The commission was then adjourned to the sixteenth day of February, at two O'clock in the afternoon, at office of Oregon R. Benson No. 63 West Fayette st; at which time and place the commission met pursuant to notice, and I proceeded in the presence of the solicitors of the respective parties, George R. Willis Esq, in absence of L. W. Reynolds, Esq. representing the complainant, to take the following depositions that is to say:

Charles R. Varley Myers, a witness of lawful age, produced on behalf of the respondents, being by me first duly sworn on the Holy Evangely of Almighty God, being now examined on the following oath, deposes, and saith as follows that is to say:

Charles R. Varley Myers examined by I. I. Alexander, Esq.

1 quest. Please state your age, residence and occupation?

Ans. I am 22 years old; reside in Anne Arundel County; I am a merchant.

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

Ans. I have seen Mr. Cate; I know all the other parties.

3 quest. I believe you are married to the daughter of Mrs. Frances Ann Towns?

Ans. Yes, sir. I was married April 8, 1877.

4 quest. How long had you known the family, prior to your marriage?

Ans. Since 1860 or 1870.

5 quest. How long before you were married were you intimate with the family?

Ans. About one year ago.

6 quest. Have you been in the habit, since your marriage, of visiting in the family of Mr. Kirby, the elder, and have you ever remained any length of time in his house as a guest, or otherwise?

Ans. Yes, sir. I have been in the habit of stopping there with my wife, 2 or 3 days a week, during the year 1877 or 1880; I lived there from January to June, in 1879.

7 quest. Did you know John Edward Kirby?

Ans. Yes, sir, I have met him on several occasions — on two occasions in the house.

8 quest. By what Christian name was he known in the family?

Ans. He was known in the family as John Edward Kirby, and when they spoke of him in a short way, they would call him Noddy.

9 quest. Was it ever mentioned in your presence by any of the family that his true Christian name was not John Edward Kirby, but Edward, simply?

Ans. It was always known in the family as John Edward Kirby, and I have always heard from the family, that he was christened John Edward Kirby.

Ans. No, sir, I have heard in the family, that his Christian name — John Edward Kirby; that he afterwards assumed the name of Edward; it was always mentioned in the family, that he was christened John Edward Kirby long before matters in this case were brought up, or occurred.

11. quest. When, and under what circumstances, did you hear from the family, that he had assumed the name of Edwd Kirby?

Ans. When I first became acquainted with this fact, it was after this case had come on, then he said his Christian name was not John Edward, but was Edward Kirby.

12 quest. Are you aware, whether, or not, Mr. Kirby, the elder, ever owned, or claimed to own the house, No. 303. 305. E. Pratt st?

Ans. Yes, sir, he owned 303 and 305; I think it was in the year 1865 or 1866, that he gave the house No. 305 E. Pratt st, to my wife's mother, Frances Ann Towns, where she now lives; I have, on several occasions while I was visiting the house prior to this suit being brought on, heard Mr. Kirby, the elder, say that he intended 303 E. Pratt st. for my wife's mother, Frances Ann Towns, as she was a mute and not able to take care of herself, being a widow; on one particular occasion, when he told me this, Mr. Kirby, the elder, was very low; he was at the