Ans. He asked me for the paper; I don't know what they were.

The commission then adjourned to the eleventh day of February, in the same year, at the office of George R. Benson Esq, No 63 W. Fayette st, at the same time; at which last mentioned time and place the commission met, pursuant to notice, and I proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say:

Mrs. Elizabeth W. White, recalled at her own request; examination conducted by Oregon R. Benson, Esq.

100 quest. I understand you want to correct your testimony as given before the commission at the last sitting?

Ans. Yes.

101 quest. In what particular do you wish to correct it?

Ans. Concerning the mortgage.

102 quest. What is the statement you wish to give now?

Ans. It was in reference to the time - it was quite 3 years.

103 quest. Do you remember how long you stated it was before?

Ans. I said it was 7 or 8 years, don't you recollect I did.

By Mr. L. M. Reynolds. - Cross Examined.

1x quest. How long has it been since you talked with Mrs. Kitty Smith last?

Ans. Have not been to the house within a year past.

2x quest. Have you had any conversation with her during the past 3 years?

Answer. Oh, yes; I have met her and passed the day with her, but had no conversation with her - that's all.

James E. Toms, a witness of lawful age, produced on behalf of the respondents, being by me first duly sworn on the Holy Evangely of Almighty God, in answer to the interrogatories propounded to him in that behalf, makes oath, deposes and saith as follows, that is to say:

Examination by Oregon R. Benson Esq.



1 quest. Where do you reside?

Ans. 303 E. Pratt St.

2 quest. What is your age?

Ans. Sixteen next March.

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

Ans. I know all but the Complainant.

4 quest. Did you ever witness an interview between J. Edward Kirby and his father; if so, state when it was, and who were present?

Ans. Yes, about August, 1878. I think, uncle Ned Kirby came in the gate, passed into the kitchen, where grandfather, Mr. Kirby, Senior, was saying grace; he passed over to the stove, and after grandfather had finished grace, Charles R. Myers came in, when Ned Kirby threatened Charles R. Myers's life; said if he didn't stop this case, he would blow his brains out, and said, if he didn't stop slandering his name to the public, he would kill him, if he had to lay in prison twenty years, and then he would not get out of the house No. 303 E. Pratt st., he would stay there; my mother, Frances Ann Toms, Mr. and Mrs. Charles R. Myers, grandfather, Ned Kirby and myself were present.

5 quest. Did you ever, in company with your grandfather, visit the house of John Edward Kirby; if yea, state whether, or not, you remember a conversation between Mrs. Kate B. and Edward Kirby, the elder, in reference to money matters?

Ans. About two years ago - about February, grandfather called to see Mrs. Kate Kirby, and he asked her if she could lend him some of his borrowed money, to pay his fire insurance, and she said no.

6 quest. Did Mr. Kirby, Senior, mention any sum; if so, state the amount?

Ans. Yes, sir, fifty dollars, she said she had borrowed from him,