remember signing that paper.

2 quest. Were you present at the time that mortgage was signed by your husband?

Ans. Think I must have been; I went somewhere with him to sign it, but do not know where.

3 Quest. Were you not the wife of Edward Kirby styled the younger, in these proceedings in 1869, '70, '71 and 72, '73, and are you not now?

Ans. I guess I have been since 1854.

4 quest. Do you remember when the wife of Edward Kirby, (the father of your husband) died; if yes, state when, and state also, whether your father-in-law Edward Kirby, married again, since the death of his said wife?

Ans. She died December 2d, 1867, with her head on my arm; he has never married since; is still single.

5 quest. Can you not state, that the signature of Edward Kirby, to the Mortgage A. E. T. No 1," is that of your husband, and that said mortgage was signed by him?

Ans. Well, I know he must have signed; but don't recollect of seeing him sign the paper; he must have signed it to get the money.

6 quest. Your husband requested you to sign the paper did he not?

Ans. I knew I would have to sign it, when father-in-law brought the deed and told me; my husband asked me to go with him to sign the paper.

7 quest. Did Edward Kirby, the elder, give you this mortgage or the deed?

Ans. He gave me the deed; I have been talking about the deed and not the mortgage.

8 quest. Look at "Exhibit A. E. T. No. 1," and state at whose instance you signed it?

Ans. I should think it was at my husband's

Edward Kirby, Junior, recalled for Mrs. Towns.

9 quest. Look at Exhibit A. E. T. No. 1," and the signatures thereto,

and state who signed the name of Edward Kirby?

Ans. I certainly signed my name; there is no doubt about it in the world.

Cross-Examination Reserved by consent.

Edward Kirby, Sr., a witness of lawful age, produced on behalf of the respondent, Frances Ann Towns, being by me first duly sworn on the Holy Evangely of Almighty God, in answer to the following questions to him propounded, makes oath, deposes and says as follows, viz;

1st quest. State your name, age, residence and occupation?

Ans. My name is Edward Kirby; my age is between eighty and eighty four years; I reside at 305 E. Pratt street, and have been out of business since 1872.

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

Ans. I do not know the complainant, but know the rest.

3 quest. How many children have you now living, and where do they live?

Ans. Three - two sons and one daughter; one of my sons lives at 303 E. Pratt street; do not know where the other one lives; my daughter, Frances Ann Towns, lives with me

4 quest. What are the names of your two sons?

Ans. John Edward Kirby and Thomas.

5 quest. Has Thomas any other name?

Ans. He has. I don't know it; think his name is James T. Kirby.

6 quest. Do you recollect, whether you were at home, when your son, John Edward, was born?

Ans. Yes, sir.

7 quest. Do you recollect where he was baptized; at what church, if in church?

Objected to as leading.)

Ans. He was christened in St. Patrick's Church, on Broadway.

8 quest. Do you recollect by whom he was taken to the church to be christened?

Ans. He was taken by a woman; do not know her name.