Ans. I can't remember whether I did or not.

155 X quest. When Mr. Tripp prepared the mortgage, and you got it so prepared, and told Mr. Tripp that you would take it and have Mr. Edward Kirby sign it, or have it signed, to what Mr. Edward Kirby did you allude, or by whom did you propose to have it signed?

Ans. I never told Mr. Tripp any such words; I told him I would take it and get my wife to sign it.

Re-Examined for Complainant.

44 quest. You have stated that you don't recollect of having told Mr. Cate, that the property belonged to you, did you tell him it did not?

Ans. No, sir. I always supposed it did belong to me, and if he had asked me, I would have told him it did.

45 quest. Did you not, in your conversation with Mr. Cate about the property, speak of it as your own; did you not tell him that you lived in it?

Ans. I don't think I had any conversation with him, and the day when the paper was signed in Mr. Reynolds' office, his wife and my wife did the talking.

(It is admitted that notice was given to this witness when last examined, to produce the original deeds of the property on Mulliken and Monument streets, conveyd to him in trust for Celeste A Duvall, and the witness now declines to produce the deeds given, as his reason, that they are in the possession of Celeste A. Duvall, the cestui que trust, who resides at 406 E. Monument street, and who will, witness says, produce them if summoned.)

Adjourned to June 30, at 2 P.M.

Andrew C. Tripp, a witness of lawful age, produced on behalf of the respondent, Mrs. Frances Ann Towns, and by me, being first duly sworn on the Holy Evangely of Almighty God, in answer to the following interrogatories propounded to him in that behalf, makes oath, deposes and says as follows, viz:

1 quest. What is your occupation and residence?

Ans. I am a member of the bar, and reside at No – Eutaw Place.

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

Ans. I know Mr. Ammon Cate and Mr. Kirby, the younger; do not know the rest.

3d quest. Are you acquainted with John E. Kirby, as I believe he usually writes his name?

Ans. He resides in the eastern section of the city; I do not know the street or number.

4 quest. Did you have any transaction with said J. Edward Kirby about the year 1870, with reference to a loan of money; if yes, state all the facts and circumstances in reference thereto; and if you shall say the loan was made, state by whom, and whether the loan was secured by a mortgage or otherwise; and if secured by a mortgage, state whether the paper-writing now shown you, marked "Respondent's Commission A. C. T. No. 1," was the mortgage taken as security for the loan, and state all the facts and circumstances within your knowledge, in reference to said loan?

Ans. I did loan Mr. J. Edward Kirby the sum set forth in the mortgage A. C. T. No. 1, for Joseph E. Tripp, trustee; Mr. J. Edward Kirby applied for the money, and if my memory serves me right, he had with him the deed, marked "Complainant's Exhibit Commission E. M. B. No 1;" when the examination of the title was completed, it was found that the title to the property was in the name of Edward Kirby; and I knowing the applicant was J. Edward Kirby, I asked him whether there was a deed from Edward Kirby to him; he told me there was not, but the property belonged to his father and he would take the mortgage and have it executed by him; he took the Mortgage A. C. T. No. 1," and brought it back signed as it now appears; he then got the money, the money was afterwards paid back, and the mortgage