Ans. Filed as an exhibit in this suit.

The commission was then adjourned to the 22d day of February, in the same year, at 11 A.M. and the same place; at which last mentioned place the commission met, pursuant to adjournment, when, owing to the absence of the Solicitor for the complainant, the commission was adjourned to the 25th day of February, in the same year, at noon, and the same place; at which last mentioned time and place the commission met, pursuant to adjournment, and I proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say:

Charles R Varley Myers, a witness produced and heretofore sworn on behalf of the respondents, being now examined on the following interrogatories on behalf of the respondents, deposeth and saith as follows, that is to say:

32 quest. Do you recollect, on any occasion, being present at Mr. Kirby's table, when John E. Kirby entered the room and addressed himself to you?

Ans. Yes, sir.

33 quest. When was it?

Ans. In the month of August, in the year 1878 – early in the morning.

34 quest. Who was present at the table?

Ans. Mr Kirby, the elder Frances Ann Towns, Elizabeth White, my wife and myself.

35 quest. (What passed?

Ans. John E. Kirby came rushing in the back way, while we were at breakfast – his father was then saying grace, and he addressed me, saying, Charles R. Myers or Charles R. Varley Myers, whatever your name may be, if you don't stop telling people that I have forged my father's name to a mortgage I will blow your dam brains out; those are the very words he made use of; he also, as he was going out the door, addressed me, saying, he would also

blow my brains out, if I don't stop this case, and further, that he would lay in prison 20 years, but that he would have the house 303. E. Pratt st. – this case; I mean the ejectment suit.

36 quest. Did he interrupt the grace?

Ans. He waited until his father had finished the grace and then rushed in.

37 quest. Had you told anyone that he had forged his father's name?

Ans. I might have told three or four persons at that time, among them was Mrs. Cate.

38 quest. Did you make any reply to his threats to take your life?

Ans. Yes, sir; I replied, all right, sir – all right, sir; this is no place to have fuss.

39 quest. Do you recollect making any observation to him when he made the observation you have mentioned, as to stopping the suit; if so, what was it?

Ans. Yes, sir; I recollect, as he passed out the back-door, I told him that we had the law in our hands as well as he had in his hands, and that all the threats he might make, would not stop the suit.

40 quest. Did he hear you?

Answer. Yes, sir; he just looked back and laughed, as he jumped off the steps.

George W. Thompson, a witness of lawful age, produced on behalf of the respondents, being by me first duly sworn on the Holy Gospels of Almighty God, being now examined on the following interrogatories to him propounded in that behalf, makes oath, deposes and saith as follows that is to say:

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

Ans. My occupation, bailiff in Court of Common Pleas.

2 quest. Do you know John Edward Kirby?

Ans. I know him very well.