Ans. No, sir, when I saw the deed before, there was no lead pencil marks on it.

23 quest. How long had it been since you saw the deed before?

Ans. In the month of August or September, 1877.

24 quest. What was done by you, as the result of the conversation last mentioned between you and Mr. Kirby, the elder?

Ans. Mr. Kirby, the elder, told me that he was certain something wrong was going on, concerning the deed, and he asked me to look into it for him; when I telling him I would have to get a lawyer to look into it for him; I carried the deed to Mr. Benson and got him to look into the matter; Mr. Benson at first, told me he could not find any Mechanic's lien against the property, and I then told him he had better look into the matter again; and on the next evening when I saw Mr. Benson, he told me that he had found three mortgages on the property, meaning 303 E. Pratt st.; Mr. Benson and I went to Mr. Reynolds' office; Mr. Benson and Mr. Reynolds went into Mr. Reynolds back office, for the purpose to see who this Edward Kirby was, that had given the mortgages, and get the money from Mr. Cate.

(Objected to by Geo. R. Willis Esq.)

25 quest. What information was obtained from Mr. Reynolds as to the description of the person who had received the money on the last mortgage upon record from Edward Kirby and wife, to Ammon Cate?

(Objected to.)

Ans. The information received was, that the man was a man of about forty years of age, and a sandy complexion, red face.

26 quest. Do you know of any person who would answer to that description?

Ans. Yes, sir; I. Edward Kirby, now living at 303 E. Pratt street, and who lived there then.

27 quest. What did you then do, in reference to the matter?

Ans. Then I went to Mr. Kirby, the elder; that evening I told him that the lawyer had told me that there was three mortgages on the property on record, when Mr. Kirby, the elder, was astonished at it, and he requested me to carry him up to see the lawyer that had seen about the mortgage, which I did on the next morning; Mr. Kirby, the elder, was also then worried about the matter, he saying, he had never put any mortgage on the house, and did not know how they came; and we went to Mr. Benson, and he told Mr. Benson he had never put any mortgages on the property, and showed Mr. Benson a will he had made in 1872, in which, if he died, the property, 303 E. Pratt st, would have gone to his daughter, and he asked Mr. Benson to draw up a deed, giving the property, 303 E. Pratt st, to his daughter, right away, as his son, Noddy, was trying to rob him out of the property, and he wanted his daughter to have it, right away.

(Objected to by Geo. R. Willis Esq.)

28 quest. Did you go to Mr. Benson's office with Kirby, the elder, if so, state when?

Ans. Yes, sir; we went the day the deed of property from Edward Kirby, to Frances Ann Towns, was drawn up.

29 quest. Did you hear the conversation that took place on that occasion, between Mr. Benson and Mr. Kirby: if yes, state it as near as you can?

Ans. Yes, sir; Mr Kirby told Mr. Benson, that he had always intended the house, 303 E. Pratt st, for his daughter, Frances Ann Towns, and that he wanted Mr. Benson to draw up a deed, conveying the property from he. Edward Kirby, to his daughter Frances Ann Towns; he also showed Mr. Benson a will, that he had made in 1872, in which Frances Ann Towns was to have the property when he died.

(Objected to by George R. Willis Esq.)

30 quest. What will do you refer to?

Ans. The will of old man Kirby.

31 quest. Where is that will now?