lawsuit?

Ans. Not that I heard – he went right out.

41 quest. Are you not mistaken?

Ans. No, sir.

42. Did not Edward Kirby, on that occasion, threaten Charles F. Myers' life, if he went on with this suit?

(Objected to as leading.)

43 quest. You recollect it though?

Ans. I have a good memory.

44 quest. Who were at the table on that occasion?

Ans. Mr. Kirby, Myers and his wife, and Mr. and Mrs. Towns.

44½ quest. Have you ever known of Edward Kirby borrowing money of his father?

Ans. Yes; I don't know how much.

45 quest. How often?

Ans. I don't know, sir.

46 quest. About a dozen times?

Ans. Right often: I won't say a dozen times.

47 quest. Were you present?

Ans. Yes, sir; I didn't see how much he gave him or anything about that.

48 quest. Did you ever hear J. Edward Kirby spoken to as J. Edward Kirby?

Ans. No. I don't recollect it, only from the children where he was growing up.

49 quest. Did you hear the children call him J. Edward Kirby?

Ans. Oh, yes, many a time.

50 quest. Did he answer to the name?

Ans. Yes.

51 quest. How old was he about that time?

Ans. I won't say; I was away from here 21 years, but he

was a good big boy – 10 or 12 years old before I went away to Mobile; this took place when he was growing up.

52 quest. I suppose you have known him intimately all his life?

Ans. Yes, of course.

53 quest. Did he ever communicate to you that he had changed his name?

Ans. No, sir, he – said anything to me about it; I don't suppose he ever thought about it; I never knew he had changed his name.

54 quest. He never told you he had changed his name from J. Edward to Edward Kirby?

Ans. No, sir; I don't reckon he ever thought about it.

55 quest. Do you know Mrs. Catherine Kirby, wife of J. Edward Kirby; did you ever hear her apply to Mr. Kirby, Senior, for a loan of money; if so, when, and state particulars of what took place?

Ans. I don't know what day, or when, but it has not been so very long ago she did apply to him for a loan of money.

56 quest. Was it as long as two years ago?

Ans. No, I hardly think it was two years ago – not quite.

57 quest. Do you recollect the sum; if so how much?

Ans. Yes, sir, fifty dollars.

58 quest. Did the old gentleman Mr Kirby, Senior, advance it to her?

Ans. Yes.

59 quest. Was anything said as to the manner in which the money was to be paid; if so please state what was said?

Ans. Well, it was to be paid back in sums of fifty dollars every two weeks; she has paid back the greater part of it.

60 quest. Did Mrs. Kate Kirby state, in your hearing, to Mr. Kirby, Senior, where she expected the money to pay the loan?

Ans. Yes, she did, from her husband.