if he knew anything about it, and I said no, he didn't, and came home and told him about it; he said he knew nothing about it.

95 quest. What did Mrs. Smith tell you; give us the words that she used to you?

Ans. She said he had taken a mortgage on the house, and his father don't know it.

96 quest. Did she use the word "lifted?"

Ans. No, she said given and taken.

97 quest. What did the old gentleman say, when you told him?

Ans. He said he didn't know anything about it until I told him.

98 quest. How long ago did you say this was?

Ans. I don't know sir; it has been some time.

99 quest. Did Neddy ever say a word about it to the old gentleman, so far as you know?

Ans. Not that I know of.

Edward Kirby Senior, being recalled, deposes and saith as follows, that is to say:

Edward Kirby, Senior, Cross-Examined by L.W. Reynolds Esq.

55x quest. How many children had your wife, when you married her, and what was their names?

Ans. 6. I believe - I don't know their names - Sallie, Louisa and Kate.

56x quest. How many children did she have by you, and what were their names?

Ans. Frances - one dead, Thomas J. Kirby, John Edward Kirby, that's all.

57x quest. Do you know James Smith, who married your step-daughter; if so, what kind of a man is he, in your judgment?

(Objected to as utterly irrelevant.)

Ans. I do know him; I don't know what kind of a man he is; he attends to his own business.

58x quest. Are you not acquainted with his general reputation for

truthfulness?

Ans. No, sir. I am not.

59x quest. You have stated in your examination-in-chief, that he was a man you had a great deal of confidence in; my recollection is, as much as you had in yourself; what did you mean by that?

Ans. I didn't mean anything by that; I had confidence in him to do work for me.

Re-Examined by O.R. Benson Esq.

149 quest. Mr. Kirby, do you recollect how long you have lived in this house?

Ans. I think about 6 or 7 years.

150 quest. You were asked about your answer in this suit; you had employed a lawyer, had you not?

Ans. I employed Mr. Benson, I believe.

151 quest. Was a paper furnished you?

Ans. Yes.

Examination here conducted by Mr. S.S. Alexander.

152 quest. Was it read to you?

Ans. Yes, it was read to me.

153 quest. Did you understand it?

Ans. No. I didn't understand it, nor any business matters of that kind.

154 quest. Was Mr. Benson present when it was read to you?

Ans. Mr. Benson read it, I believe.

155 quest. Did he explain it to you?

Ans. I believe he did; I don't understand anything of the kind. I understand about dying.

156 quest. Did you understand it when Mr. Benson read the paper to you, and explained it to you?

Ans. No, I did not.

157 quest. I think you misunderstand; you say Mr. Benson