

5 quest. When did you hear of another Edward Kirby, and under what circumstances?

Ans. I could not tell the date, but it was sometime before the first interest note became due, and after the money was loaned, a young man came to me and told me that he had mortgaged his father's property, and that he did not own it; I said I had nothing to say about it, he walked two or three squares with me, and made some talk about it, but I did not pay much attention to it.