11 X quest. Why cannot you tell?

Ans. My memory is insufficient to carry these things, and I do not answer unless I remember.

12 X quest. Of what person did you make inquiries, with reference to said deed being made to Mr. Edward Kirby, the elder?

Ans. I can't recollect; I know I did not make them of the elder Kirby.

13 X quest. Did you ever have any conversation with Mr. Elder Kirby?

Ans. Not to my knowledge.

14 X quest. Of what other person beside John Edward Kirby, the younger, and Catherine Kirby, his wife, did you make inquiries, with reference to the deed just shown you?

Ans. I don't remember anybody else; I think I asked Andrew Tripp, who had had a mortgage on the property.

15 X quest. Did Catherine Kirby, her husband, or Andrew Tripp, either, or all of them, tell you that the deed was to Edward Kirby, the elder?

Ans. Neither of them that I know of.

16 X quest. Upon what information, then, was it, and from whom derived, that you charge in your bill, that "the elder Kirby, more than 20 years ago, being then the owner and holder of the said lot of ground mentioned in these proceedings, did," &c.?

Ans. I don't know; I have no knowledge of making such declaration.

The whole charge in the bill being read to witness, at Mr. L. M. Reynolds' suggestion, he answers; I do not know where I got the information from.)

17 X quest. Did you get the information from Mr. Tripp?

Ans. Don't think I did.

18 X quest. Did you get it from Mr. Kirby?

Ans. I don't remember.

19 X quest. Did you get it from Mrs. Catherine Kirby?

Ans. Don't recollect.

20 X quest. Had you any personal knowledge of the fact stated in said charge in your bill?

Ans. I had none.

21 X quest. Did you make any inquiry before loaning the money, mentioned in the mortgage in this case, as to who was the real owner of the property mortgaged?

Ans. I don't think I did; I thought the deed told me.

22 X quest. Did you inquire of Mr. Kirby, when he handed you that deed, whether he was the owner of that property, or not?

Ans. I don't know that I did.

23 X quest. Did he state he was?

Ans. I don't know that he did.

Re-examined for Complainant.

10 quest. In your answer to the 8th X question you say, "I believed that there were two;" was that after or before you parted with the money?

Ans. After I had parted with it.

11 quest. Is your recollection of recent facts as good as when you were younger?

Ans. Nothing like as good - my memory is very bad.

12 quest. You have been asked, whether you inquired of Mr. Kirby when he handed you the deed, whether the property belonged to him; did you have any occasion to make such an inquiry?

Ans. I did not think I had.

13 quest. Had you, at the time of loaning your money any knowledge of any other Edward Kirby, than the one who was applying to you for the money, or had you any cause to suspect the property offered was not his?

Ans. If I had I should not have loaned the money.